

The City Record

Official Publication of the City of Cleveland

November 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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council-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			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
DEPT. OF LAW -Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19 City Treasury - Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies - William A. Moon, Commissioner, Room 128			
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control - Robert Dolan, Controller, Room 18			
Information Systems Services - Hamid Manteghi, Commissioner, 1404 E. 9th St.			
DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue			
DIVISIONS - 1201 Lakeside Avenue			
Water - Julius Ciaccia, Jr., Commissioner			
Water Pollution Control - Darnell Brown, Commissioner			
Utilities Fiscal Control - Morry Blech, Commissioner			
Cleveland Public Power - James F. Majer, Commissioner			
Street Lighting Bureau - Frank Schilling, Acting Chief.			
DEPT. OF PORT CONTROL - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner			
Burke Lakefront Airport - Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113			
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.			
Streets - Randell T. Scott, Commissioner, Room 25			
Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture - Kenneth Nobilio, Commissioner, Room 517			
DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment - Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field 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 - _____, 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 - Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management - Vernon Robinson, Commissioner, East 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 - Linda M. Hudecek, Director,
3rd Floor, City Hall.

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

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

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

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

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

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

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

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

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

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director;
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 Cornell P. Carter; Chairman;
Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS - 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, Councilman Joe Cimperman.

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, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailliff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, NOVEMBER 25, 1998

No. 4433

CITY COUNCIL

MONDAY, NOVEMBER 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

9:00 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 November 23, 1998.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White and Directors Staib, Denihan, Jackson, Hudecek, Nolan, Axelrod, Dove, Morrison and Acting Directors Milton, Ricchiuto and Huth.

Absent: Directors Carter, Guzman, Warren.

A moment of silent prayer was given in observance of the recent passing of former Clerk of Council, Mercedes Cotner. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 417-98.

Letter from various entities apprising the Council that each said entity will be a partner in a residential development project located in various residential development project located in various wards, with any development dependent upon various funding programs and tax credits, some through the Ohio Housing Finance Agency, and allowing for public comment regarding each project's impact.

The following entity sent a letter for typographical correction of letter sent February 19, 1998. Glenville Homes II Limited Partnership re: Glenbrooke Homes II.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 2035-98.

Re: Transfer of Ownership Application - 94226150005 - Washington Ventures, Inc., 13900 Kinsman Avenue & gas pumps. (Ward 3). Received.

File No. 2036-98.

Re: Transfer of Ownership Application - 9422615 - Washington Ventures, Inc., 2780 East 116th Street & gas pumps. (Ward 4). Received.

File No. 2037-98.

Re: Transfer of Ownership Application - 17835070005 - Idell Cowan dba Hitz Nite Club, 3129 East 65th Street. (Ward 12). Received.

File No. 2038-98.

Re: Transfer of Ownership Application - 9643647 - Melinda M. Williams dba A & M Convenience Store, 12717 Woodside Avenue. (Ward 9). Received.

File No. 2039-98.

Re: Transfer of Ownership Application - 0341666 - Axis Corp., 3259 West 25th Street, first floor and basement. (Ward 14). Received.

File No. 2040-98.

Re: Transfer of Ownership and Location Application - 2613042 - Fadia Co., 914-918 East 123rd Street. (Ward 9). Received.

File No. 2041-98.

Re: Transfer of Ownership and Location Application - 3615942 - Harp Tavern Limited LLC dba Harp Tavern, 4408 Detroit Avenue. (Ward 14). Received.

File No. 2042-98.

Re: Stock Transfer Application - 6591943 - Ossies Beverage Inc. dba Mo-Zie in Beverage, 14016 Triskett Road. (Ward 19). Received.

STATEMENT OF WORK ACCEPTED

File No. 2043-98.

From the Department of Parks, Recreation and Properties re: Contract No. 52770A for improvement at Various Ward 21 Park Improvements. Received.

COMMUNICATIONS

File No. 1938-98-A

November 23, 1998

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Advisory Committee, Norfolk Southern Community Representative.

We have before us the Mayor's Letter of November 9, 1998, wherein he names his appointment to the Community Advisory Committee, Norfolk Southern Community Representative as follows:

Father Michael Franz
Rhoda Brafman
Chris Wisniewski

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Patricia J. Britt

Without objection, Mayor's Appointments approved. Yeas 21. Nays 0.

File No. 1938-98-A

November 23, 1998

To the Honorable Council of the City of Cleveland City Council

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Advisory Committee, CSX, Community Representative.

We have before us the Mayor's Letter of November 9, 1998, wherein he names his appointment to the Community Advisory Committee, CSX, Community Representative as follows:

Meg McGarry
Ronald Boehnlein
Maria Addison

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Patricia J. Britt

Without objection, Mayor's Appointments approved. Yeas 21. Nays 0.

CONDOLENCE RESOLUTION

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

- Res. No. 2068-98**—Mary Paige.
- Res. No. 2069-98**—Brandon Lowe.
- Res. No. 2070-98**—Mercedes Cotner.
- Res. No. 2071-98**—Ethel Watkins.

CONGRATULATORY RESOLUTIONS

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

- Res. No. 2072-98**—Frank Lozada, Sr.
- Res. No. 2073-98**—Mark Richard Lambert.
- Res. No. 2074-98**—Lottie Person.
- Res. No. 2075-98**—Brian Curtis Campbell.
- Res. No. 2076-98**—Vanderbilt, Jr. and Cleo Mary Simmons.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 2003-A-98 (as a substitute for Ord. No. 2003-98).

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various on-road vehicles and off-road equipment, for the various divisions of City government.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, as described in File No. 2003-A-98-A, in the estimated sum of

\$4,000,000.00, 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 23262)

Section 3. That pursuant to Section 108(b) of the Charter, the purchase authorized by this ordinance may be made through cooperative agreement using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts, and may enter into contract with the vendors selected through that cooperative process.

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

Without objection, substitute ordinance agreed to. Ordinance No. 2003-98 laid on the table.

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

Ord. No. 2044-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 1999 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 1999.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until an amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; 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. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 1999, until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 1999, there be and there is hereby appropriated for the period from January 1, 1999, to the effective date of the Annual Appropriation Three hundred eighty two million two hundred nine thousand five hundred twenty eight dollars (\$382,209,528) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

COUNCIL AND CLERK OF COUNCIL		\$1,309,544
I. Personnel and Related Expenses	\$845,484	
II. Other Expenses	464,060	
TOTAL LEGISLATIVE BRANCH	\$1,309,544	\$1,309,544

MUNICIPAL COURT		
JUDICIAL DIVISION		\$5,091,658
I. Personnel and Related Expenses	\$3,967,273	
II. Other Expenses	1,124,384	
CLERK'S DIVISION		\$3,479,650
I. Personnel and Related Expenses	2,200,022	
II. Other Expenses	1,279,628	
HOUSING DIVISION		\$533,798
I. Personnel and Related Expenses	\$500,562	
II. Other Expenses	33,236	
TOTAL MUNICIPAL COURT	\$9,105,105	\$9,105,105
EXECUTIVE BRANCH		
OFFICE OF THE MAYOR		\$489,013
I. Personnel and Related Expenses	\$389,240	
II. Other Expenses	99,773	
TOTAL EXECUTIVE BRANCH	\$489,013	\$489,013
DEPARTMENT OF PUBLIC SAFETY		
PUBLIC SAFETY ADMINISTRATION		\$3,502,256
I. Personnel and Related Expenses	\$3,160,623	
II. Other Expenses	341,633	
DIVISION OF POLICE		\$54,561,817
I. Personnel and Related Expenses	\$49,537,032	
II. Other Expenses	5,024,785	
DIVISION OF FIRE		\$24,906,737
I. Personnel and Related Expenses	\$23,302,327	
II. Other Expenses	1,604,410	
DIVISION OF EMERGENCY MEDICAL SERVICES		\$5,670,588
I. Personnel and Related Expenses	\$5,130,515	
II. Other Expenses	540,073	
DIVISION OF TRAFFIC ENGINEERING		\$1,589,776
I. Personnel and Related Expenses	\$913,763	
II. Other Expenses	676,012	
DIVISION OF DOG POUND		\$311,682
I. Personnel and Related Expenses	\$202,072	
II. Other Expenses	109,610	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$90,542,857	\$90,542,857
COMMUNITY RELATIONS BOARD		
COMMUNITY RELATIONS BOARD		\$312,306
I. Personnel and Related Expenses	\$282,935	
II. Other Expenses	29,370	
TOTAL COMMUNITY RELATIONS BOARD	\$312,306	\$312,306
DEPARTMENT OF PUBLIC SERVICE		
PUBLIC SERVICE ADMINISTRATION		\$121,198
I. Personnel and Related Expenses	\$112,481	
II. Other Expenses	8,717	
DIVISION OF ARCHITECTURE		\$180,971
I. Personnel and Related Expenses	\$160,742	
II. Other Expenses	20,229	
DIVISION OF WASTE COLLECTION & DISPOSAL		\$11,080,676
I. Personnel and Related Expenses	\$6,462,323	
II. Other Expenses	4,618,353	

DIVISION OF ENGINEERING AND CONSTRUCTION		\$1,751,923
I.	Personnel and Related Expenses	\$1,544,540
II.	Other Expenses	207,383
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$13,134,767
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
PARKS, RECREATION AND PROPERTIES ADMINISTRATION		\$207,109
I.	Personnel and Related Expenses	\$185,215
II.	Other Expenses	21,894
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		\$205,964
I.	Personnel and Related Expenses	\$164,528
II.	Other Expenses	41,436
DIVISION OF RECREATION		\$3,224,911
I.	Personnel and Related Expenses	\$2,124,599
II.	Other Expenses	1,100,312
DIVISION OF PARKING FACILITIES - ON STREET		\$367,417
I.	Personnel and Related Expenses	\$264,006
II.	Other Expenses	103,412
DIVISION OF PROPERTY MANAGEMENT		\$3,977,223
I.	Personnel and Related Expenses	\$2,808,460
II.	Other Expenses	1,168,763
DIVISION OF PARK MAINTENANCE & PROPERTIES		\$3,495,491
I.	Personnel and Related Expenses	\$2,522,916
II.	Other Expenses	972,574
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		\$11,478,114
BOXING AND WRESTLING COMMISSION		
BOXING AND WRESTLING COMMISSION		\$2,581
I.	Personnel and Related Expenses	\$2,581
II.	Other Expenses	—
TOTAL BOXING AND WRESTLING COMMISSION		\$2,581
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
DIRECTOR'S OFFICE		\$34,445
I.	Personnel and Related Expenses	\$34,445
DIVISION OF ADMINISTRATIVE SERVICES		\$31,522
I.	Personnel and Related Expenses	\$31,522
DIVISION OF BUILDING & HOUSING		\$2,563,617
I.	Personnel and Related Expenses	\$2,262,411
II.	Other Expenses	301,207
DIVISION OF NEIGHBORHOOD SERVICES		\$26,237
I.	Personnel and Related Expenses	\$26,237
DIVISION OF NEIGHBORHOOD DEVELOPMENT		\$184,709
I.	Personnel and Related Expenses	\$87,805
II.	Other Expenses	96,904
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT		\$2,840,530

REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		
I. Personnel and Related Expenses	\$29,760	\$35,599
II. Other Expenses	5,839	
BOARD OF BUILDING STANDARDS & APPEALS		
I. Personnel and Related Expenses	\$38,800	\$42,943
II. Other Expenses	4,143	
BOARD OF ZONING APPEALS		
I. Personnel and Related Expenses	\$80,464	\$87,140
II. Other Expenses	6,676	
BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		
I. Personnel and Related Expenses	\$36,803	\$38,453
II. Other Expenses	1,650	
FAIR CAMPAIGN FINANCE COMMISSION		
II. Other Expenses	\$5,911	\$5,911
TOTAL REGULATORY BOARDS	\$210,046	\$210,046
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		
I. Personnel and Related Expenses	\$408,763	\$441,124
II. Other Expenses	32,361	
OFFICE OF EQUAL OPPORTUNITY		
I. Personnel and Related Expenses	\$239,559	\$315,712
II. Other Expenses	76,153	
CITY PLANNING COMMISSION		
I. Personnel and Related Expenses	\$480,658	\$501,969
II. Other Expenses	21,311	
PORT CONTROL-HARBOR DEVELOPMENT		
I. Personnel and Related Expenses	\$20,459	\$20,459
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$1,279,264	\$1,279,264
DEPARTMENT OF PUBLIC HEALTH		
HEALTH ADMINISTRATION		
I. Personnel and Related Expenses	\$44,251	\$107,831
II. Other Expenses	63,579	
DIVISION OF CORRECTION		
I. Personnel and Related Expenses	\$1,836,334	\$2,523,639
II. Other Expenses	687,304	
DIVISION OF HEALTH		
I. Personnel and Related Expenses	\$812,189	\$1,134,153
II. Other Expenses	321,964	
DIVISION OF ENVIRONMENT		
I. Personnel and Related Expenses	\$638,600	\$744,538
II. Other Expenses	105,938	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$4,510,160	\$4,510,160
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		
I. Personnel and Related Expenses	\$75,269	\$94,009
II. Other Expenses	18,740	
TOTAL DEPARTMENT OF AGING	\$94,009	\$94,009

SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		\$134,585
I. Personnel and Related Expenses	\$114,962	
II. Other Expenses	19,624	
DIVISION OF ACCOUNTS		\$596,442
I. Personnel and Related Expenses	\$241,437	
II. Other Expenses	355,005	
DIVISION OF ASSESSMENTS & LICENSES		\$345,923
I. Personnel and Related Expenses	\$266,387	
II. Other Expenses	79,536	
DIVISION OF TREASURY		\$128,689
I. Personnel and Related Expenses	\$104,632	
II. Other Expenses	24,057	
DIVISION OF PURCHASES & SUPPLIES		\$213,966
I. Personnel and Related Expenses	\$170,464	
II. Other Expenses	43,502	
BUREAU OF INTERNAL AUDIT		\$256,027
I. Personnel and Related Expenses	\$61,135	
II. Other Expenses	194,891	
DIVISION OF FINANCIAL REPORTING AND CONTROL		\$337,103
I. Personnel and Related Expenses	\$289,130	
II. Other Expenses	47,973	
TOTAL DEPARTMENT OF FINANCE	\$2,012,736	\$2,012,736
OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN.		\$154,556
I. Personnel and Related Expenses	\$126,579	
II. Other Expenses	27,977	
LAW		\$2,609,365
I. Personnel and Related Expenses	\$1,535,826	
II. Other Expenses	1,073,539	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$4,776,656	\$4,776,656
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		\$948,722
I. Personnel and Related Expenses	\$392,754	
II. Other Expenses	555,968	
CIVIL SERVICE COMMISSION		\$748,462
I. Personnel and Related Expenses	\$248,545	
II. Other Expenses	499,917	
TOTAL PERSONNEL ADMINISTRATION	\$1,697,184	\$1,697,184
NON DEPARTMENTAL		
TRANSFERS TO OTHER FUNDS		\$8,378,000
II. Other Expenses	\$8,378,000	
OTHER ADMINISTRATIVE		\$8,323,830
II. Other Expenses	\$8,323,830	
TOTAL NON DEPARTMENTAL	\$16,701,830	\$16,701,830
TOTAL SUPPORT FUNCTIONS	\$23,175,670	\$23,175,670
TOTAL GENERAL FUND	\$158,483,968	\$158,483,968
SPECIAL REVENUE FUND		
RESTRICTED INCOME TAX FUND		\$29,039,144
I. Capital	\$17,039,144	
II. Debt Service	12,000,000	

SCHOOLS RECREATION & CULTURAL ACTIVITIES		\$2,000,000
II. Other Expenses	2,000,000	
STREET CONSTRUCTION, MAINTENANCE & REPAIR		\$13,122,924
I. Personnel and Related Expenses	\$5,446,812	
II. Other Expenses	7,676,112	
TOTAL SPECIAL REVENUE FUNDS	\$44,162,068	\$44,162,068
INTERNAL SERVICE FUNDS		
INFORMATION SYSTEMS SERVICES-TELECOMMUNICATIONS		\$1,699,134
I. Personnel and Related Expenses	\$113,796	
II. Other Expenses	1,585,338	
INFORMATION SYSTEMS SERVICES		\$1,274,433
I. Personnel and Related Expenses	\$496,924	
II. Other Expenses	777,509	
DIVISION OF MOTOR VEHICLE MAINTENANCE		7,366,193
I. Personnel and Related Expenses	\$1,761,193	
II. Other Expenses	5,605,000	
DIVISION OF PRINTING AND REPRODUCTION		\$530,970
I. Personnel and Related Expenses	\$197,206	
II. Other Expenses	333,764	
CITY STOREROOM AND CENTRAL WAREHOUSE		\$461,870
I. Personnel and Related Expenses	\$33,987	
II. Other Expenses	427,883	
TOTAL INTERNAL SERVICE FUNDS	\$11,332,600	\$11,332,600
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
UTILITIES ADMINISTRATION		\$446,879
I. Personnel and Related Expenses	\$279,254	
II. Other Expenses	167,624	
DIVISION OF FISCAL CONTROL		533,641
I. Personnel and Related Expenses	\$489,752	
II. Other Expenses	43,888	
DIVISION OF RADIO		\$1,032,317
I. Personnel and Related Expenses	\$32,170	
II. Other Expenses	1,000,147	
DIVISION OF WATER		\$75,821,153
I. Personnel and Related Expenses	\$22,171,949	
II. Other Expenses	53,649,204	
DIVISION OF WATER POLLUTION CONTROL		\$7,877,267
I. Personnel and Related Expenses	\$2,676,580	
II. Other Expenses	5,200,687	
DIVISION OF CLEVELAND PUBLIC POWER		\$37,264,192
I. Personnel and Related Expenses	\$8,134,163	
II. Other Expenses	29,130,029	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$121,943,132	\$121,943,132
DEPARTMENT OF PORT CONTROL		
AIRPORTS-OPERATIONS		\$26,827,474
I. Personnel and Related Expenses	\$6,552,834	
II. Other Expenses	20,274,639	
AIRPORT-DEVELOPMENT		\$7,059
II. Other Expenses	\$7,059	
TOTAL DEPARTMENT OF PORT CONTROL	\$26,834,532	\$26,834,532

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
DIVISION OF CEMETERIES		
I. Personnel and Related Expenses	\$445,213	\$665,108
II. Other Expenses	219,895	
GOLF COURSE FUND		
I. Personnel and Related Expenses	\$224,159	\$707,084
II. Other Expenses	482,924	
DIVISION OF PARKING FACILITIES-OFF STREET		
I. Personnel and Related Expenses	\$240,104	\$4,738,822
II. Other Expenses	4,498,718	
CONVENTION CENTER & STADIUM-CONVENTION CENTER		
I. Personnel and Related Expenses	\$823,420	\$2,284,841
II. Other Expenses	1,461,421	
CONVENTION CENTER & STADIUM-MARKET		
I. Personnel and Related Expenses	\$118,640	\$407,993
II. Other Expenses	289,353	
PROPERTY MANAGEMENT-EAST SIDE MARKET		
I. Personnel and Related Expenses	\$24,685	\$81,710
II. Other Expenses	57,025	
TOTAL PARKS, RECREATION & PROPERTIES		
	\$8,885,559	\$8,885,559
TOTAL ENTERPRISE FUNDS		
	\$157,663,223	\$157,663,223
AGENCY FUND		
CENTRAL COLLECTION AGENCY		
I. Personnel and Related Expenses	\$1,101,260	\$1,811,032
II. Other Expenses	709,771	
TOTAL AGENCY FUND		
	\$1,811,032	\$1,811,032
DEBT SERVICE FUND		
SINKING FUND COMMISSION		
I. Personnel and Related Expenses	\$45,018	\$8,306,638
II. Other Expenses	61,619	
III. Debt Service	8,200,000	
STADIUM FUND		
I. Debt Service	\$450,000	\$450,000
TOTAL DEBT SERVICE FUND		
	\$8,756,638	\$8,756,638
TOTAL OTHER FUNDS		
	\$214,968,923	\$214,968,923
TOTAL GENERAL FUND		
	\$158,483,968	\$158,483,968
TOTAL GENERAL AND OTHER FUNDS		
	\$382,209,528	\$382,209,528

Section 2. That expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the Annual Appropriation Ordinance shall become effective, and to the various departments and divisions in payments or whose officers and employees and operating expenses such sum or sums of money hereunder shall then have been made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 1999.

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. 2045-98.**By Councilman Johnson (by departmental request).**

An emergency ordinance to transfer the sum of Four Million Seven Hundred Nine Thousand One Hundred Seventy-Eight Dollars (\$4,709,178) within the various divisions of the General Fund, Four Hundred Thousand Dollars (\$400,000) within the Special Revenue Fund, Two Million Two Hundred Nineteen Thousand One Hundred Ninety-Seven Dollars (\$2,219,197) within the Enterprise Fund and One Hundred Sixty Four Thousand Five Hundred Fifty Dollars (\$164,550) within the Agency Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 sum of Seven million four hundred ninety two thousand nine hundred twenty five dollars (\$7,492,925) be the same and hereby transferred as follows:

GENERAL FUND	FROM	TO
LEGISLATIVE BRANCH		
Council and Clerk of Council		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	60,000
	—————	—————
TOTAL LEGISLATIVE BRANCH	\$ —	\$ 60,000
MUNICIPAL COURT		
Judicial Division		
I. Personnel and Related Expenses	\$ 67,060	\$ —
II. Other Expenses	—	67,060
Clerks Division		
I. Personnel and Related Expenses	\$ 35,122	\$ —
II. Other Expenses	—	35,122
Housing Division		
I. Personnel and Related Expenses	\$ 11,702	\$ —
II. Other Expenses	—	33,040
	—————	—————
TOTAL MUNICIPAL COURT	\$ 113,884	\$ 135,222
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I. Personnel and Related Expenses	\$ 140,000	\$ —
II. Other Expenses	—	—
Division of Police		
I. Personnel and Related Expenses	\$ 181,433	\$ —
II. Other Expenses	—	181,433
Division of Fire		
I. Personnel and Related Expenses	\$ —	\$ 623,879
II. Other Expenses	—	109,334
Division of Emergency Medical Services		
I. Personnel and Related Expenses	\$ 231,457	\$ —
II. Other Expenses	—	—
Division of Traffic Engineering		
I. Personnel and Related Expenses	\$ 253,358	\$ —
II. Other Expenses	—	90,000
Division of Dog Pound		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	22,307
	—————	—————
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 806,248	1,026,953
COMMUNITY RELATIONS BOARD		
Community Relations Board		
I. Personnel and Related Expenses	\$ —	\$ 13,826
II. Other Expenses	—	—
	—————	—————
TOTAL COMMUNITY RELATIONS BOARD	\$ —	13,826

DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I.	Personnel and Related Expenses	\$ — \$ 10,000
II.	Other Expenses	— 5,000
Division of Architecture		
I.	Personnel and Related Expenses	\$ — \$ 10,000
II.	Other Expenses	— —
Division of Waste Collection and Disposal		
I.	Personnel and Related Expenses	\$1,425,430 \$ —
II.	Other Expenses	— 800,000
Division of Engineering and Construction		
I.	Personnel and Related Expenses	\$ 180,000 \$ —
II.	Other Expenses	— —
TOTAL DEPARTMENT OF PUBLIC SERVICE		<u>\$1,605,430</u> <u>\$ 825,000</u>
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
Division of Research, Planning, and Dev.		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 9,557
Division of Recreation		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 166,429
Division of Property Management		
I.	Personnel and Related Expenses	\$ 402,674 \$ —
II.	Other Expenses	— —
Division of Park Maintenance & Properties		
I.	Personnel and Related Expenses	\$ 190,238 \$ —
II.	Other Expenses	— —
TOTAL PARKS, RECREATION AND PROPERTIES		<u>\$ 592,912</u> <u>\$ 175,986</u>
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Director's Office		
I.	Personnel and Related Expenses	\$ — \$ 3,120
Division of Administrative Services		
I.	Personnel and Related Expenses	\$ — \$ 1,000
Division of Building and Housing		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 20,253
Division of Neighborhood Services		
I.	Personnel and Related Expenses	\$ — \$ 3,500
Division of Neighborhood Development		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 12,000
TOTAL COMMUNITY DEVELOPMENT		<u>\$ —</u> <u>\$ 39,873</u>
REGULATORY BOARDS AND COMMISSIONS		
I.	Personnel and Related Expenses	\$ — \$ 2,340
II.	Other Expenses	— —
TOTAL REGULATORY BOARDS		<u>\$ —</u> <u>\$ 2,340</u>
DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		
I.	Personnel and Related Expenses	\$ 174,201 \$ —
II.	Other Expenses	— —

City Planning Commission		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	13,520
	<hr/>	<hr/>
TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 174,201	\$ 55,733
DEPARTMENT OF PUBLIC HEALTH		
Health Administration		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	20,275
Division of Correction		
I. Personnel and Related Expenses	\$ 250,098	\$ —
II. Other Expenses	—	161,000
Division of Health		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	79,419
Division of Environment		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	26,502
	<hr/>	<hr/>
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ 250,098	\$ 287,196
DEPARTMENT OF AGING		
Department of Aging		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	5,000
	<hr/>	<hr/>
TOTAL DEPARTMENT OF AGING	\$ —	\$ 5,000
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
Finance Administration		
I. Personnel and Related Expenses	\$ —	\$ 13,265
II. Other Expenses	—	—
Division of Assessments and Licenses		
I. Personnel and Related Expenses	\$ —	\$ 49,556
II. Other Expenses	—	—
Division of Purchases and Supplies		
I. Personnel and Related Expenses	\$ —	\$ 26,586
II. Other Expenses	—	—
Bureau of Internal Audit		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	4,723
Division of Financial Reporting & Control		
I. Personnel and Related Expenses	\$ 91,776	\$ —
II. Other Expenses	—	91,776
	<hr/>	<hr/>
TOTAL DEPARTMENT OF FINANCE	\$ 91,776	\$ 185,906
Office of Budget and Mgmt. — Budget Admin.		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	—
Law		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	770,944
	<hr/>	<hr/>
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$ 91,776	\$ 956,850
PERSONNEL ADMINISTRATION		
Office of Personnel		
I. Personnel and Related Expenses	\$ —	\$ 33,470
II. Other Expenses	—	175,000
	<hr/>	<hr/>
TOTAL PERSONNEL ADMINISTRATION	\$ —	\$ 208,470

NONDEPARTMENTAL		
COUNTY AUDITOR DEDUCTIONS		
II. Other Expenses	\$ —	\$ —
OTHER ADMINISTRATIVE		
II. Other Expenses	\$ —	\$ 958,942
TOTAL NONDEPARTMENTAL	\$ —	\$ 958,942
TOTAL SUPPORT FUNCTIONS	\$ 91,776	\$2,124,262
TRANSFER TO OTHER FUNDS		
II. Other Expenses	\$1,074,629	\$ —
TOTAL GENERAL FUND	\$4,709,178	\$4,709,178
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair		
I. Personnel and Related Expenses	\$ 400,000	\$ —
II. Other Expenses	—	400,000
TOTAL SPECIAL REVENUE FUND	\$ 400,000	\$ 400,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Water Pollution Control		
I. Personnel and Related Expenses	\$ 600,000	\$ —
II. Other Expenses	—	600,000
Division of Cleveland Public Power		
I. Personnel and Related Expenses	\$1,600,000	\$ —
II. Other Expenses	—	1,600,000
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$2,200,000	\$2,200,000
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Convention Center & Stadium-Market		
I. Personnel and Related Expenses	\$ —	\$ 19,197
II. Other Expenses	19,197	—
TOTAL PARKS, RECREATION, AND PROPERTIES	\$ 19,197	\$ 19,197
TOTAL ENTERPRISE FUNDS	\$2,219,197	\$2,219,197
AGENCY FUND		
Central Collection Agency		
I. Personnel and Related Expenses	\$ 164,550	\$ —
II. Other Expenses	—	164,550
TOTAL AGENCY FUND	\$ 164,550	\$ 164,550
TOTAL GENERAL AND OTHER FUNDS	\$7,492,925	\$7,492,925

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

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

Ord. No. 2046-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.

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 pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

Claimant	Claim No.	Amount	Division	Fund
James Williams, Jr.	10473	\$1,100.00	Water Pollution Control	54 SF 001
Evadney Taylor	10526	250.00	Water Pollution Control	54 SF 001
Anna Pak	10530	1,500.00	Water Pollution Control	54 SF 001
Craig G. Taylor	10534	553.00	Water Pollution Control	54 SF 001
Ratko Krncevic	10536	1,500.00	Water Pollution Control	54 SF 001
Douglas Miroslaw	10583	145.00	Water Pollution Control	54 SF 001
Ronald A. Spencer	10585	583.94	Water Pollution Control	54 SF 001
Alice M. Thow	10595	400.00	Water Pollution Control	54 SF 001
Edmund Karecki	10603	1,500.00	Water Pollution Control	54 SF 001
Ann Demin	10531	400.00	Police	01-60-02-0720
Alissa Wallace	10539	2,775.00	Police	01-60-02-0720
Luis Martinez	10545	250.00	Police	01-60-02-0720
James Thompkins	10547	396.00	Police	01-60-02-0720
James Miller	10551	264.45	Police	01-60-02-0720
Moorish National Cultural Club	10569	142.00	Police	01-60-02-0720
Michael Williams	10571	20.00	Police	01-60-02-0720
Trolley Tours of Cleveland	10609	2,158.10	Police	01-60-02-0720
Thanh Vantran	10610	114.00	Police	01-60-02-0720
Billy Gaskins	10611	184.04	Police	01-60-02-0720
LTVSteel	10622A	1,256.18	Police	01-60-02-0720
Michael Camera	10622B	1,000.00	Police	01-60-02-0720
Linda Martino	10550	340.72	Fire	01-60-03-0720
Francis Cramer	10620	300.00	Fire	01-60-03-0720
Michelle Hadam	10534	144.31	Emergency	01-60-04-0720
Michael Grassi	10602	422.65	Medical Service Emergency	01-60-04-0720
James Andrews	10549	470.00	Medical Service Park Maintenance (Urban Forestry)	01-70-02-0720
Paul O. Scholz	10565	600.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Angel and Esther Melendez	10533	187.71	Park Maintenance and Properties	01-70-10-0720
John West, Jr.	10534	220.00	Park Maintenance and Properties	01-70-10-0720
Ann Carla Jones	10558	650.00	Park Maintenance and Properties	01-70-10-0720
Clinton Clement	10559	342.92	Park Maintenance and Properties	01-70-10-0720
Gene A. Jones	10562	144.50	Park Maintenance and Properties	01-70-10-0720
Shirley Hayes	10572	300.00	Park Maintenance and Properties	01-70-10-0720
Evelyn Robinson	10588	244.00	Park Maintenance and Properties	01-70-10-0720
Mattie Blackmon	10594	228.29	Park Maintenance and Properties	01-70-10-0720
Margaret Foxworth	10604	50.00	Park Maintenance and Properties	01-70-10-0720
Michael Rinkus	10613	171.20	Park Maintenance and Properties	01-70-10-0720
Jeffrey E. Jones	10615	250.00	Park Maintenance and Properties	01-70-10-0720
Chris & Romona Bennett	10619	136.75	Park Maintenance and Properties	01-70-10-0720
E. Eloise Douglass Bailey	10605	185.00	Park Maintenance (Highland Park)	62 SF 001
Valarie Bryant	10515	120.00	Streets	10 SF401
Peter Zurowski	10582	261.58	Streets	10 SF401
Ismael Burdos	10625	176.19	Streets	10 SF401
Robert Zak	10546	144.00	Waste Collection	01-40-03-0720
Eugene Jackson	10601	100.00	Waste Collection	01-40-03-0720
Dan Barr	10570	25.00	Cleveland Hopkins Airport	60 SF 001

Section 2. That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date 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 Finance, Law; Committee on Finance.

Ord. No. 2047-98.**By Councilman Johnson (by departmental request).**

An emergency ordinance to make additional appropriation of One Million Two Hundred Twenty Three Thousand Eight Hundred Twenty Nine Dollars (\$1,223,829) of the Internal Service Fund and Three Million Eight Hundred Ninety Thousand Dollars (\$3,890,000) of the Enterprise Service Fund and Sixty Two Thousand Dollars (\$62,000) of the Sinking Fund.

Whereas, there remains an unappropriated balance in the various funds, the sum of Five Million One Hundred Seventy Five Thousand Eight Hundred Twenty Nine Dollars (\$5,175,829) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1998, dated November 20, 1998, previously unappropriated as follows:

INTERNAL SERVICE FUND	\$1,223,829
ENTERPRISE FUND	3,890,000
SINKING FUND	62,000
TOTAL ALL FUNDS	<u>\$5,175,829</u>

INTERNAL SERVICE FUND

Information Systems Services-Telecommunications		\$ 983,829
I. Personnel and Related Expenses	\$ 10,000	
II. Other Expenses	973,829	
Information Systems Services		\$ 165,000
I. Personnel and Related Expenses	\$ 65,000	
II. Other Expenses	100,000	
Division of Printing and Reproduction		\$ 62,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	62,000	
City Storeroom and Central Warehouse		\$ 13,000
I. Personnel and Related Expenses	\$ 13,000	
II. Other Expenses	—	
TOTAL INTERNAL SERVICE FUNDS	\$ 1,223,829	\$1,223,829

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Division of Cleveland Public Utilities		\$3,865,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	3,865,000	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$3,865,000	\$3,865,000

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

Convention Center & Stadium-Market		\$ 25,000
I. Personnel and Related Expenses	\$ 25,000	
II. Other Expenses	—	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 25,000	\$ 25,000
TOTAL ENTERPRISE FUNDS	\$3,890,000	\$3,890,000

DEBT SERVICE FUND

Sinking Fund Commission		\$ 62,000
I. Personnel and Related Expenses	\$ 12,000	
II. Other Expenses	50,000	
TOTAL DEBT SERVICE FUND	\$ 62,000	\$ 62,000
TOTAL GENERAL AND OTHER FUNDS	\$5,175,829	\$5,175,829

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, Law; Committee on Finance.

Ord. No. 2048-98.
By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed twenty-two shields and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed twenty-two (22) hydraulic shoring shields and appurtenances, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24036.

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

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

Ord. No. 2049-98.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment with Continental Airlines, Inc., City Contract No. 38171, to provide for the deletion of certain space from the Lease, effective October 7, 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 between the City and Continental Airlines, Inc. ("Lessee"), City Contract No. 38171, to delete from Lessee's right and obligation under the lease, 1,350 square feet of space currently being used for operation of Gate C-12. The effective date of the amendment shall be October 7, 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 Port Control, Finance.

Ord. No. 2050-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1999 Selective Traffic Enforcement 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 Safety is hereby authorized to apply for and accept a grant in the amount of \$49,885.00, from the Ohio Department of Public Safety, to conduct the 1999 Selective Traffic Enforcement Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety 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. 2050-98-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 Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 2051-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one IBM tape drive, one tape controller and associated cables and software necessary to read LEADS tapes, 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 to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the fol-

lowing items: one IBM Model 3490-F00 tape drive, one tape controller and associated cables and software necessary to read LEADS tapes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 027, Request No. 24387.

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. 2052-98.
By Councilmen Patmon, Willis, Rybka and Johnson (by departmental request).

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

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the northeast corner of St. Clair Avenue and East 105th Street; and

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

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

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

5.5179 Acre Parcel of Land
 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 362, formerly in the Village of Glenville, now the City of Cleveland, and further described as follows:

Beginning at a drill hole set at the intersection of the Northerly line of St. Clair Avenue, 80 feet wide, and the Westerly line of East 106th Street, 50' feet wide, and the Principal Place of Beginning of the land intended to be described herein;

Thence South 58° 38' 44" West, along said Northerly line of St. Clair Avenue, a distance of 430.39 feet to a P.K. Nail set therein;

Thence North 31° 21' 16" West, a distance of 66.21 feet to a P.K. Nail set at an angle point;

Thence North 00° 03' 36" West, a distance of 249.77 feet to a drill hole set at an angle point;

Thence South 89° 56' 28" West, a distance of 121.19 feet to a P.K. nail set at an angle point;

Thence North 41° 51' 01" West, a distance of 25.21 feet to a P.K. nail set at an angle point;

Thence South 89° 56' 28" West, a distance of 49.37 feet to a drill hole set in the Easterly line of East 105th Street, 60 feet wide;

Thence North 00° 00' 40" West, along said Easterly line, a distance of 235.97 feet to a mag nail set at the Southwesterly corner of lands conveyed to Broadwalk Apartments, LTD. as recorded in Volume 15639, Page 27 of the C.C.D.R.;

Thence South 89° 58' 45" East, along the Southerly lines so conveyed, a distance of 382.71 feet to a 5/8" iron pin found, (0.12 feet North) and (0.07 feet West) and a 5/8" iron pin found, (0.11 feet North) and (0.22 feet East), at the Southeasterly corner thereof;

Thence North 00° 00' 16" West along the Easterly line of lands so conveyed, a distance of 50.00 feet to a 3/4" iron pin found, (0.27 feet North) and (0.12 feet West) at the Northeasterly corner thereof at its intersection with the Southerly line of lands conveyed to Michael E. Ruffin as recorded in Volume 93-10771 Page 51 of the C.C.D.R.;

Thence South 89° 58' 45" East, along the Southerly line of lands so conveyed, a distance of 206.94 feet to a 5/8" iron pin set with cap, #7394 (Ciuni & Lynn), on the Westerly line of said East 106th Street, 50 feet wide;

Thence South 00° 00' 16" East, along the Westerly line of East 106th Street, a distance of 386.72 feet to the Principal Place of Beginning, and containing 5.5179 acres of land, be the same more or less, but subject to all legal highways and easements of record.

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

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

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

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

Ord. No. 2053-98.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Mall Plaza Maintenance Board to make improvements to Mall C; determining the method of making the public improvement of improving Mall C; and authorizing said director to enter into contract for the making of said improvement.

Whereas, by agreement, the Mall Plaza Maintenance Board (the "Board") is charged with the responsibility of approving expenditures of funds from a Trust Fund under the trusteeship of the National City Bank to maintain a portion of Mall B; and

Whereas, the Board wishes to expand this defined area to include all of Mall B and Mall C and intends to petition the Probate Court to allow this territorial expansion; 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, provided the Mall Plaza Maintenance Board successfully petitions the Probate Court to expand the Board's territory to include the remainder of Mall B and all of Mall C, the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant from the Mall Plaza Maintenance Board for the purpose of making improvements to Mall C; that the Director of Parks, Recreation and Properties 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 purposes set forth in the application for said grant.

Section 2. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving Mall C, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 3. That, provided the Mall Plaza Maintenance Board successfully petitions the Probate Court to expand the Board's territory to include the remainder of Mall B and all of Mall C, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding 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 4. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

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

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

Ord. No. 2054-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Urban Forest property maintenance services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized 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 Urban Forest property maintenance services 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22462)

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. 2055-98.
By Councilmen Willis and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various types of electrical motors and pumps, including labor and materials necessary for their repair and maintenance, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three (3) years for the necessary items of various types of electrical motors and pumps, including labor and materials necessary for their repair and maintenance in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three (3) 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 21710)

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. 2056-98.
By Councilmen Jackson, Rybka and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6101 Euclid Avenue, Cleveland, Ohio.

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

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

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

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

Section 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

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

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

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

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

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partial-

ly finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio, for renovation as a commercial showroom for Dubick Fixtures & Supply, Inc.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio.

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

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

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

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

Section 6. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

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

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

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

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

Ord. No. 2058-98.
By Councilmen Jones, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway located in the Cleveland Area Enterprise Zone.

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

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

Whereas, West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA (the "Enterprise") has proposed the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway expand its facilities at its operation in the City of Cleveland; and

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

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

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

Section 1. That this Council hereby approves the application of West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA for enterprise zone incentives on the basis that West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten (10) year

abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2058-98-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 2059-98.
By Councilman Moran.

An ordinance to change the Use and Area Districts of lands on the northerly side of Memphis Avenue, S.W. between Ridgeview Drive and West 59th Street. (Map Change No. 1986, Sheet No. 2)

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,

Beginning at the intersection of the center line of West 59 Street and the center line of Memphis Avenue, S.W.; thence westerly along said center line of Memphis Avenue, S.W. to its intersection with the center line of Ridgeview Drive, S.W.; thence northerly along said center line of Ridgeview Drive, S.W. to its intersection with the westerly extension of the southerly line of Sublot No. 753 in the Ridgeview Manor Allotment as recorded in Volume 79, Page 1 of the Cuyahoga County Map Records (said southerly line of said Sublot No. 753 being located approximately seven hundred twenty five (725) feet north of the northerly line of Memphis Avenue, S.W.); thence easterly along said westerly extension and

along said southerly line of said Sublot No. 753 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 753 to its intersection with the southerly line of Sublot No. 49 in the Basers Brookside Allotment as recorded in Volume 56, Page 26 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 49 and along its easterly extension to its intersection with said center line of West 59 Street; thence southerly along said center line of West 59 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail 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. 1986, Sheet No. 2 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. 2060-98.

By Councilman Cintron.

An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at the northeast corner of West 32 Street and Clinton Avenue and shown as Map Change No. 1984, Sheet No. 1 and to change the Use, Area and Height Districts of said parcel. (Map Change No. 1984, Sheet No. 1)

Whereas, Clinton Terrace Ltd., c/o David Gill, Richard Beran, and Roger Brandt have submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on properties located at the northeast corner of West 32 Street and Clinton Avenue, N.W. and construction of a PUD project to be known as "Clinton Terrace" on said properties; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council in whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the Council of the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meet the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976; now, therefore:

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

Section 1. That the area outlined on the site plan and described in the legal description and known as Clinton Terrace be and the same is hereby designated as a Planned Unit Development (PUD) Overlay

District, in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio 1976.

Section 2. That the designation of land described in Section 1 and as outlined in red on the map attached hereto shall be identified as Map Change No. 1984, Sheet No. 1, 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 in the office of the City Planning Commission.

Section 3. That the PUD project depicted in the site plan contained in the above mentioned file which has been proposed for the PUD Overlay District created by Section 1, and which is to be known as Clinton Terrace is hereby approved.

Section 4. That the Use, Area, and Height Districts of lands bounded and described as follows;

Parcel No. 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 100 feet of Block "G" in The Taylor Farm Allotment of part of Original Brooklyn Township Lot No. 51 as shown by the recorded plat in Volume "S" of Deeds, Page 610 and also in Volume 2 of Maps, Page 22 of Cuyahoga County Records and being 80 feet front on the Northerly side of Clinton Avenue, N.W. (formerly Clinton Street) and extending back between parallel lines 100 feet along the Easterly line of West 32nd Street (formerly Duane Street) as appears by said plat, be the same more or less, but subject to all legal highways.

**CORRECTED LEGAL DESCRIPTION
P.P.N. 003-26-023**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Block "H" in the Charles Taylor Farm Allotment of part of Original Brooklyn Township Lot Number 51 as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records, further bounded and described as follows:

Commencing at a 5/8 inch iron pin set in the Northerly line of Clinton Avenue, N.W. (66 feet wide) at its intersection with the Easterly line of West 32nd Street (66 feet wide);

Thence North 68 degrees, 50 minutes, 00 seconds East along said Northerly line, 80.14 feet to the Southeast corner of parcel number 3 conveyed to the Gill Construction Company by deed dated August 5, 1997 and recorded in Volume 97-7742, Page 28 of Cuyahoga County Records, and the principle place of beginning of the following described parcel;

Thence North 21 degrees, 12 minutes, 35 seconds West along the Easterly line of said parcel number 3, and along the Easterly line of a parcel of land conveyed to Mary Ann Hawk by deed dated September 10, 1991 and recorded in Volume 91-5779, Page 40 of Cuyahoga County Records, a distance of 121.00 feet to a 5/8 inch iron pin set in the Northerly line of a parcel of land conveyed to Lillie Roesky by deed dated February 1, 1916 and recorded in Volume 1741, Page 574 of Cuyahoga County Records;

Thence North 68 degrees, 50 minutes, 00 seconds East along said Northerly line, 60.10 feet to a 5/8 inch iron pin set in the Westerly

line of parcel number 1 conveyed to the Gill Construction Company by deed dated August 5, 1997 and recorded in Volume 97-7742, Page 28 of Cuyahoga County Records;

Thence South 21 degrees, 12 minutes, 35 seconds East along said Westerly line, 121.00 feet to a point in the Northerly line of Clinton Avenue, N.W.;

Thence South 68 degrees, 50 minutes, 00 seconds West along said Northerly line, 60.10 feet to the principle place of beginning.

Containing within said bounds, an area of about 7272 square feet (0.1669 acres) of land according to a survey dated October, 1998 by David J. Bruckner, Registered Ohio Professional Surveyor No. 6939, be the same more or less but subject to all legal highways, easements, and restrictions of record.

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Block I and part of Block H in the Taylor Farm Allotment of part of Original Brooklyn Township Lot No. 51, as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows: Beginning on the Northerly line of Clinton Avenue, N.W., at its point of intersection with the Westerly line of West 31st Place; thence Northerly along the Westerly line of West 31st Place, 127 feet to the Southerly line of an alley (formerly called Cherry Alley) vacated by City Ordinance No. 84469, August 20, 1928; thence Westerly along the southerly line of said Alley, 50 feet; thence Southerly parallel with the Westerly line of West 31st Place, 27 feet; thence Westerly parallel with the Southerly line of an alley (formerly called Cherry Alley), 5 feet; thence Southerly parallel with the Westerly line of West 31st Place, 100 feet to the Northerly line of Clinton Avenue, N.W.; thence Easterly along the Northerly line of Clinton Avenue, N.W.; 55 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block H and a part of a vacated alley in Charles Taylor Farm allotment of part of Original Brooklyn Township Lot No. 51 as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Northerly side of Clinton Avenue at a point distant Easterly 140 feet from its intersection with the Easterly line of West 32nd Street; thence Northerly 133 feet to the center line of Cherry Court, formerly Cherry Alley, 12 feet, 133 feet to the center line of Cherry Court, formerly Cherry Alley, 12 feet, vacated; thence Easterly along the center line of Cherry Court, 55 feet; thence Southerly and parallel with the Easterly line of West 32nd Street, 33 feet; thence Westerly parallel with the Northerly line of Clinton Avenue, 5 feet; thence Southerly and parallel with the Easterly line of West 32nd Street, 100 feet; thence Westerly along the Northerly line of Clinton Avenue, 50 feet to the place

of beginning, be the same more or less, but subject to all legal highways.

Parcel No. 3:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Block H and part of a vacated alley in Charles Taylor Farms Allotment of part of Original Brooklyn Township Lot No. 51, as shown by the recorded plat in Volume 2 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows: Beginning on the Northerly side of Clinton Avenue, 80 feet from its intersection with the Easterly line of West 32nd Street; thence Northerly 133 feet to the center line of Cherry Court, formerly Cherry Alley, 12 feet wide, vacated; thence Easterly along the centerline of Cherry Court, 60 feet; thence Southerly and parallel with the Easterly line of West 32nd Street, 133 feet; thence Westerly to the place of beginning be the same more or less, but subject to all legal highways.

and as outlined in red on the map attached hereto be and the same are hereby changed to a RA2 Use District, a 'D' Area District and a '2' Height District.

Section 5. That said changed designation of lands described in Section 4 shall be identified as Map Change No. 1984, Sheet No. 1 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 6. That no building permit shall be issued by the City of Cleveland for property located within the RA2 District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance. Unless a building permit for such development is issued within twelve (12) months from the effective date of approval of this ordinance, or within such extension as may be approved by the Planning Commission, the Use, Area, and Height Districts approved herein shall be void and the zoning shall revert to the classification that existed prior to the approval of this ordinance.

Section 7. 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. 2061-98.

By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into a contract with Hunter Computer Services to design, install and maintain a Legislative Tracking System for the Council of the City of Cleveland, to provide training for such system and to provide a kiosk based system to permit public access to legislative information.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into an agreement with Hunter Computer Services to design, install and maintain a Legislative Tracking System for the Council of the City of Cleveland, to provide training for such system and to provide a kiosk based system to permit public access to legislative information, based on its proposal dated October 30, 1998. Total project cost shall not exceed \$350,000.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2062-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 765-98, passed May 18, 1998, relating to a contract for the Summer Sprout Program for operation of a community gardening 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. 765-98, passed May 18, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to enter into a contract with **Hope Gardens, Inc.**, fiscal agent for the Summer Sprout Program, to operate a community gardening program.

Section 1. That the Director of Community Development is hereby authorized to enter into contract with **Hope Gardens, Inc.**, fiscal agent for the Summer Sprout Program, to operate a community gardening program.

Section 2. That the existing title and Section 1 of Ordinance No. 765-98, passed May 18, 1998, are hereby repealed.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2063-98.

By Councilman Johnson.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2780 E. 116th St. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 79912664537, Service Station Holding Inc., DBA BP Site #4536, 2780 E. 116th St. & Gas Pumps, Cleveland, Ohio 44120, to Permit No. 9422615, Washington Ventures Inc., 2780 E. 116th St. & Gas Pumps, Cleveland, Ohio 44120; 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 C1 Liquor Permit from Permit No. 79912664537, Service Station Holding Inc., DBA BP Site #4536, 2780 E. 116th St. & Gas Pumps, Cleveland, Ohio 44120, to Permit No. 9422615, Washington Ventures Inc., 2780 E. 116th St. & Gas Pumps, Cleveland, Ohio 44120 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 2064-98.

By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 18414-16 St. Clair Avenue, and repealing Res. No. 1334-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 18414-16 St. Clair Avenue, by Res. No. 1334-98, adopted July 29, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 18414-16 St. Clair Avenue, be and the same is hereby withdrawn and Res. No. 1334-98, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 2065-98.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3129 E. 65th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 9601020, Wigwam Tavern Inc., 3129 E. 65th St., Cleveland, Ohio 44127, to Permit No. 17835070005, Idell Cowan, DBA Hitz Nite Club, 3129 E. 65th St., Cleveland, Ohio 44127; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 9601020, Wigwam Tavern Inc., 3129 E. 65th St., Cleveland, Ohio 44127, to Permit No. 17835070005, Idell Cowan, DBA Hitz Nite Club, 3129 E. 65th St., Cleveland, Ohio 44127 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 2066-98.

By Councilman Willis.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 914-918 E. 123rd St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 6484314, OSH Inc., DBA M & H Food Mart, 8209 Cedar Ave., 1st Fl., Cleveland, Ohio 44103 to Permit No. 2613042, Fadia Co., 914-918 E. 123rd St. 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 and location of a C2 and C2X Liquor Permit from Permit No. 6484314, OSH Inc., DBA M & H Food Mart, 8209 Cedar Ave., 1st Fl., Cleveland, Ohio 44103 to Permit No. 2613042, Fadia Co., 914-918 E. 123rd St. 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 2067-98.

By Councilman White.

An emergency resolution urging Governor elect Robert Taft and the Ohio State Legislature to examine minority set-aside laws in order to develop a law that will guarantee aid for minorities that can withstand constitutional challenge.

Whereas, as a result of a recent federal court ruling that the State law of setting aside portions of public construction projects for minorities are considered unconstitutional, Ohio Governor George V. Voinovich ended the State of Ohio minority set-aside program that provided billions of dollars in compensation to minority-owned companies as compensation for previous discrimination; and

Whereas, between 1991 and 1998, the State of Ohio has awarded contracts in excess of \$1.6 billion to minority-owned companies; and

Whereas, many minority contractors could possibly be shut out of government contracts thus compounding the discrimination they have encountered in private industry that can greatly diminish business opportunities for these groups as well as increasing barriers for access into state government contracts; and

Whereas, many of these minority-owned businesses need such a set-aside program in order to effectively compete in an open and sometimes discriminatory market place; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges Ohio Governor elect Robert Taft and the State Legislature to review the minority set-aside program, and to examine how the present law can be modified to ensure aid to minority-owned companies while being made to withstand any constitutional challenge.

Section 2. That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to Ohio Governor elect Robert Taft, and the Ohio House of Representatives, and Congressmen Louis Stokes and Dennis Kucinich.

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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1602-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, sandblast and paint dump truck bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1609-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with C & C Acquisition Corporation to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and expand its facilities to 15215 Chatfield Avenue in the Cleveland Area Enterprise Zone.

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

1. In Section 3, at the end, strike the period and insert the following: ", and further, that the terms shall not be amended nor shall said abatement be transferred without the approval of City Council's Community Development and Economic Development Committee."

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1688-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an Assignment and Novation Agreement with Figgie International, Inc. and KeyCorp to release Figgie, International, Inc. from all duties and liabilities under City Contract No. 40878; to substitute KeyCorp under the contract for use and operation of a hangar facility at Cleveland Hopkins International Airport; and to enter into an amendment to Contract No. 40878 between the City and KeyCorp to modify the terms of the lease to allow the lessee to sublease an area or areas of the leased premises, upon concurrence of the Board of Control.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 20. Nays 1.

Those voting yea were Councilmen Westbrook, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, Moran, Patmon, Polensek, Robinson, Sweeney, White, Willis, Zone.

Those voting nay: Councilman Rybka.

Ord. No. 1690-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed eight vehicles, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1722-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide financial management services to perform water and sewer rate studies.

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

1. After Section 2, insert new Section 3 to read as follows:

"Section 3. That the Director of Public Utilities shall provide to this Council copies of the Request for Proposals for this consultant work prior to the solicitation of proposals. The Director shall report the results of the Request for Proposals to this Council prior to presentation to the Board of Control of a resolution for the selection of a consultant or consultants, which report shall summarize all proposals received, including the identity of the proposers, the amounts bid, and the Director's recommendation on the selection of a consultant or consultants."

2. Renumber existing "Section 3" to read "Section 4".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1818-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Independence Office & Business Supply Co., Inc. d.b.a. Independence Business Supply to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to consolidate and expand its distribution operation and to acquire machinery and equipment at their facility located at Jennings Freeway Industrial Parkway, Bldg. VII, in the Cleveland Area Enterprise Zone.

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

1. In Section 3, at the end, add the following: **"The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization of City Council."**

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1846-98.

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

An emergency ordinance determining the method of making the public improvement of repairing a low service main located at West Superior Avenue and River Road, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

1. After Section 3, insert new Section 4 to read as follows:

"Section 4. That if the Director of Public Utilities determines that the public improvement authorized by this ordinance was necessitated by the activities of the Regional Transit Authority ("RTA"), then the Director shall take all necessary and appropriate actions necessary to secure reimbursement from RTA for any costs that are attributable to RTA's activities."

2. Renumber existing Section 4 to read "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1848-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of automobile and truck oils, lubricants and solvents, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1849-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Chrysler, Dodge, Plymouth passenger car, van, truck and jeep parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1850-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Meyers snow plow and spreader parts, including installation if necessary, for the Division of

Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1851-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of tires, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1852-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of equipment and vehicle batteries, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

1. In the title, line 3, and in Section 1, line 5, insert "battery" between "of" and "equipment".

Amendment agreed to.

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

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

Ord. No. 1853-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1854-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice — Office of Community Oriented Policing Services for the COPS — Distressed Neighborhoods Pilot Program.

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

1. Insert a new Section 3 to read as follows:

"Section 3. That, prior to spending any of the grant proceeds accepted pursuant to Section 1 of this ordinance, the Director of Public Safety shall submit to the Council a detailed plan for use of the grant funds."

2. Renumber existing Section 3 to

new "Section 4".

Amendments agreed to. The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1855-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 366-98, passed April 6, 1998; to supplement said ordinance by adding new Section 2; and to renumber existing Section 2 to new Section 3, relating to accepting a gift from Betty D. Montgomery to complete the Cleveland Police Patrolmen's Tactical Training Center.

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

1. In the title, line 10; in Section 1, line 6; and in Section 3, line 9, strike "Patrolmen's".

2. In the title, line 8, strike "Betty D. Montgomery" and insert in lieu thereof "the office of Betty D. Montgomery, State Attorney General".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1880-98.

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

An emergency ordinance determining the method of making the public improvement of cleaning and lining trunk mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1951-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Secretary of the Civil Service Commission to enter into contract with Coleman & Associates to perform a job analysis and develop, administer and grade police entrance examinations for the Division of Police, Department of Public Safety.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1953-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Secretary of the Civil Service Commission to enter into contract with Barrett & Associates to perform a job analysis and develop, administer and grade firefighter entrance examinations for the Division of Fire, Department of Public Safety.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 2004-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to employ one or more professional consultants to provide professional services necessary to implement the HOPWA program.

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

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

"An emergency ordinance authorizing the Director of Public Health to enter into contract with the Visiting Nurses Association, the AIDS TaskForce and the AIDS Housing Council to implement the HOPWA program."

"Section 1. That the Director of Public Health is hereby authorized to enter into contract with the Visiting Nurses Association, the AIDS TaskForce, and the AIDS Housing Council in an amount not to exceed \$586,000, to include the contract awards described in File No. 2004-98-A, made a part hereof, for the purpose of implementing the Housing Opportunities for Persons With AIDS program for 1998-1999. In addition, the sum of not more than \$18,000 is appropriated to the Department of Public Health for the administrative costs of implementing the 1998-1999 program."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 1269-98.

By Councilman Dolan.

An ordinance to change the Use and Area Districts of lands located 195' north of Larchwood Avenue, S.W. approximately 250' south of Chatfield Avenue, S.W., approximately 169' west of West 166 Street and approximately 445' east of Rocky River Drive, S.W. (Map Change No. 1980, Sheet No. 12)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1270-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on the southwest corner of Lake Shore Boulevard and East 146 Street. (Map Change No. 1979, Sheet No. 7)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1423-98.

By Councilman Britt.
An ordinance to change the Use and Area Districts of lands on the northwesterly corner of East 83 Street and Carnegie Avenue, N.E. (Map Change No. 1982, Sheet No. 5)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1424-98.

By Councilman Westbrook.
An ordinance to change the Use and Area Districts of lands on the west side of West 65 Street and east of West 67 Street between I-90 and north of Clark Avenue, S.W. (Map Change No. 1981, Sheet Nos. 1&2)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 1082-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend funds and to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1598-98.

By Councilman Sweeney (by departmental request).

An emergency ordinance to vacate a portion of West 200th Street, Elsmere Avenue S.W., West 198th Street, West 191st Street, Wagner Place S.W., Maplewood Avenue S.W., and Maplewood Avenue S.W. hereinafter described.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1723-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Ohio Department of Public Health for the STD - Diagnostic and Treatment Services.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1817-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Gergel-Kellem Company, Inc. and G-K LTD d.b.a. Watt Printers to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to renovate and to acquire machinery and equipment at their facility located at 4544 Hinckley Industrial Parkway, in the Cleveland Area Enterprise Zone.

Read third time. Passed. Yeas 21. Nays 0.

MOTION

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

Artha Woods
Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 18, 1998

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

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

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. 764-98.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of October, 1998 in the amount of \$3,262.09, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 765-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Praxair Distribution, Inc. for an estimated quantity of Commercial Gases (All items) for the Division of various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on October 9, 1998, pursuant to the authority of Ordinance No. 290-98, passed March 30, 1998, which on the basis of the estimated quantity would amount to Eighty Seven Thousand Nine Hundred Fifty and 40/100 Dollars, (\$87,950.40), (Net), is hereby affirmed and approved as the lowest

and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29298 which shall be certified against such contract in the sum of Fifteen Thousand and 00/100 Dollars (\$15,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 766-98.

By Director Konicek.

Be it resolved, that pursuant to Section 531.03 (a) of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1043-75, passed February 2, 1976, the charges for work performed by the Division of Water, as approved by Board of Control Resolution No. 8-82, adopted January 13, 1982, are hereby rescinded as of December 31, 1998 and that the following new rates, as determined by the Commissioner of Water, are approved and effective January 1, 1999:

Charges for Installation of Connections, Tapping Sleeves and Valves**GENERAL PRICE NOTES**

All prices herein specified are the INSTALLATION ONLY on a flat rate basis, **unless otherwise specified as a deposit-cost plus job.**

On ALL jobs the contractor shall excavate, backfill, sheath, place barricades, repair or replace all pavement (if required), and supply all material unless otherwise specified herein.

Any work performed on concrete water mains will be priced **55% above** the cost posted herein.

Air Compressor and Crane services shall be provided by the contractor at his expense.

NEW CONNECTIONS

Installation Only — General Service and Fire Lines

1"	\$ 140.00
1-1/2"	\$ 670.00
2"	\$ 720.00
3"	\$ 830.00
4"	\$1,065.00
6"	\$1,120.00
8"	\$1,260.00
10"	\$1,500.00
12"	\$2,100.00

RETAPS & RECONNECTS

Installation Only — General Service & Fire Lines

The same price structure as used for New Connections shall apply to Retaps and Reconnects.

EXTENSIONS

Installation Only — General Service & Fire Lines

The same price structure as used for New Connections shall apply to Extensions.

BY-PASS AND CHECK VALVES

Labor Only — Assemble and
Install or Remove and Reset

1-1/2"	\$ 285.00
2"	\$ 285.00
3"	\$ 285.00
4"	\$ 430.00
6"	\$ 560.00
8"	\$ 710.00
10"	\$ 900.00
12"	\$ 1,090.00

TAPPING SLEEVES AND VALVES

Labor Only — Installation,
Tap and Test

6" or Less	\$700.00
8"	\$710.00
10"	\$730.00
12"	\$760.00
16"	\$890.00
20"	\$2,700.00

**PRICES FOR CUTTING PIPE —
PER CUT**

Size of Pipe
Any Size \$600.00 **Deposit** (Cost Plus)

**PRICES FOR PLUGGING
CONNECTIONS AND MAINS**

The Division of Water to excavate
and backfill

Size	
Less than 2"	\$ 500.00
3" through 12"	\$1,000.00
16" and larger	\$1,500.00

Deposit
(Cost Plus)

RESETTING OF SMALL METERS

Labor Only — Cost of Meter
Not Included

1" and Smaller \$60.00

CURB VALVES

Labor Only — On Installation
Requiring an Easement,
Inside Meter (Large), or
Fire Line

1-1/2" and 2"	\$ 90.00
3" through 8"	\$180.00
10" and 12"	\$300.00

**HYDRANT RELOCATIONS IN THE
CITY OF CLEVELAND**

A. Contractor to excavate, back-
fill, sheath, place barricades, repair
or replace all pavement (if required),
and supply all material except for
hydrant, case, cap and elbow.

No new Tap Required \$1,090.00

*New Tap Required,
Existing Tap Plugged \$1,710.00
Plus Cost of Tap
Based on Size of Main

B. Division of Water to excavate,
backfill, sheath, place barricades,
repair or replace all pavement (if
required), and supply all labor and
material.

No New Tap Required,
2 Feet or Less \$2,100.00

Add Price/Foot
Over 2 Feet \$190.00

*New Tap Required Includes Plugging

Existing Tap \$4,500.00

*The Division of Water will deter-
mine after investigation whether
the existing trap can be utilized or
whether a new tap is required.

Yeas: None.

Nays: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,

Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Absent: None.

Resolution No. 767-98.

By Director Konicek.

Be it resolved, by the Board of
Control of the City of Cleveland that
all bids received on November 6,
1998 for Repair or Replace Fire
Hydrants for the Division of Water,
Department of Public Utilities, pur-
suant to the authority of Ordinance
No. 754-98, passed by the Council of
the City of Cleveland on June 8,
1998, are hereby rejected.

Yeas: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,
Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 768-98.

By Director Balraj.

Be it resolved by the Board of
Control of the City of Cleveland,
that the bid of Day Electric Com-
pany, Inc. for the public improve-
ment of Installation of primary feed-
ers "E2" and "F2" for the Hangars,
for the Division of Cleveland Hop-
kins International Airport, Depart-
ment of Port Control, received on
October 28, 1998, pursuant to the
authority of Ordinance No. 1286-97,
passed December 15, 1997, for the
gross price, for the improvement in
the aggregate amount of Two Hun-
dred Eighty-Six Thousand Three
Hundred and Six and 00/100 Dollars
(\$286,306.00), is hereby affirmed and
approved as the lowest responsible
bid; and the Director of Port Control
is hereby authorized to enter into
contract for said improvement with
said bidder.

Be it further resolved by the
Board of Control of the City of
Cleveland that the employment of
the following subcontractors by Day
Electric Company for the installa-
tion of primary feeders "E2" and
"F2" for the Hangars for Cleveland
Hopkins International Airport,
Department of Port Control is here-
by approved:

Artisan Electric
1348 East 33rd Street
Cleveland, Ohio 44112
(MBE — \$98,000.00/34%)

Furnish and Installation
of Electrical Materials

Work Best Electric
4340 East 71st Street
Cleveland, Ohio 44105
(FBE — \$31,500.00/11%)

Furnish and Installation
of Electrical Materials

Yeas: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,
Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 769-98.

By Director Guzman.

Resolved by the Board of Control
of the City of Cleveland that the bid
of Jack Doheny Supplies Ohio, Inc.
for the following: one (1) cab and
chassis with catch basin
cleaning/jetter body (all items) for
the Division of Motor Vehicle Main-
tenance, Department of Public Ser-

vice, received on the 4th day of Sep-
tember, 1998, pursuant to the author-
ity of Ordinance No. 918-96, 1476-96,
323-97, 799-97, passed June 18, 1996,
August 14, 1996, March 24, 1997, June
2, 1997, which on the basis of order
quantity would amount to \$246,506.00
Dollars, is hereby approved as the
lowest and best bid, and the Direc-
tor of Public Service is hereby
requested to enter into contract for
such items.

Yeas: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,
Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 770-98.

By Director Guzman.

Whereas, pursuant to Ordinance
Nos. 918-96 and 1476-96, passed by
Cleveland City Council June 18, 1996
and August 14, 1996, and Resolution
No. 601-97 adopted by the Board of
Control of the City of Cleveland on
July 30, 1997, the City of Cleveland
entered into a contract with Concord
Road Equipment Manufacturing,
Inc. for the purchase of one (1) cab
and chassis with de-icer tanker (all
items complete as specified) for a
total amount of \$183,399.29; and

Whereas, Concord Road Equip-
ment Manufacturing, Inc. has, by
letter dated October 27, 1998,
requested the consent of the City to
assign and make payments under
said agreement to Concord Road
Equipment Manufacturing, Inc. and
R. W. Sidley Inc., jointly; therefore

Be it resolved by the Board of
Control of the City of Cleveland that
the request of Concord Road Equip-
ment Manufacturing, Inc. to assign
the payments under the agreement
(City Contract No. 51940) for the
purchase of one (1) cab and chassis
with de-icer tanker, from Concord
Road Equipment Manufacturing,
Inc. to Concord Road Equipment
Manufacturing, Inc. and R. W. Sid-
ley Inc., jointly, is hereby approved.

Be it further resolved that the
Director of Public Service is hereby
authorized to execute any document
necessary and appropriate to effect
such assignment. A copy of the
assignment shall be filed in the
office of the Commissioner of
Accounts.

Yeas: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,
Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 771-98.

By Director Guzman.

Resolved by the Board of Control
of the City of Cleveland that all bids
received on September 25, 1998 for
HFRS2 Emulsion and Equipment
Management Services and Purg-
ing (all items) for the Division of
Streets, Department of Public Ser-
vice, pursuant to the authority of
Ordinance No. 302-98, passed by the
Council of the City of Cleveland on
April 27, 1998, be and the same are
hereby rejected.

Yeas: Mayor White, Directors
Carter, Carmody, Konicek, Balraj,
Acting Director Ricchiuto, Director
Staib, Acting Director Terry, Direc-
tors Jackson, Hudecek, Nolan, War-
ren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 772-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Raney Tire, Inc. for an estimated quantity of tire repair road services (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on October 23, 1998, pursuant to the authority of Ordinance No. 1230-98, passed September 28, 1998, which on the basis of the estimated quantity would amount to approximately Sixty Thousand Seven Hundred Eighty and no/100 Dollars, (\$60,780.00), (Net 10th), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30410

which shall be certified against such contract in the sum of Six Thousand and no/100 Dollars (\$6,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Raney Tire, Inc., for the purchase of tire repair road service (all items), is hereby approved:

Interstate Express Tire Service
MBE \$51,663.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 773-98.

By Director Staib.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 19, 1998 for Pharmaceutical Supplies (all items) for the Division of Correction and Health, Department of Public Health, pursuant to the authority of Ordinance No. 432-97, passed by the Council of the City of Cleveland on May 19, 1997, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 774-98.

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. 004-03-043 and 004-03-045 located

at 1907 Abbey and 2139 West 20th Street, in Ward 13; 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, Michael T. McBride and Martin J. McBride, 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 13 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 Michael T. McBride and Martin J. McBride for the sale and development of Permanent Parcel Nos. 004-03-043 and 004-03-045 located at 1907 Abbey and 2139 West 20th 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, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 775-98.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 102-34-028 located at 1765 East 27th Street in Ward 13; 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, Pro-Cleve Investments, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Pro-Cleve Investments for the sale and development of Permanent Parcel No. 102-34-028 located at 1765 East 27th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,550, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 776-98.

By Director Hudecek.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 133-17-029 located at 3901 East 78th Street in Ward 12; 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, Frank Lindsey, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Frank Lindsey for the sale and development of Permanent Parcel No. 133-17-029 located at 3901 East 78th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

lization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Director Ricchiuto, Director Staib, Acting Director Terry, Directors Jackson, Hudecek, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 7, 1998

9:30 A.M.

Calendar No. 98-236: 6804 Park Avenue

Djurica Stokic, owner, appeals to change the use of an existing 24' x 28' one-story wood frame private garage into a light assembly and packaging building, all located on a 35' x 119' parcel with an existing 22' x 31' 1-1/2-story residential office building in the front of the property and located in a Two-Family District at 6804 Park Avenue; said use being contrary to Section 337.03 where assembly and packaging are not permitted in a Two-Family District and Section 349.04(j) of the Off-Street Parking and Loading Requirements where 1 parking space is required for each 2 employees at the largest work shift and subject to the expansion limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 98-237: 13532 Terminal Avenue

Roy K. Cunningham III, owner, appeals to construct a 30' x 24' one-story wood frame reverse gable private garage at the rear of a 40' x 125' parcel with an existing 30' x 28' one-story dwelling unit and located in a One-Family District on the north side of Terminal Avenue at 13532 Terminal Avenue; said use being contrary to the Residential Districts Requirements where 720 square foot of floor area is proposed and the maximum floor area permitted is 667 square feet pursuant to Section 337.23(a)(7)(A) of the Codified Ordinances.

Calendar No. 98-239: 1546 East 33rd Street, a.k.a. 1538-42 East 33rd Street

Mary Brennan, owner, and William Call, agent, appeal to resurface an existing 40' x 100' parking lot at 1538-1542 East 33rd Street and an existing 55' x 100' parking lot at 1550 East 33rd Street where both parcels are also known as 1546 East 33rd Street and are located in a Two-Family District on the westerly side of East 33rd Street at 1538-1542 and 1550 East 33rd Street, also known as 1546 East 33rd Street; said resurfacing being contrary to Section 357.04(a) where the required front yard setback is 15' and 2'-10" is proposed and Section 349.05(a) where parking is required to be 10' away from a residential building and less than 10' is proposed and contrary to Section 352.09 where a 10' landscaping strip is required along the side of the existing 1-1/2-story dwelling unit and 0' is proposed and Sections 352.10 and 352.11 where a 6' landscaping strip is required and a parking lot in a residential district requires Board of Zoning Appeal approval per Section 349.13(c) of the Codified Ordinances.

Calendar No. 98-240: 7411 St. Clair Avenue

Cleveland Business Products, owner c/o Ron Gutzky, appeals to change the use of an existing 45' x 96' three-story irregular shaped masonry warehouse building connected to a one-story "L" shaped dock building into a printing shop, all located on a 125' x 131' irregular shaped parcel and located in a Local Retail District on the north side of St. Clair Avenue at the northwest corner of East 75th Street and St. Clair Avenue at 7411 St. Clair Avenue; said change of use being contrary to Section 343.01 where a printing shop is not permitted in a Local Retail Business District and Section 349.04 where the total parking required is 11 spaces and 0 are proposed and subject to the nonconforming use limitations of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 23, 1998

At the Meeting of the Board of Zoning Appeals on Monday, November 23, 1998, the following appeals were heard by the Board:

The following appeal was **Approved:**

Calendar No. 98-229: 6301 Harvard Avenue

Theodore Swarski and Glen Snow, owners, and CVS, tenant c/o Donna J. Roberts, and Cicogna Electric & Sign c/o George Dragon, agent, appealed to erect one 18' high x 8'-6" wide x 1'-4" thick pylon style sign on two 6" x 6" steel tube poles at the southerly drive-thru entrance and one 6' x 1" high x 6'11" wide x 1'-4" thick monument sign at the northeasterly entrance of the 147' x 372' irregular shaped corner lot located in a General Retail Business District and Local Retail District at the northwesterly corner of East 64th Street and Harvard Avenue.

The following appeal was **Refused:**

Calendar No. 98-231: 2925 East 75th Street, a.k.a. 7507-19 Kinsman Road

Moorad H. Rabah, appellant, and Eric Maiden, agent, appealed to change the use of an existing 24' x 60' one-story masonry car wash building into an auto repair and tire installation shop and to extend the existing building by 6' to create a 30' x 60' auto repair and tire installation shop on a 229' x 171' irregular shaped lot with an existing 142' x 77' retail building in a General Retail District.

The following appeals were **Postponed:**

Calendar No. 98-230: 6630-6650 Broadway postponed to December 14, 1998.

Calendar No. 98-224: 3979 Pearl Road postponed to December 14, 1998.

On Monday, November 23, 1998, in Executive Session:

The following appeal was heard on Monday, November 16, 1998, and said decision to **GRANT** was approved and adopted by the Board on November 23, 1998:

Calendar No. 98-223: 5910 Memphis Avenue

Ken Frankenberg, owner, and AutoZone, Inc., prospective purchaser c/o Mark Mox, agent, appealed to erect a 66' x 115'-4" one-story, masonry retail store for sales of auto parts and to install parking accessory thereto on a 125' x 297' corner parcel in a General Retail Business District and a One-Family District.

The following appeal was heard on Monday, November 16, 1998, and said decision to **REFUSE** was approved and adopted by the Board on November 23, 1998:

Calendar No. 98-202: Appeal of Michael B. Robinson

Michael B. Robinson, appealed under Section 76-6 of the Charter of the City of Cleveland and Section 670.22 of the Codified Ordinances from the revocation of an armed security guard license.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, DECEMBER 9, 1998

Bonds and Fidelity Coverages, for the Department of Finance, as authorized by Section 171.11 through 171.17 of the Codified Ordinances of the City of Cleveland, 1976.

Parma-Pearl-York 36" Water Supply Main, Section IV, for the Division of Water, Department of Public Utilities, as autho-

riized by Ordinance Nos. 2563-89, 767-92 and 964-93, passed by the Council of the City of Cleveland, December 4, 1989, June 8, 1992 and June 14, 1993, respectively.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 9:30 A.M. IN THE RADIO ROOM ON THE 2ND FLOOR IN THE ADMINISTRATION BUILDING AT THE HARVARD YARDS, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109. ATTENDANCE AT THIS MEETING IS NOT MANDATORY.

Repair or Replace Fire Hydrants, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 754-98, passed by the Council of the City of Cleveland, June 8, 1998.

Cleaning and Cement Mortar Lining of Trunk Water Mains, Area 98-T1, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1880-98.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 1, 1998, 10:00 A.M. AT HARVARD YARDS (TRAINING ROOM), 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109.

November 18, 1998 and November 25, 1998

THURSDAY, DECEMBER 10, 1998

Gas Detection and Calibration Equipment, for the Various Divisions of the Department of Public Utilities, as authorized by Ordinance No. 425-98, passed by the Council of the City of Cleveland, April 6, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, DECEMBER 3, 1998, 2:00 P.M. IN THE MAIN OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.

Labor and Materials to Install Handicap Restrooms in the Music Hall, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 1, 1998, 10:00 A.M. AT THE MUSIC HALL, EAST 6TH AND ST. CLAIR AVENUE, CLEVELAND, OHIO.

November 18, 1998 and November 25, 1998

FRIDAY, DECEMBER 11, 1998

Four (4) Crew-Cab/Chassis with Dump Body/Back-of Cab Compartment, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 1113-97 and 1074-98, passed by the Council of the City of Cleveland, July 16, 1997 and June 15, 1998, respectively.

One (1) Utility Tractor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

November 18, 1998 and November 25, 1998

WEDNESDAY, DECEMBER 16, 1998

Labor and Materials to Repair Water Mains and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 546-98, passed by the Council of the City of Cleveland, May 18, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 10:00 A.M. IN THE CLEVELAND PUBLIC POWER CONFERENCE ROOM B, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

North Royalton Discharge Water Supply Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 964-93, passed by the Council of the City of Cleveland, June 14, 1993.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, NOVEMBER 30, 1998, 9:30 A.M. IN THE RADIO ROOM ON THE 2ND FLOOR IN THE ADMINISTRATION BUILDING AT THE HARVARD YARDS, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109. ATTENDANCE AT THIS MEETING IS NOT MANDATORY.

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

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, DECEMBER 3, 1998, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO.

November 18, 1998 and November 25, 1998

THURSDAY, DECEMBER 10, 1998

Disposal of Catch Basin Debris, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1111-98, passed by the Council of the City of Cleveland, July 29, 1998.

November 25, 1998 and December 2, 1998

WEDNESDAY, DECEMBER 16, 1998

Landscape Maintenance at Various Water Works Facilities, for the Department of Public Utilities, as authorized by Ordinance No. 547-98, passed by the Council of the City of Cleveland, May 18, 1998.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

November 25, 1998, December 2, 1998 and December 9, 1998

WEDNESDAY, DECEMBER 16, 1998

Cleaning and Cement Mortar Lining of Trunk Water Mains, Area 98-T2, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1880-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 8, 1998, 10:00 A.M. AT HARVARD YARDS (TRAINING ROOM), 4600 HARVARD AVENUE, CLEVELAND, OHIO 44109.

Lease of a High-Capacity, Medium-Sized Digital Copier, for the Department of Personnel and Human Resources, as authorized by Ordinance No. 1984-96, passed by the Council of the City of Cleveland, November 26, 1996.

November 25, 1998 and December 2, 1998

FRIDAY, DECEMBER 18, 1998

Installing Sewer Lift Stations, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1019-97, passed by the Council of the City of Cleveland, June 16, 1997.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, DECEMBER 2, 1998, 1:30 P.M. IN THE

DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

Two (2) Crew Cab/Chassis with Utility Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

November 25, 1998 and December 2, 1998

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1613-98.
By Councilman Westbrook (by request).

An emergency resolution declaring the intention to vacate all that portion of Sommer Court, N.W.

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Sommer Court N.W., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion SOMMER COURT N.W., (12.00 feet wide), extending Westerly from the Westerly line of West 95th Street (50.00 feet wide) to the Easterly line of West 96th Street (30.00 feet wide).

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

Adopted November 16, 1998.
Effective November 25, 1998.

Res. No. 1614-98.
By Councilman Rybka (by request).
An emergency resolution declaring the intention to vacate portions of Harvard Pl. S.E. and an Unnamed Alley West of Harvard Pl. S.E. and Northerly of Harvard Ave.

Whereas, this Council; is satisfied that there is good cause to vacate portions of Harvard Place S.E. and an Unnamed Alley West of Harvard Place S.E. and Northerly of Harvard Avenue, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate a portion of the following described real property:

HARVARD PLACE S.E. Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all that portion of Harvard Place S.E. (width varies) extending Northwesterly from the Northerly line of Harvard Avenue S.E. (60.00 feet wide) to its Northwesterly terminus.

AND

AN UNNAMED ALLEY NORTH OF HARVARD AVENUE AND WEST OF HARVARD PLACE S.E. Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of that portion of the Unnamed Alley West of Harvard Place S.E. extending Westerly from the Southwesterly line of Harvard Place S.E. to its Westerly terminus.

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

Adopted November 16, 1998.
Effective November 25, 1998.

Res. No. 1615-98.
By Councilman Melena (by request).

An emergency resolution declaring the intention to vacate all that portion of West 62nd Place.

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of West 62nd Place, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of WEST 62ND PLACE, (14.00 feet wide); extending Southerly from the Southerly line of Frontier Avenue S.W. (50.00 feet wide), to that portion of West 62nd Place vacated by the Council of the City of Cleveland by Ordinance Number 2226-92, passed January 25, 1993.

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

Adopted November 16, 1998.
Effective November 25, 1998.

Res. No. 1859-98.

By Councilman Johnson (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

Whereas, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget, for the fiscal year commencing January 1, 1999; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without and what part within the 10-Mill limitation; 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 the amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

Section 2. That there be and is hereby levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mill limitation, as follows:

SCHEDULE A

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY
TAX APPROVED BY BUDGET COMMISSION AND COUNTY
AUDITOR'S ESTIMATED TAX RATES**

	Amount to be Derived From Levies	Amount Approved By Budget Commission Inside 10-Mill Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation	Column II	Inside 10-Mill Limit	Outside 10-Mill Limit
			Column V	Column VI
GENERAL FUND				7.75
BOND RETIREMENT FUND			4.35	
POLICE PENSION FUND				0.30
FIRE PENSION FUND			0.05	0.25
TOTAL			4.40	8.30

Section 3. That the Clerk of Council be and she hereby is directed to certify a copy of this resolution to the County Auditor of said County.

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

Adopted November 16, 1998.

Effective November 25, 1998.

Res. No. 1860-98.

By Councilman Johnson (by departmental request).

An emergency resolution requesting the County Auditor to make tax advances during the year 1999, pursuant to Section 321.34, Ohio Revised Code.

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 the County Auditor be and he hereby is requested to draw, and the County Treasurer to pay on such draft to the Treasury of the City of Cleveland such money as may be in the County Treasury from time to time during the year 1999 to the account of the City of Cleveland and lawfully applicable to the purpose of the

current fiscal year in which such request is made, such payments to be made from time to time as the Director of Finance or the Mayor of the City of Cleveland may request.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Auditor of Cuyahoga County.

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

Adopted November 16, 1998.

Effective November 25, 1998.

Res. No. 2015-98.

By Councilmen Lewis, Jones, Patmon, Melena, Zone, Westbrook, Polensek, Jackson, Johnson and Dolan.

An emergency resolution urging the President of the United States to request an investigation of the Ugandan Tuberculosis Study and other medical research practices where experiments are conducted on patient populations who are diagnosed with a specific health disease to determine the effectiveness of new drugs and medications in treating certain diseased conditions and if such research can be harmful to the health of those participants in such studies.

Whereas, the Monday, November 9, 1998, Cleveland Plain Dealer Newspaper carried the news article entitled "Living Proof, Ugandans in

American-run study expected treatment, but some pills were dummies" that reported a study sponsored by the United States Government conducted by Researchers for Case Western Reserve University and the Center for Disease Control on a population of 2,018 Ugandans with HIV and latent tuberculosis; and

Whereas, this medical research study had randomly assigned this specific population to different groups that consisted of a treated and untreated group; and

Whereas, the untreated control group was not to be given anti-tuberculosis medications until being fully diagnosed with the disease, which constituted withholding a proven drug from a patient population in need of such medication; and

Whereas, the Council of the City of Cleveland is concerned about the research methodology of such medical experiments by medical centers and universities specializing in medical research that are being conducted on certain populations of individuals who have specific diseases in order to determine the effectiveness of new or present drugs in treating certain diseases, while withholding such medications from a control group population who have been diagnosed with a specific health disease; and

Whereas, the untreated control group population in such studies do not receive any kind of medication or therapy to treat their diseased condition, which can exacerbate their medical condition and places them at further risk of deteriorating health; now, therefore.

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

Section 1. That the Council of the City of Cleveland urges the President of the United States, the Ohio House of Representatives and members of Congress to strongly urge the United States Federal Government to conduct a full scale investigation on these controversial medical research practices and to determine if another more appropriate alternative can be identified where the health of those individuals participating in such experiments are not put at risk.

Section 2. That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution to the President of the United States, Donna Shalala, Secretary of Health and Human Services, Ohio Senate, Ohio House of Representatives, Ohio Senators John H. Glenn and Michael DeWine, and United States Congressmen Louis Stokes and Dennis Kucinich.

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

Adopted November 16, 1998.
Effective November 25, 1998.

Res. No. 2016-98.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of location of a D5 and D6 Liquor Permit to 3061 Payne Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D5 and D6 Liquor Permit from Permit No. 5237927, Little Kings Lounge Inc., 3009 Payne Ave., 1st Fl. & Patio, Cleveland, Ohio 44114, to Permit No. 52379270001, Little Kings Lounge Inc., DBA Little Kings Lounge, 3061 Payne Ave., Cleveland, Ohio 44114; 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 location of a D5 and D6 Liquor Permit from Permit No. 5237927, Little Kings Lounge Inc., 3009 Payne Ave., 1st Fl. & Patio, Cleveland, Ohio 44114, to Permit No. 52379270001, Little Kings Lounge Inc., DBA Little Kings Lounge, 3061 Payne Ave., Cleveland, Ohio 44114 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted November 16, 1998.

Effective November 25, 1998.

Res. No. 2017-98.

By Councilman Jackson.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 6017 Quincy Ave., and repealing Res. No. 1056-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 6017 Quincy Ave., by Res. No. 1056-98, adopted June 8, 1998; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 6017 Quincy Ave., be and the same is hereby withdrawn and Res. No. 1056-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted November 16, 1998.

Effective November 25, 1998.

Res. No. 2019-98.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16826 Lake Shore Blvd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 5827053, Melo Tavern Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 16826 Lake Shore Blvd. Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 5827053, Melo Tavern Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110, to Permit No. 16826 Lake Shore Blvd. Inc., 16826 Lake Shore Blvd., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 16, 1998.

Effective November 25, 1998.

Ord. No. 1644-97.
By Councilman Jackson (by request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to Ameritech to encroach into the public right-of-way of East 40th Street at Carnegie Avenue with an above-ground telephone equipment cabinet to provide services in this area.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That 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 Ameritech 13630 Lorain Avenue, 4th Floor, Cleveland, Ohio 44111, regarding Ameritech Job Number 0112151; its successors and assigns, for the construction, use and maintenance of an above-ground telephone equipment cabinet to furnish additional and maintain existing telephone service, and which telephone cabinet will encroach into the public right-of-East 40th Street at the side of 3915 Carnegie Avenue and is more fully described as follows:

**AMERITECH TELEPHONE
 CABINET ENCROACHMENT AT
 E. 40 ST. & CARNEGIE**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Ten Acre Lot No. 69, bounded and described as follows:

Beginning at the intersection of the centerlines of East 40th Street, 99.00 feet wide, and Carnegie Avenue, 86.00 feet wide; thence Due North along the said centerline of East 40th Street, 109.43 feet; thence Due West and perpendicular to said centerline of East 40th Street, 22.19 feet to the Principal Place of Beginning; thence continuing Due West and perpendicular to said centerline of East 40th Street, 20.00 feet; thence Due North and parallel with the said centerline of East 40th Street, 10.00 feet; thence Due East and perpendicular to said centerline of East 40th Street, 20.00 feet; thence Due South and parallel with the said centerline of East 40th Street, 10.00 feet to the Principal Place of Beginning and containing 0.0046 acres of land as described on April 29, 1997 by R. M. Kole & Assoc. Inc., Professional Land Surveyors.

Section 2. That said above-ground telephone cabinet will be located within the public right of way of East 40th Street at Carnegie Avenue and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1651-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A of the Cleveland Industrial Park to West 25th Street Partners.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located in the Cleveland Industrial Park, identified as Permanent Parcel No. 142-22-020 to West 25th Street Partners, and

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

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

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

Lee-Seville/Cleveland
 Outerbelt Industrial Park
 Block "A-2"

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Warrensville Township Lot No. 81, and being part of Block 'A' in the Lee-Seville/Cleveland Outerbelt Industrial Park as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, and further bounded and described as follows:

Beginning in the centerline of Velma Avenue, S.E. (50 feet wide) at its intersection with the centerline of Johnston Parkway, S.E. (60 feet wide);

Thence South 00° 27' 00" East along said centerline of Johnston Parkway, S.E., 399.35 feet to a point therein;

Thence Easterly, across Johnston Parkway, S.E., in a direct line to the South West corner of the land conveyed to Erieview Metal Treating Company and known as Sublot 1 in Lee-Seville/Cleveland Outerbelt Industrial Park Subdivision, which constitutes the principal place of beginning for the following described parcel:

Thence North 89° 34' 05" East along the Southerly line of the parcel so conveyed to Erieview Metal Treating Co., a distance of 650.00 feet to the Southeasterly corner thereof;

Thence South 00° 27' 00" East along the Southerly prolongation of the Easterly line of the parcel so conveyed to Erieview Metal Treating Co., a distance of 435.96 feet to its intersection with the Northerly line of Johnston Parkway, S.E.;

Thence North 89° 58' 10" West along the Northerly line of Johnston Parkway, S.E., a distance of 218.66 feet to a point of curvature therein;

Thence Northwesterly along the

arc of a curve deflecting to the right, an arc distance of 678.99 feet, said curve having a radius of 435.00 feet and a chord bearing North 45° 15' 10" West, 612.13 feet to the place of beginning.

Containing within said bounds, an area of 5,5800 acres of land, be the same more or less, but subject to all legal highways, easements and restrictions of record.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to West 25th Street Partners, at a price not less than fair market value as determined by the Board of Control.

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

Section 4. That the Director of Parks, Recreation and Properties and other appropriate City officials are authorized to prepare and execute such other documents and certificates and take such other action as may be necessary or appropriate to effectuate the sale authorized by this ordinance.

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

Passed November 16, 1998.
Effective November 25, 1998.

Ord. No. 1264-98.
By Councilmen Sweeney, Jackson, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to transfer property described as property located on Marshall Avenue, to the control, possession and use of the Department of Parks, Recreation and Properties.

Whereas, the Department of Community Development desires to transfer certain property under its control to the Department of Parks, Recreation and Properties; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred is a component of the City of Cleveland's land reutilization pro-

gram and, as such, can be transferred pursuant to Section 5722.07 of the Ohio Revised Code without the consent of other legislative authorities only if: (a) the property is sold at not less than fair market value; and (b) the property is subject to such restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization; 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 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described property to the control, possession and use of the Department of Parks, Recreation and Properties:

Marshall Avenue
PPN: 127-11-084

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 25 in Harris and Marshall's Allotment of part of Original One Hundred Acre Lot No. 440 as shown by the recorded plat in Volume 9 of Maps, Page 13 of Cuyahoga County Records. Said Sublot No. 25 has a frontage of 40 feet on the Southerly side of Marshall Avenue, S.W., and extends back about 118 feet 9-1/2 inches on the Easterly line, about 118 feet 9-1/2 inches on the Westerly line and has a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 2. That upon consummation of the transfer referenced in Section 1, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver said copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

Section 3. That, as a condition of said transfer, the Department of Parks, Recreation and Properties shall pay the Department of Community Development a price not less than fair market value as determined by the Board of Control, considering the restrictions and covenants deemed necessary by the Director of Community Development to assure the property's effective reutilization.

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

Passed November 16, 1998.
Effective November 25, 1998.

Ord. No. 1265-98.

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

An emergency ordinance authorizing the Director of Community Development to transfer property described as Permanent Parcel Nos. 004-02-036 and 004-02-037, to the control, possession and use of the Department of Parks, Recreation and Properties.

Whereas, the Department of Community Development desires to transfer certain property under its control to the Department of Parks, Recreation and Properties; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the property to be transferred is a component of the City of Cleveland's land reutilization program and, as such, can be transferred pursuant to Section 5722.07 of the Ohio Revised Code without the consent of other legislative authorities only if: (a) the property is sold at not less than fair market value; and (b) the property is subject to such restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization; 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 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to transfer the following described property to the control, possession and use of the Department of Parks, Recreation and Properties:

Permanent Parcel No. 004-02-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 116 in the Bradford Carter's Subdivision of part of Original Brooklyn Township Lots Nos. 70 and 87, as shown by the recorded plat in Volume 29 of Maps, Page 13 of Cuyahoga County Records, and being 30 feet front on the Easterly line of West 19th Street (formerly Smith Avenue) and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Permanent Parcel No. 004-02-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 in the Bradford and Carter's Subdivision of part of Original Brooklyn Township Lots Nos. 70 and 87, as shown by the recorded plat in Volume 29 of Maps, Page 13 of Cuyahoga County Records, and being 30

feet front on the Easterly line of West 19th Street (formerly Smith Avenue) and extending back between parallel lines 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 2. That upon consummation of the transfer referenced in Section 1, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver said copy to the custody of the Division of Property Management of the Department of Parks, Recreation and Properties.

Section 3. That, as a condition of said transfer, the Department of Parks, Recreation and Properties shall pay the Department of Community Development a price not less than fair market value as determined by the Board of Control, considering the restrictions and covenants deemed necessary by the Director of Community Development to assure the property's effective reutilization.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1600-98.

By Councilman Cintron (by departmental request).

An emergency ordinance to vacate a portion of Stone Court N.W. hereinafter described.

Whereas, on the 15th day of June, 1998 the Council of the City of Cleveland adopted Resolution No. 564-98 declaring its intention to vacate a portion of Stone Court N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 564-98 has been served upon the owners of all the property abutting Stone Court N.W., 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 3rd day of September, 1998, the Board of Revision of Assessments approved the vacation of Stone Court N.W., 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 Stone Court N.W., 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 Stone Court N.W. (12.00 feet wide) extending Westerly from the Westerly line of West 25th Street (82.50 feet wide), 193.00 feet, 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 Stone Court N.W. (12.00 feet wide) extending Westerly from the Westerly line of West 25th Street (82.50 feet wide), 193.00 feet, 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.

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1610-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Boise Cascade Office Products to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and expand its facilities to 17909 Cleveland Parkway in the Cleveland Area Enterprise Zone.

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

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

Whereas, Boise Cascade Office Products (the "Enterprise") has proposed to relocate and expand its facilities to 17909 Cleveland Parkway, at its operation in the City of Cleveland; and

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

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

or such jobs will be lost; now, therefore,

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Boise Cascade Office Products to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and expand its facilities to 17909 Cleveland Parkway in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1610-98-A, and further, that the terms shall not be amended nor shall said abatement be transferred without the approval of City Council's Community Development and Economic Development Committee.

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

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

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1724-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of equipment and supplies necessary to implement the program.

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

a municipal department; now, therefore,

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants in the approximate amount of \$366,269 from the U.S. Environmental Protection Agency and \$917,452 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective applications; that the Director of Public Health is hereby authorized and directed to file all papers and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the application for said grants.

Section 2. That the applications for said grant, File No. 1724-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$294,747, from Fund No. 01-50-06-0901 in order to receive the grant from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment and supplies necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1726-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Justice - Office for State & Local Domestic Preparedness for the State & Local Domestic Preparedness Equipment Support Program, and to enter into contract for the purchase of equipment necessary to implement the Program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$149,895.00, from the Department of Justice - Office for State & Local Domestic Preparedness, to conduct the State & Local Domestic Preparedness Equipment Support Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety 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. 1726-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for such materials and equipment necessary to implement the Program as the program is described in the application contained in the File, to be purchased by the Commissioner of Purchases and Supplies for a unit price, payable from the funds or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 1729-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Miles Avenue to Rite Aid of Ohio, Inc.; and reserving certain easement rights for the public purpose of ingress, egress and street widening.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located on Miles Avenue to Rite Aid of Ohio, Inc.; and

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

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

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

City of Cleveland to Rite Aid
Cleveland, Ohio

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 11, 12, 13, 14, 15, 16, 17, 19 and 20 in the Corlett Homestead Allotment of part of Original 100 Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 22 of Cuyahoga County Records and being more fully bounded and described as follows:

Beginning at the intersection of the Northerly line of Miles Avenue, 70 feet wide, and the Easterly line of East 131st Street, 60 feet wide;

Thence North 4° 59' 34" East along the said Easterly line of East

131st Street, a distance of 144.03 feet to the Principal Place of Beginning of the easement herein described;

Course No. 1: Thence North 4° 59' 34" East continuing along the Easterly line of said East 131st Street, a distance of 20.00 feet to the Northwesterly corner of said Sublot No. 12;

Course No. 2: Thence South 85° 32' 35" East along the Northerly line of said Sublots Nos. 12, 13 and 14, a distance of 114.21 feet to the Northwesterly corner of said Sublot No. 15;

Course No. 3: Thence North 68° 01' 25" East, a distance of 33.69 feet to a point in the Westerly line of Sublot No. 19, said point being 15.00 feet Northerly from the Southwesterly corner of said Sublot No. 19;

Course No. 4: Thence North 5° 05' 17" East along the Westerly line of said Sublots Nos. 19 and 20, a distance of 48.00 feet to a point;

Course No. 5: Thence South 85° 32' 35" East parallel to the Southerly line of said Sublot No. 20, a distance of 8.00 feet to a point;

Course No. 6: Thence South 5° 05' 17" West parallel to the Westerly line of said Sublot No. 20, a distance of 18.00 feet to a point;

Course No. 7: Thence South 85° 32' 35" East parallel to the Southerly line of said Sublot No. 20, a distance of 40.00 feet to a point;

Course No. 8: Thence South 5° 05' 17" West parallel to the Westerly line of said Sublot No. 19 and 20, a distance of 45.00 feet to a point in the Northerly line of said Sublot No. 16;

Course No. 9: Thence South 85° 32' 35" East along the Northerly line of said Sublots Nos. 16 and 17, a distance of 42.00 feet to the Northeast corner of said Sublot No. 17;

Course No. 10: Thence South 5° 05' 17" West along the Easterly line of said Sublot No. 17, a distance of 20.00 feet to a point;

Course No. 11: Thence North 85° 32' 35" West, a distance of 234.18 feet to the place of beginning and containing 0.1656 acres (7,212 square feet) of land be the same more or less but subject to all legal highways and easements.

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

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions reserving to the City the following described easement rights and any other provisions protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs:

Miles Avenue Easement

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 16 and 17 in the Corlett Homestead Allotment of part of Original 100 Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 22 of Cuyahoga County Records and being more fully bounded and described as follows:

Beginning at the intersection of the Northerly line of Miles Avenue, 70 feet wide, and the Easterly line of East 131st Street, 60 feet wide;

Thence South 85° 41' 13" East along the said Northerly line of Miles Avenue, a distance of 186.00 feet to the Principal Place of beginning of the easement herein described;

Course No. 1: Thence North 5° 05' 17" East, a distance of 20.00 feet to a point;

Course No. 2: Thence North 16° 31' 36" East, a distance of 30.00 feet to a point;

Course No. 3: Thence North 5° 05' 17" East, a distance of 114.23 feet to a point;

Course No. 4: Thence South 85° 32' 35" East, a distance of 30.00 feet to a point;

Course No. 5: Thence South 5° 05' 17" West, a distance of 128.00 feet to a point;

Course No. 6: Thence South 32° 20' 16" West, a distance of 13.00 feet to a point;

Course No. 7: Thence South 5° 05' 17" West, a distance of 24.00 feet to a point in the Northerly line of said Miles Avenue;

Course No. 8: Thence North 85° 41' 13" West along the Northerly line of said Miles Avenue, a distance of 30.00 feet to the place of beginning and containing 4,935 square feet of land be the same more or less but subject to all legal highways and easements.

East 131st Street Easement

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 9 and 10 in the Corlett Homestead Allotment of part of Original 100 Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 22 of Cuyahoga County Records and being more fully bounded and described as follows:

Beginning at the intersection of the Northerly line of Miles Avenue, 70 feet wide, and the Easterly line of East 131st Street, 60 feet wide;

Thence North 4° 59' 34" East along the said Easterly line of East 131st Street, a distance of 227.03 feet to the Principal Place of beginning of the easement herein described;

Course No. 1: Thence South 85° 32' 35" East, a distance of 144.32 feet to a point on the Easterly line of said Sublot No. 10;

Course No. 2: Thence North 5° 05' 17" East along the Easterly line of said Sublots Nos. 10 and 9, a distance of 30.00 feet to a point;

Course No. 3: Thence North 85° 32' 35" West, a distance of 144.37 feet to a point in the Easterly line of said East 131st Street;

Course No. 4: Thence South 4° 59' 34" West along the Easterly line of East 131st Street, a distance of 30.00 feet to the place of beginning and containing 4,330 square feet of land be the same more or less but subject to all legal highways and easements.

Miles Avenue Widening

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 12, 13, 14, 15, 16 and 17 in the Corlett Homestead Allotment of part of Original 100 Acre Lot No. 470, as shown by the recorded plat in Volume 43 of Maps, Page 22 of Cuyahoga County Records and being more fully bounded and

described as follows:

Beginning at the intersection of the Northerly line of Miles Avenue, 70 feet wide, and the Easterly line of East 131st Street, 60 feet wide, and the Principal Place of Beginning of the parcel of land herein described;

Course No. 1: Thence South 85° 41' 13" East along the said Northerly line of Miles Avenue, a distance of 233.95 feet to the Southeast corner of said Sublot No. 17;

Course No. 2: Thence North 5° 05' 17" East along the Easterly line of said Sublot No. 17, a distance of 4.00 feet to a point being 4.00 feet Northerly by rectangular measurement from the Northerly line of said Miles Avenue;

Course No. 3: Thence North 85° 41' 13" West parallel to the Northerly line of said Miles Avenue, a distance of 233.96 feet to a point in the Easterly line of East 131st Street;

Course No. 4: Thence South 4° 59' 34" West along the Easterly line of East 131st Street, a distance of 4.00 feet to the place of beginning and containing 936 square feet of land be the same more or less but subject to all legal highways and easements.

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

Passed November 16, 1998.
Effective November 25, 1998.

Ord. No. 1766-98.

By Councilmen Cintron, Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Infant Mortality Reduction (Initiative) Grant; and to enter into contract with Lutheran Metropolitan Ministry to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$90,000, and any other funds as they become available during the grant period, from the Ohio Department of Health, to conduct the Infant Mortality Reduction (Initiative) Grant, 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. 1766-98-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide in cash matching funds the sum of \$18,000, payable from Fund No. 01-50-01-0901, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized

to enter into contract with Lutheran Metropolitan Ministry for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 4. That the Director of Public Health shall appear before the Committee on Public Health in March, 1999, to discuss the Infant Mortality Reduction (Initiative) Program's progress.

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

Passed November 16, 1998.
Effective November 25, 1998.

Ord. No. 1812-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of paper stock and envelopes, for the various divisions of City government.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of paper stock and envelopes 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 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 23357)

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 November 16, 1998.
Effective November 25, 1998.

**Ord. No. 1813-98,
By Councilman Johnson (by
departmental request).**

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of messenger services in the estimated sum of \$50,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two 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 22997)

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 November 16, 1998.
Effective November 25, 1998.

**Ord. No. 1814-98,
By Councilman Dolan (by request).**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairview Health System to encroach into the aerial rights-of-way of Old Lorain Road with a new hospital building, pedestrian bridge and support columns.

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 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 Fairview Health System, 18101 Lorain Avenue, Cleveland, Ohio 44111, its successors and assigns, for the construction, use and maintenance

of a 144-patient care facility building, a pedestrian bridge, and support columns; and which building, bridge and supports columns will encroach into the aerial rights-of-way of old Lorain Road at the locations more fully described herein.

**LEGAL DESCRIPTION/0.0299
ACRE PARCEL IN R/W OLD
LORAIN ROAD**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Rockport Township Section No. 13 and more fully described as follows:

Beginning at a point in the Northerly line of Old Lorain Road (60 feet wide) at its intersection with Westerly end of Course No. 2 in the deed from Reginald H. Singleton to the Board of Park Commissioners of Cleveland Metropolitan Park District recorded in Volume 3564, Page 93 of Cuyahoga County Deed Records; thence North 80°-11'-38" East along the Northerly line of Old Lorain Road, as aforesaid, 36.54 feet to an angle point; thence North 85°-56'-10" East along the Northerly line of Old Lorain Road, as aforesaid, 19.92 feet to a point; thence Due South 18.59 feet to a point; thence by the arc of a curve bearing to the right: Radius = 186.44 feet, Delta = 2°-55'-06", Arc = 9.50 feet, Chord = 9.50 feet and Chord Bearing South 79°-23'-04" West to a point; thence South 9°-09'-23" East 0.42 feet to a point; thence by the arc of a curve bearing to the right: Radius = 186.85 feet, Delta = 18°-18'-46", Arc = 59.72 feet, Chord = 59.47 feet and Chord Bearing Due West to a point; thence North 9°-09'-23", East 0.42 feet to a point; thence by the arc of a curve bearing to the right: Radius = 186.44 feet, Delta = 2°-55'-06", Arc = 9.50 feet, Chord = 9.50 feet and Chord bearing South 79°23'-04" West to a point; thence Due North 7.13 feet to a point on the Northerly line of Old Lorain Road, as aforesaid; thence North 80°-11'-38" East along the Northerly line of Old Lorain Road, as aforesaid, 22.45 feet to a point and the place of beginning and containing 0.0299 acres of land, be the same more or less.

**LEGAL DESCRIPTION/0.0286
ACRE PARCEL IN R/W OLD
LORAIN ROAD**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 13 and more fully described as follows:

Beginning at a point on the Northerly line of Old Lorain Road (60 feet wide) at its intersection with Westerly end of Course No. 2 in the deed from Reginald H. Singleton to the Board of Park Commissioners of the Cleveland Metropolitan Park District recorded in Volume 3564, Page 93 of Cuyahoga County Deed Records; thence North 80°-11'-38" East along the Northerly line of Old Lorain Road, as aforesaid, 36.54 feet to an angle point; thence North 85°-56'-10" East along the Northerly line of Old Lorain Road, as aforesaid, 94.53 feet to a point and the principal place of beginning; thence continuing North 85°-56'-10" East along the Northerly line of Old Lorain Road, as aforesaid 20.74 feet to a point; thence Due South 61.08 feet to a point on the Southerly line of Old Lorain Road, as aforesaid; thence North 71°-56'-24", West along the Southerly line of Old Lorain Road, as aforesaid,

2.47 feet to an angle point; thence South 85°-56'-10" West along the Southerly line of Old Lorain Road, as aforesaid, 15.97 feet to a point; thence Due West 2.40 feet to a point; thence Due North 59.98 feet to a point on the Northerly line of Old Lorain Road, as aforesaid, and the principal place of beginning and containing 0.0286 acres of land, be the same more or less.

Section 2. That said hospital building, pedestrian bridge and support columns are to be placed in the public right-of-way at the locations as aforesaid in Section 1., and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. 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 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 16, 1998.
Effective November 25, 1998.

**Ord. No. 1895-98,
By Councilman Dolan.
An emergency ordinance to repeal Ordinance No. 1737-98, passed September 28, 1998 concerning the change of a street name.**

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. 1737-98, passed September 28, 1998 concerning the change of name of a portion of West 159th Street to Alyssa Drive is hereby repealed.

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

Passed November 16, 1998.
Effective November 25, 1998.

**Ord. No. 2010-98,
By Councilman Cimperman (by
departmental request).**

An emergency ordinance to amend the title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, relating to a Tax Increment Financing Agreement with Colonial Market Place, LLC to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Colonial and Euclid Arcades and to provide for payments to the Cleveland City School 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 title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into Tax Increment Financing Agreements with Colonial Market Place, LLC and Market Place Retail Limited Partnership to provide for service payments for the purpose of repayment of the revenue bonds to be issued for the purpose of assisting with the financing of the rehabilitation and redevelopment of the Colonial and Euclid Arcades and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

Section 1. That the improvements to be constructed in the Area by Colonial Market Place, LLC and Market Place Retail Limited Partnership (together, "Redeveloper"), as more fully described in the plans contained in File No. 1010-98-A ("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 6. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Arcades Urban Redevelopment Tax Increment Equivalent Fund created by Section 4 hereof to pay the principal (whether at maturity or by prior redemption) of, interest on, and certain expenses related to administration of, revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the Improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees.

Section 2. That the existing title and Sections 1 and 6 of Ordinance No. 1010-98, passed August 19, 1998, are hereby repealed.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2011-98.

By Councilman Jones (by department request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, relating to the title acquisition to certain property constituting the Lee Harvard Shopping Center.

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. 1267-98, passed

August 19, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire title to certain property constituting the Lee Harvard Shopping Center and to reconvey title to such property to LH Development LLC; and authorizing the execution of various agreements, certifications, and other documents related thereto.

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, as amended, the commissioner of Purchases and Supplies is hereby authorized to acquire the title to all property comprising the Lee Harvard Shopping Center, as more fully described in the Council File No. 1267-98-B, and to subsequently reconvey title to such property to LH Development LLC, consistent with the requirements of Section 5709.41(B)(1) of the Ohio Revised Code, provided that the consideration for such conveyances shall be nominal consideration as determined by the Board of Control. The Mayor and commissioner of Purchases and Supplies are hereby authorized to execute any and all documents necessary or appropriate to effectuate the transactions authorized herein.

Section 2. That the existing title and Section 1 of Ordinance No. 1267-98, passed August 19, 1998, are hereby repealed.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2012-98.

By Councilman Jones (by department request).

An emergency ordinance to amend Section 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, relating to authorizing the Director of Economic Development to enter into various agreements to provide economic development financial assistance for the redevelopment of the Lee Harvard Shopping Center; and to repeal the first whereas clause thereof.

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 2 and 4 of Ordinance No. 1276-98, passed July 29, 1998, are hereby amended to read, respectively, as follows:

Section 2. That the Director of Economic Development ("Director") is hereby authorized to enter into a contract with LH Development LLC ("Redeveloper") to provide economic development assistance for the redevelopment of the Lee Harvard Shopping Center, located at the southeast corner of Lee and Harvard Roads in Cleveland, Ohio and as further described in File No. 1276-98-A ("Project site"). The costs of said contract shall not exceed Two Million dollars (\$2,000,000) and shall be paid from Fund No. 10 SF 501, request No. 24291.

Section 4. That the terms of the contracts described and authorized herein shall be in accordance with the executive summary contained in

File No. 1276-98-B, and shall be in accordance with applicable federal, state, and local laws and regulations, together with such other terms as the director shall deem necessary and appropriate to effectuate the intent of the Project.

Section 2. That existing Sections 2 and 4 and the first whereas clause of Ordinance No. 1276-98, passed July 29, 1998, are hereby repealed.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2013-98.

By Councilman Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights across E. 161st and Waterloo, 16006 Waterloo, 15812 Waterloo, 15800 Waterloo, 15712 Waterloo, 15704 Waterloo, E. 157th and Waterloo, 15610 Waterloo, 15602 Waterloo, 15504 Waterloo, 15430 Waterloo, 15414 Waterloo, 15322 Waterloo, 15300 Waterloo, 15311 Waterloo, Slov. Home Parking, 15425 Waterloo, 15509 Waterloo, 15515 Waterloo, 382 E. 156th St., 376 E. 156th St., 362 E. 156th St., 15613 Waterloo, 15718 Waterloo, 15813 Waterloo, 16005 Waterloo and 16021 Waterloo, for the period from November 16, 1998 to January 8, 1999, inclusive, publicizing the Holiday Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Northeast Shores Development Corporation to install, maintain and remove banners/holiday lights across E. 161st and Waterloo (pole nos. A4075 & 18060), 16006 Waterloo, 15812 Waterloo, 15800 Waterloo (pole no. A2784), 15712 Waterloo (pole no. A2783), 15704 Waterloo (pole no. A2782), E. 157th and Waterloo, 15610 Waterloo, 15602 Waterloo, 15504 Waterloo (pole no. A2778), 15430 Waterloo, 15414 Waterloo (pole no. A2775), 15322 Waterloo, 15300 Waterloo, 15311 Waterloo, Slov. Home Parking (pole no. 723804), 15425 Waterloo (pole no. 723082), 15509 Waterloo (pole no. 518480), 15515 Waterloo (pole no. A2720), 382 E. 156th St., 376 E. 156th St., 362 E. 156th St. (pole no. A2672), 15613 Waterloo, 15718 Waterloo, 15813 Waterloo, 16005 Waterloo and 16021 Waterloo (pole no. 523906), for the period from November 16, 1998 to January 8, 1999, inclusive. Said banners/holiday lights shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements

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

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2014-98.

By Councilman Polensek.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Northeast Shores Development Corporation to stretch banners/holiday lights across East 185th Street at 18482 Lakeshore Blvd., 542 East 185th Street, 632 East 185th Street, 694 East 185th Street, 726 East 185th Street, 782 East 185th Street, 832 East 185th Street, 910 East 185th Street and 1010 East 185th Street, for the period from November 30, 1998 to January 5, 1999, inclusive, publicizing the Holiday Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Northeast Shores Development Corporation to install, maintain and remove banners/holiday lights across East 185th Street at 18482 Lakeshore Blvd., 542 East 185th Street, 632 East 185th Street, 694 East 185th Street, 726 East 185th Street, 782 East 185th Street, 832 East 185th Street, 910 East 185th Street and 1010 East 185th Street, for the period from November 20, 1998 to January 5, 1999, inclusive. Said banners/holiday lights shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banners/holiday lights will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners/holiday lights and said banners/holiday lights shall be removed promptly upon the expiration of said permit.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2018-98.

By Councilmen Melena and Cintron.

An emergency ordinance consenting to and approving the issuance of a permit for the Kilometers for Kids on May 2, 1999, sponsored by West Side Ecumenical Ministries.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Kilometers for Kids, sponsored by the West Side Ecumenical Ministries, on May 2, 1999, beginning at the West Side Market lot, west on Lorain across West 25th, north on West 25th to West 28th, north on West 28th to Bridge, west on Bridge to West 38th, north on West 38th to Franklin, west on Franklin to West 65th, north on West 65th to West Clinton, east on West Clinton to West 58th, north on West 58th to Detroit, east on Detroit to 5209 Detroit, WSEM's Administrative Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed November 16, 1998.

Effective November 25, 1998.

Ord. No. 2020-98.

By Councilman Cimperman.

An emergency ordinance consenting to and approving the issuance of a permit for the Turkey Trot Race on November 26, 1998, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Turkey Trot Race, sponsored by Hermes Race Systems, on November 26, 1998, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding west-

bound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp of 90 where they go down the exit ramp (curb lane-coned off) and wrap around the Amtrack Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed November 16, 1998.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, November 16, 1998

Public Parks, Property and Recreation Committee: 9:45 A.M. — Present: Willis, Chairman; Dolan, Vice Chairman; Lewis, Polensek, Sweeney, White. Excused: Britt.

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

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

Wednesday, November 18, 1998

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

City Planning Committee: (Zoning): 1:00 P.M. — Present: Rybka, Chairman; Robinson, Vice Chairman, Cimperman, Jackson, Willis, Zone. Excused: White.

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

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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