

# The City Record

Official Publication of the City of Cleveland

October the Twenty-First, Nineteen Hundred and Ninety-Eight

<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Jay Westbrook	
<b>Clerk of Council</b>	
Artha Woods	
<b>Ward</b>	<b>Name</b>
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	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.		
<b>MAYOR-Michael R. White</b>			
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			
<b>DEPT. OF LAW -Cornell P. Carter, Director, Lessie M. Milton,</b> 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			
<b>DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean</b> Alford, Manager, Internal Audit			
<b>DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19</b> 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.			
<b>DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside</b> Avenue			
<b>DIVISIONS - 1201 Lakeside Avenue</b>			
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.			
<b>DEPT. OF PORT CONTROL - Solomon F. Balraj, Director,</b> Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner			
Burke Lakefront Airport - Michael C. Barth, Commissioner			
<b>DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113</b>			
<b>DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting</b> 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			
<b>DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building</b> 1925 St. Clair Avenue.			
<b>DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building,</b> 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			
<b>DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.</b>			
<b>DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300</b> Ontario Street			
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive			
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES - Nicholas P. Jackson,</b> Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
<b>DIVISIONS - Convention Center &amp; Stadium - James Glending,</b> 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																												
<b>DEPT. OF COMMUNITY DEVELOPMENT -Terri Hamilton, Director,</b> 3rd Floor, City Hall.																												
<b>DIVISIONS - Administrative Services - Terrence Ross, Commissioner.</b> Neighborhood Services - Louise V. Jackson, Commissioner.																												
Neighborhood Development - Donald T. Moss, Commissioner. Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.																												
<b>DEPT. OF PERSONNEL AND HUMAN RESOURCES - Joseph Nolan,</b> Director, Room 121																												
<b>DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren,</b> Director, Room 210																												
<b>DEPT. OF AGING - Susan E. Axelrod, Director, Room 122</b>																												
<b>COMMUNITY RELATIONS BOARD - Room 11, Dennis D. Dove, Acting</b> 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. McBea, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.																												
<b>CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,</b> President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.																												
<b>SINKING FUND COMMISSION - Michael R. White, President; Betsy</b> Hruby, Asst. Sec'y; _____, Director; President of Council Jay Westbrook.																												
<b>BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman,</b> Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.																												
<b>BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room</b> 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.																												
<b>BOARD OF REVISION OF ASSESSMENTS - Law Director Sylvester</b> Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.																												
<b>BOARD OF SIDEWALK APPEALS - Service Director Henry Guzmán;</b> Law Director Sylvester Summers, Jr.; Councilman Roosevelt Coats.																												
<b>BOARD OF REVIEW - (Municipal Income Tax) - Law Director Sylvester</b> Summers, Jr.; Utilities Director Michael Konicek; Council President Jay Westbrook.																												
<b>CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director;</b> Rev. Albert T. Rowan, Chairman; _____, Vice Chairman, David Bowen, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.																												
<b>CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones,</b> Chairman; Clint Martin, Mark Rivera.																												
<b>MORAL CLAIMS COMMISSION - Law Director Sylvester Summers, Jr.;</b> Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.																												
<b>BOARD OF EXAMINERS OF ELECTRICIANS - Raymond Ossovicki,</b> Chairman; _____, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.																												
<b>BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;</b> Earl S. Bumgarner, _____, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.																												
<b>CLEVELAND LANDMARKS COMMISSION - Room 519 , _____,</b> 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.																												
<b>CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO</b> CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS																												
<table border="0" style="width: 100%;"> <thead> <tr> <th style="text-align: left;">Judge</th> <th style="text-align: left;">Courtroom</th> </tr> </thead> <tbody> <tr><td>Presiding and Administrative Judge Larry A. Jones</td><td>13C</td></tr> <tr><td>Judge Ronald B. Adrine</td><td>15A</td></tr> <tr><td>Judge Colleen C. Cooney</td><td>14A</td></tr> <tr><td>Judge C. Ellen Connally</td><td>15C</td></tr> <tr><td>Judge Mabel M. Jasper</td><td>14D</td></tr> <tr><td>Judge Mary E. Kilbane</td><td>14C</td></tr> <tr><td>Judge Kathleen A. Keough</td><td>12C</td></tr> <tr><td>Judge Ralph J. Perk, Jr.</td><td>14B</td></tr> <tr><td>Judge Raymond L. Pianka (Housing Court Judge)</td><td>13B</td></tr> <tr><td>Judge Angela R. Stokes</td><td>13A</td></tr> <tr><td>Judge Gerald F. Sweeney</td><td>13D</td></tr> <tr><td>Judge Robert J. Triozzi</td><td>12A</td></tr> </tbody> </table>			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
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Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate																												

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, OCTOBER 21, 1998

No. 4428

## CITY COUNCIL

MONDAY, OCTOBER 19, 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 October 19, 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, Moran, Patmon, Polensek, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Jackson, Hamilton, Warren, Morrison, and Acting Directors Terry and Torres.

Absent: Mayor White and Directors Denihan and Nolan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Patricia H.P. Beeman of the Church of the Transfiguration, located at 8614 Euclid Avenue in Ward 6. Pledge of Allegiance.

#### MOTION

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

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1867-98.** Frankie Yankovic.

**Res. No. 1868-98.** Ida Mason.

**Res. No. 1869-98.** Elder Henry Coe.

**Res. No. 1870-98.** Patrick J. McManamon.

**Res. No. 1871-98.** Estal Sparlin.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 1872-98.** Rev. Dr. Emmett D. Foster.

**Res. No. 1873-98.** Terri D. Hamilton.

**Res. No. 1874-98.** Community Guest Day—Seventh Day Adventist Church.

**Res. No. 1875-98.** Tim and Dana Melena.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**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.

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of repairing a low service main located at West Superior Avenue and River Road, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 215, 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 24023.

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

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

**Ord. No. 1847-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by contract of one high voltage surge high potential tester, 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: one (1) high voltage surge high potential tester, 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. 24029.

**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. 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.**

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 automobile and truck oils, lubricants and solvents, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24151)

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

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

**Ord. No. 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.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of Chrysler, Dodge, Plymouth passenger car, van, truck and jeep parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24152)

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

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

**Ord. No. 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.**

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 Meyer snow plow and spreader parts, including installation if necessary, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24149)

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

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

**Ord. No. 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.**

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

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

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

tract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of tires, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24153)

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

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

**Ord. No. 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.**

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 equipment and vehicle batteries 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24149)

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

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

**Ord. No. 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.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and maintain generators in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24150)

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

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

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

**Ord. No. 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.**

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 \$15,852,200.00, from the U.S. Department of Justice — Office of Community Oriented Policing Services (COPS), to conduct the COPS Distressed Neighborhoods Pilot 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. 1854-98-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. 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.**

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. 366-98, passed April 6, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Public Safety to accept a cash gift for completion of the Cleveland Police Patrolmen's Tactical Training Center and to enter into one or more contracts necessary for its completion.

Section 1. That the Director of Public Safety is hereby authorized to accept on behalf of the Division of Police a cash donation in the amount of Twenty-Five Thousand Dollars (\$25,000), from the Office of Betty D. Montgomery, State Attorney General; **that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under this gift; and that said funds are hereby appropriated for the purpose of completing the Cleveland Police Patrolmen's Tactical Training Center.**

**Section 2.** That the existing title and Section 1 or Ordinance No. 366-98, passed April 6, 1998, are hereby repealed.

**Section 3.** That Ordinance No. 366-98, passed April 6, 1998, is hereby supplemented by adding new Section 2 thereof to read as follows:

Section 2. That the Director of Public Safety is hereby authorized to enter into written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the labor and materials necessary for the completion of the Cleveland Police Patrolmen's Tactical Training Center payable from the fund or funds to which are credited the gift accepted pursuant to Section 1 of this ordinance.

**Section 4.** That existing Section 2 of Ordinance No. 366-98, passed April 6, 1998, is hereby renumbered to new "Section 3".

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

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

**Ord. No. 1856-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6062 Hillman Avenue to Ernest D'Agostino and Cynthia D'Agostino.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 125-28-052, as more fully described in Section 2 below, to Ernest D'Agostino and Cynthia D'Agostino.

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

P.P. No. 125-28-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Canfield Ray and Bowen's Allotment of part of Original One Hundred Acre Lot No. 321, as shown by the recorded plat in Volume 8 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Hillman Avenue, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 1857-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4705 Pallister Drive to Nancy Beth McFaye.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 131-29-078, as more fully described in Section 2 below, to Nancy Beth McFaye.

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

P.P. No. 131-29-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly part of Sublot No. 9 in Bisking-Ackerman Subdivision of part of Original One Hundred Acre Lot No. 287, as shown by the recorded plat in Volume 153 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Southwesterly corner of said Sublot No. 9; thence Northerly along the Westerly line of said Sublot No. 9 to its intersection with a line drawn parallel with and distant Southerly measured at right angles, 75 feet from the Northerly line of said Sublot No. 9; thence Easterly along said parallel line to the Easterly line of said Sublot No. 9; thence Southerly along said Easterly line to the Southeasterly corner thereof; thence Westerly along the Southerly line of said Sublot No. 9, 134.15 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to a building line setback according to the plat of said Subdivision recorded in Plat Book 153, Page 6.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

**Ord. No. 1858-98.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with E.G. Enterprises Services, Inc. to provide economic development assistance to partially finance the purchase of equipment for its operation located at 5000 Euclid Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with E.G. Enterprises Services, Inc. to provide economic development assistance to partially finance the purchase of equipment for its operation located at 5000 Euclid Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1858-98-A.

**Section 3.** That the costs of said contract shall not exceed \$318,464 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23758.

**Section 4.** 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 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

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

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

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

**Ord. No. 1861-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance to amend the title and Section 5 of Ordinance No. 816-98, passed June 8, 1998, relating to the issuance of a series of Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of advance refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds, the issuance of a series of Public Power System Revenue Bonds of the City for the purpose of currently refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds and the engagement by the City in an interest rate swap transaction.**

Whereas, the Council of the City of Cleveland, Ohio (the "City" or "the Issuer") has determined that as a result of the change in interest rates since the adoption of Ordinance No. 816-98, the principal amount of the series of Public Power System Revenue Bonds of the City for the purpose of advance refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds should be increased from a principal amount not to exceed \$45,000,000 to a principal amount not to exceed \$60,000,000; 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 title of Ordinance No. 816-98, passed June 8, 1998, is hereby amended to read as follows:

**An emergency ordinance to authorize (i) the issuance of a series of Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of advance refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in an aggregate principal amount not to exceed \$60,000,000; (ii) the issuance of a series of the Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of currently refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in a principal amount not to exceed \$60,000,000; (iii) the engagement by the City in an interest rate swap transaction with a notional amount not to exceed \$60,000,000 and the execution of any interest rate swap agreements and other documents related thereto; and (iv) the execution of supplemental indentures and certain other documents related thereto, as applicable, and the provision for certain other authorizations and matters related to the issuance and sale of the Bonds herein authorized.**

**Section 2.** That Section 5 of Ordinance No. 816-98, passed June 8, 1998, is hereby amended to read as follows:

Section 5. Terms and Provisions Applicable to the Series 1998 Bonds.

(a) Form and Numbering. The Series 1998 Bonds shall be issued only in fully registered form, shall be exchangeable only for other fully registered Bonds in the manner and on the terms provided in the Indenture, and shall be numbered from R-1 upward in order of date of authentication.

(b) Denomination and Dates. The Series 1998 Bonds shall be in the denomination of \$5,000 or any integral multiple thereof permitted by the Indenture (or in any other denomination set forth in the Series 1998 Certificate of Award and permitted in the Indenture); provided, however, that any Series 1998 Bonds issued as Capital Appreciation Bonds (the "Series 1998 Capital Appreciation Bonds") shall be issued in a denomination such that the Appreciated Principal Amount of such Series 1998 Bond at maturity shall be \$5,000 or an integral multiple thereof. The Series 1998 Bonds initially delivered to the Original Purchaser shall be dated as set forth in the Series 1998 Certificate of Award. Any Series 1998 Bonds, other than Series 1998 Capital Appreciation Bonds, authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original Purchaser shall, if authenticated prior to the first Interest Payment Date, be dated as of the same date as the Series 1998 Bonds initially delivered to the Original Purchaser, and shall, if authenticated on or after the first Interest Payment Date, be dated as of the Interest Payment Date next preceding the date of their authentication, except that if authenticated on an Interest payment Date, they shall be dated as of the date of such authentication; provided, however, that if at the time of authentication of any such Series 1998 Bond interest thereon is in default, it shall be dated as of the date to which interest has been paid. Series 1998 Capital Appreciation Bonds authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original Purchaser shall be dated the same date as that of the Series 1998 Capital Appreciation Bonds initially delivered to the Original Purchaser. Each bond issued as part of the Series 1998 Bonds shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 1998 Bonds.

(c) Principal Maturities and Interest. The Series 1998 Bonds shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule, subject to the provisions hereinafter set forth with respect to mandatory and optional redemption of the Series 1998 Bonds. The Series 1998 Bonds, other than the Series 1998 Capital Appreciation Bonds, shall bear interest from their respective dates payable semiannually on the Interest Payment Dates at their respective Specified Interest Rates per annum.

(d) Place of Payment. The principal of and any redemption premi-



um on the Series 1998 Bonds and the Appreciated Principal Amount of Series 1998 Capital Appreciation Bonds shall be payable at the principal corporate trust office of the Trustee or, at the option of the holder, at the principal corporate trust office of any other Paying Agent. Interest on Series 1998 Bonds other than Series 1998 Capital Appreciation Bonds shall be payable by check or draft mailed by the Trustee or by wire transfer, all in accordance with the Indenture.

(e) Redemption (Mandatory and Optional) Terms and Prices.

The Series 1998 Bonds are non-callable for redemption prior to the Optional Earliest Redemption Date except as hereinafter provided with respect to mandatory redemption of Term Bonds.

Any Series 1998 Bonds which are Term Bonds shall be subject to mandatory redemption, through the application of Mandatory Sinking Fund Installments, on each Mandatory Redemption Date at one hundred percent (100%) of the principal amount thereof plus accrued interest to such date, in the years and in the principal amounts set forth in the Principal Retirement Schedule. For the purpose of effecting the mandatory redemption of the Series 1998 Bonds which are Term Bonds, the Trustee shall cause to be redeemed on each Mandatory Redemption Date an aggregate principal amount of Series 1998 Bonds which are Term Bonds equal to the Mandatory Sinking Fund Installment for such Mandatory Redemption Date, and the Trustee shall do so on behalf of the Issuer and in the manner provided in the Indenture.

At its option, to be exercised on or before the forty-fifth (45th) day immediately preceding any Mandatory Redemption Date, the Issuer may (i) deliver to the Trustee for cancellation Series 1998 Bonds which are Term Bonds then subject to mandatory redemption, in any aggregate principal amount, or (ii) receive a credit against the Mandatory Sinking Fund Installment next payable (and the corresponding mandatory redemption obligation) for any Series 1998 Bonds that are Term Bonds then subject to mandatory redemption and which prior to such date have been redeemed (other than through the application of the Mandatory Sinking Fund Installments) or purchased for cancellation and canceled by the Trustee and not theretofore applied as a credit against any Mandatory Sinking Fund Installment. Each Series 1998 Bond which is a Term Bond so delivered or previously redeemed shall be credited by the Trustee at one hundred percent (100%) of the principal amount thereof against the Mandatory Sinking Fund Installment payable on such Mandatory Redemption Date. If, as a result of any such credits, the aggregate of amounts included in the amounts deposited monthly in the Principal Payment Account of the Bond Service Fund equals or exceeds the Mandatory Sinking Fund Installment, net of such credits, payable on the next Mandatory Redemption Date, then no further

such amounts shall be required to be included in such monthly deposits to be made prior to such Mandatory Redemption Date, and any excess of the aggregate of the amounts included in such amounts deposited over such Mandatory Sinking Fund Installment shall be credited against future Mandatory Sinking Fund Installments in direct order, and the principal amount the Series 1998 Bonds to be redeemed by mandatory redemption shall be accordingly reduced. If the Issuer intends to avail itself at any time of the provisions of this paragraph with respect to credits against Mandatory Sinking Fund Installments, the Issuer will on or before the forty-fifth (45th) day immediately preceding such Mandatory Redemption Date furnish the Trustee with a certificate signed by the Director of Finance, stating the extent to which such provisions of this paragraph are to be availed of with respect to such Mandatory Sinking Fund Installment and corresponding mandatory redemption obligation; **unless such certificate is so timely furnished by the Issuer, the Mandatory Sinking Fund Installment (and corresponding mandatory redemption obligation) payable on such Mandatory Redemption Date shall not be reduced.**

Unless previously redeemed pursuant to mandatory redemption as set forth in the next preceding paragraph of this Subsection (e), Series 1998 Bonds maturing after the Optional Earliest Redemption Date are also subject to redemption from funds other than those deposited as Mandatory Sinking Fund Installments, by and at the option of the Issuer prior to their stated maturity, in whole on any date or in part on any Interest Payment Date, on and after the Optional Earliest Redemption Date at the Optional Redemption Prices plus in each case accrued interest to the date fixed for redemption.

The Series 1998 Bonds to be redeemed by mandatory or optional redemption, if less than all the Outstanding Series 1998 Bonds are to be redeemed, shall be selected in the manner set forth in the Indenture, and notice of call of any Series 1998 Bonds for redemption shall be given in accordance with the Indenture.

(f) Series 1998 Certificate of Award. The Director of Public Utilities and the Director of Finance are, and each of them is, hereby authorized and directed promptly to negotiate the sale of the Series 1998 Bonds to the Original Purchasers to be designated pursuant to Section 6 hereof on terms consistent with this Bond Legislation, and to determine and specify in the Series 1998 Certificate of Award the following terms and provisions of or with respect to the Series 1998 Bonds:

(i) the aggregate principal amount shall not exceed **\$60,000,000**;

(ii) the Specified Interest Rates, expressed as percentages per annum of the principal amount of the respective Series 1998 Bonds to which such Rates apply and Appreciated Principal Amounts at maturity of Series 1998 Capital Appreciation Bonds; provided that the yield (determined as provided in the Code

and the regulations promulgated thereunder) of the Series 1998 Bonds shall not exceed six percent (6%) per annum;

(iii) the Purchase Price, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 1998 Bonds from their date to the date of their delivery and excluding any original issue discount) shall be not less than ninety-seven percent (97%) of the aggregate of the products from multiplying the principal amount of each Series 1998 Bond times the percentage of such principal amount at which such Series 1998 Bond is to be initially offered to the public;

(iv) the date of the Series 1998 Bonds to be initially delivered to the Original Purchaser;

(v) the Interest Payment Dates;

(vi) the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates, provided that no such date shall occur later than November 15 of the thirtieth year following the date of issuance of the Series 1998 Bonds;

(vii) the Mandatory Sinking Fund Installments;

(viii) the Optional Earliest Redemption Date provided that such date shall occur no later than ten years from the first Principal Retirement Date of the Series 1998 Bonds and provided further that Series 1998 Capital Appreciation Bonds may, but shall not be required to be, subject to optional redemption prior to their stated maturity;

(ix) the Optional Redemption Prices provided that no such Optional Redemption Price shall exceed 105% of the principal amount of the Series 1998 Bonds; and

(x) the Paying Agents for the Series 1998 Bonds, other than the Trustee.

The Director of Public Utilities and the Director of Finance, or either of them, shall execute the Series 1998 Certificate of Award, which shall also specify whether the Series 1998 Bonds are to be issued in Book Entry Form or under a Book Entry System, both as defined in the Indenture, and which may contain, in addition to the items enumerated in (i) through (x) above, such other data or provisions consistent with this Bond Legislation and the Indenture as the officer or officers executing the same on behalf of the Issuer deems necessary or appropriate.

**Section 3.** That the existing title and existing Section 5 of Ordinance No. 816-98, passed June 8, 1998, are hereby repealed.

**Section 4.** That except as otherwise amended herein, Ordinance No. 816-98, passed June 8, 1998, is hereby in full force and effect.

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

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



**Ord. No. 1862-98.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 53380 for sidewalk improvements to Luke Easter Park, with R. DiLillo & Company LLC, for the Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make the following alterations and modifications in Contract No. 53380 with R. DiLillo & Company LLC, for sidewalk improvements to Luke Easter Park, for the Department of Parks, Recreation and Properties:

**ADDITIONS - ORIGINAL ITEMS**

Item #B1	General Conditions (Lump Sum @ 6,708.30)	6,708.30
Item #B7	Topsoil (1,000 SY @ 2.75 SY)	2,750.00
Item #B8	Seeding (1,000 SY @ 2.00 SY)	2,000.00
Item Add Alt #B1	Demolition of Concrete (1,540 SF @ 0.50 SF)	770.00
Item Add Alt #B2	6" Concrete (8,980 SF @ 3.35 SF)	<u>30,083.00</u>
	TOTAL ADDITIONS TO ORIGINAL ITEMS	42,311.30

**CREDIT - ORIGINAL ITEMS**

Item #B3	Demolition of Asphalt (7,200 SF @ 0.45 SF)	3,240.00
Item #B4	Additional Excavation (50 CY @ 8.00 CY)	400.00
Item #B5	Stone Base Material (50 CY @ 17.30 CY)	865.00
Item Add Alt #B3	Demolition of Integral Curb (1 Ea. @ 2,112.00 Ea.)	2,112.00
Item Add Alt #B4	14" Inverted Integral Curb (528 SF @ 8.00 SF)	4,224.00
Item Add Alt #B5	Additional Excavation (50 CY @ 8.00 CY)	400.00
Item Add Alt #B6	Stone Base Material (50 CY @ 17.30 CY)	865.00
	Adjusted 3% Contingency	<u>3,247.26</u>
	TOTAL CREDITS TO ORIGINAL ITEMS	15,353.26

Total Additions	\$	42,311.30
Total Credits		<u>15,353.26</u>
Total Subsidiary Amount	\$	26,958.04
Original Contract Amount	\$	111,489.26
Subsidiary Amount		<u>26,958.04</u>
Revised Contract Amount	\$	138,447.30

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$26,958.04, to be paid from Fund No. 14 SF 024.

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

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

**Ord. No. 1866-98.**

**By Councilman Zone.**

**An emergency ordinance to amend Section 353.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, relating to the maximum height of accessory buildings in residence districts.**

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

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

**Section 1.** That Section 353.05 of the Codified Ordinances of Cleve-

land, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, be amended to read as follows:

**Section 353.05 Maximum Height of Accessory Buildings**

In Residence Districts an accessory building shall not exceed fifteen feet in height, or the distance from the accessory building to a main building or potential location of a main building on adjoining premises in a Residence District, whichever is less. **In no case shall a private garage in a Residence District exceed fifteen feet in height.**

**Section 2.** That existing Section 353.05 of the Codified Ordinances

of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2204-A-48, passed December 19, 1949, be repealed.

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

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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**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 Outside 10-Mill Limitation	Amount Approved By Budget Commission Inside 10-Mill Limitation	County Auditor's Estimate of Tax Rate To Be Levied	
			Inside 10-Mill Limit	Outside 10-Mill Limit
	Column II	Column IV	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
<b>TOTAL</b>			<u>4.40</u>	<u>8.30</u>

**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.

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

**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.

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

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

**Ord. No. 1845-98.**

**By Councilman Westbrook.**

**An emergency ordinance to amend Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 882-92, passed April 13, 1992 relating to reimbursement of expenses for members of Council.**

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

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

**Section 1.** That Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 882-92, passed April 13, 1992, is hereby amended to read as follows:

**Section 173.071 Reimbursement of Expenses for Members of Council**

The members of Council shall be entitled to be reimbursed the cost of expenses incurred by them in the performance of their official duties in an amount not to exceed twelve hundred dollars (\$1,200) per month. Requests for reimbursement shall be submitted monthly in writing to the Clerk of Council. Expenses submitted for reimbursement must be substantiated by written documentation in accordance with guidelines for the reporting of expenses by members of Council promulgated by the President of Council and approved by the rules Committee of the Council based upon the applicable reporting requirements of the federal income tax code for employee expense reimbursement programs. Notwithstanding the requirements of Section 171.43, members of Council may be reimbursed for the use of their vehicles in the performance of their official duties at the rate for mileage allowance promulgated by the Internal Revenue Service. **Members of Council shall receive reimbursement from the Department of Finance, either by wire transfer or warrant, within two (2) business days following approval by the Clerk of Council and submission for reimbursement to the Department of Finance.**

**Section 2.** That existing Section 173.071 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 882-92, passed April 13, 1992, is hereby repealed.

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

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

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

**Ord. No. 1863-98.****By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Robert Shephard).**

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

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

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: Robert Shephard.

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

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

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

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

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

**Ord. No. 1864-98.****By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Damian Williams).**

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

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

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: Damian Williams.

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

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

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

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

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

**Ord. No. 1865-98.****By Councilman Westbrook.**

**An emergency ordinance authorizing the President of Council to enter into contract with West Group to prepare the 1997-98 cumulative supplement to the Codified Ordinances of Cleveland, Ohio, 1976.**

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 President of Council is hereby authorized to enter into contract with West Group for professional services necessary to compile, verify, edit, index, compose, print and package the 1997-98 cumulative supplement to the Codified Ordinances of Cleveland, Ohio, 1976, to be current through August 31, 1998, in accordance with its proposal dated September 9, 1998, payable from fund appropriated for the use of the Council during 1998. The President of Council is further authorized to order by contract or contracts from West Group, sufficient copies of the Codified Ordinances.

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED****Ord. No. 68-98.****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 professional services necessary for the design and implementation of improvements to enhance the Division of Water's Waterworks plants, and authorizing the Director of Public Utilities to apply and pay for permits, licenses and plan reviews and to enter into various written standard purchase and requirements contracts in connection with the performance of the various professional consulting contracts authorized herein.

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

1. In Section 3, line 12, after "basis" insert **"or upon a lump sum basis, as appropriate, to be determined by the Director of Public Utilities"**.

2. In Section 1, line 7, after "enhance" insert **"only"**; and in line 8, after "their" insert **"on-site"**.

3. In Section 4, at the end, add the following sentence: **"This legislation shall not authorize any capital expenditures."**

Amendments agreed to.

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

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

**Ord. No. 432-98.****By Councilmen Gordon, Zone and Johnson (by departmental request).**

An emergency ordinance to amend Section 203.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 711-93, passed June 14, 1993, relating to lead paint.

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

1. In Section 1, at Section 203.10(g), strike lines 6, 7, 8, 9 and 10 in their entirety and insert in lieu thereof the following: "program by the Department of Public Health. The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Health from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Health for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. Prior to the presentation of any resolution to the Board of Control for the selection of any consultant under the authority of this section, the Director of Public Health shall report to the Council the identity of the proposed consultant, the proposed scope of work, and the proposed compensation. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Health, and certified by the Director of Finance. That the costs for such services herein contemplated shall be paid from the fund or funds appropriated for use by the Department of Public Health for this purpose."

Amendments agreed to.

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

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

**Ord. No. 1691-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 1282-96, passed October 14, 1996, as amended by Ordinance No. 321-98, passed April 6, 1998, relating to rehabilitating, renovating or otherwise improving City Hall and for the professional services necessary therefor.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committee on Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 15. Nays 4.

Those voting yea were Councilmen: Westbrook, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Moran, Patmon, Rybka, Sweeney, White and Willis.

Those voting nay were Councilmen: Britt, Dolan, Polensek and Zone.

Absent: Councilmen Melena and Robinson.

**Ord. No. 1699-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract amendment with Renaissance Center Limited Partnership to accept a discount prepayment of the UDAG loan regarding an office tower and parking garage located at East 14th Street and Huron Road in the Playhouse Square District.

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

ment, Finance, when, amended as follows:

1. Insert new Sections 5 and 6 to read, respectively as follows:

"Section 5. That One Million Dollars (\$1,000,000.00) of the prepayment proceeds is appropriated to create a Neighborhood Retail Assistance Program to provide financial assistance to small retail businesses and merchants located on commercial streets of the City outside of downtown and the Empowerment Zone. Financial assistance would be limited to no more than \$50,000.00 per business. That the Director of Economic Development is authorized to enter into contracts with small retail businesses on commercial streets outside the downtown area described below and the Empowerment Zone pursuant to the Neighborhood Retail Association Program, provided that no assistance will be provided without the written consent of the City Council member in whose ward the business is located. Council members shall be notified at the point of application for funds by a business. As used in the Section, "the downtown area" shall mean the area bounded on the north by Lake Erie; bounded on the east by East 12th Street, easterly along Euclid Avenue to East 14th Street; bounded on the south by Carnegie Avenue; and, bounded on the west by Ontario Avenue to West Huron, northerly to West 9th Street to Lake Erie.

Section 6. That Five Hundred and Eighty-Six Thousand Dollars (\$586,000.00) of the prepayment proceeds is appropriated to create a ward-based Neighborhood Planning Program that would administer twenty (20) equal grants to all wards, each in the sum of Twenty-Nine Thousand Three Hundred Dollars (\$29,300.00), excluding Ward 7, for third party contractors to complete neighborhood-specific land use and market studies designed to enhance the City's economic development planning in these wards. Program guidelines will be developed by the Department of Economic Development in consultation with City Council members after passage of this ordinance. That the Director of Economic Development is authorized to enter into contracts with the appropriate entities pursuant to the Neighborhood Planning Program."

2. Renumber existing Section 5 to new "Section 7".

3. Strike the third whereas clause in its entirety and insert in lieu thereof the following:

"Whereas, Renaissance Center Limited Partnership has requested the opportunity to prepay the \$7,729,398.00 zero interest loan at its net present value determined by discounting by the prime rate the balloon principal payment due October 31, 2009; and"

4. In Section 1, lines 3 and 4, strike "in the amount of \$3,001,794.00" and insert in lieu thereof "in an amount equal to the net present value of the loan using a discount rate equal to the prime rate in effect on the date of passage of this ordinance".

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 15. Nays 4.

Those voting yea were Councilmen: Westbrook, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Moran, Polensek, Rybka, Sweeney, White and Willis.

Those voting nay were Councilmen: Britt, Lewis, Patmon and Zone. Absent: Councilmen Melena and Robinson.

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. 1727-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to renovate not to exceed five gymnasium floors, 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 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1605-98.**

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving certain City-owned parks and recreation facilities and Moreland Boulevard landscape and medians, including site improvements and appurtenances; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to such improvement; and authorizing said director to enter into contract for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Divisions of Recreation and Research, Planning and Development, Department of Parks, Recreation and Properties.

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

**Ord. No. 1692-98.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with Medical Mutual of Ohio, Medical Life Insurance Company, Personal Physician Care, HMO Health Ohio, Kaiser Permanente, Aetna USHealthcare, Inc. and Personal Physician Care, Inc. to provide medical and life insurance coverage for City employees; and to enter into contract with a joint venture to provide dental insurance for City Employees.

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

**MOTION**

By Councilman Coats, seconded by Councilman Zone and unanimously carried that the absence of Councilman Timothy J. Melena and Councilman Odellia V. Robinson be and is hereby authorized.

The Council adjourned at 8:45 p.m. to meet at 7:00 p.m. on Monday, October 26, 1998.



First Assistant Clerk of Council

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

October 14, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 14, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director 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. 694-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Dell Marketing L.P. except for such terms and conditions as are contrary to specifications and/or unacceptable to the Director of Law, for an estimated quantity of Famis Software Package Replacement Servers and Peripherals (all items) for the Division of Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on October 7, 1998, pursuant to the authority of Ordinance No. 1471-97, passed October 12, 1997, which on the basis of the estimated quantity would amount to Two Hundred Thirty-Five Thousand Three Hundred-Twenty and 00/00 Dollars, (\$235,320.00), (Net 30 Days), 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. 18561

which shall be certified against such contract in the sum of Two Hundred Thirty-Five Thousand Three Hundred Twenty and 00/100 Dollars (\$235,320.00).

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 Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 695-98.

By Director Konicek.

Whereas, pursuant to Section 129.28 of the Codified Ordinance of Cleveland, Ohio, 1976 and Resolution No. 174-98, adopted by the Board of Control on March 18, 1998, the City entered into Contract No. 52936 with Hewlett Packard Company for the City's standard purchase of an inductively coupled plasma spectrometer and accessories for the Department of Public Utilities, Division of Water; and

Whereas, the City determined the inductively coupled plasma spectrometer and accessories are no longer necessary for operations for the Division of Water; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to paragraph B-10 of the General Conditions of Contract No. 52936 with Hewlett Packard Company, it is hereby determined that it is in the best interest of the City of Cleveland to cancel said contract upon fifteen days' written notice to the contractor.

Be it further resolved, that the Director of Public Utilities is hereby authorized to execute all documents and do all other things necessary to affect the cancellation hereby authorized.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 696-98.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of J. F. Good Company for an estimated quantity of HVAC Equipment and Controls (Part A Items #1 thru 7 less 12% thru 61% discount) (Parts B Items #1 thru 7, 10, 15, 16, 18 thru 20, 22, 24 and 25 less 10% thru 61% Discount), (Part C Items #1 thru 5, 7 thru 10, 13 thru 23, 25 thru 35, 37, 39, 40, 43, 45 thru 50, 52, 53, 55, 59 thru 63, 66 thru 79, 81, 82, 84 thru 86 and 90 thru 92 Less 10% thru 78% Discount), (Part D Items #1 thru 26 and 28 thru 37 less 5% thru 21% Discount) for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on the 21st day of August, 1998, pursuant to the authority of Ordinance No. 247-98, passed April 6, 1998, which on the basis of the estimated quantity would amount to Fifty-Five Thousand and 00/100ths Dollars, (\$55,000.00), (2% 10 Days, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recre-

ation and Properties 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. 29521

which shall be certified against such contract in the sum of Ten Thousand and 00/100ths Dollars (\$10,000.00).

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 Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 697-98.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Hermetic Company for an estimated quantity of HVAC Equipment and Controls (Part C Item #44 Less 20% Discount) for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on 21st day of August, 1998, pursuant to the authority of Ordinance No. 247-98, passed April 6, 1998, which on the basis of the estimated quantity would amount to Three Thousand and 00/100ths Dollars, (\$3,000.00), (1% 10 Days, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 29524

which shall be certified against such contract in the sum of One Thousand and 00/100ths Dollars (\$1,000.00).

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 Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 698-98.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Capp, Inc. for an estimated quan-

tivity of HVAC Equipment and Controls (Part B Items #8, 9, 11, 13, 14, 17, 21, 23 less 20% thru 60% Discount), (Part C Items #57, 64, 65 less 15% thru 30% Discount) for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on 21st day of August, 1998, pursuant to the authority of Ordinance No. 247-98, passed April 6, 1998, which on the basis of the estimated quantity would amount to Twelve Thousand and 00/100ths Dollars, (\$12,000.00), (1% 10 Days, Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 29523 which shall be certified against such contract in the sum of Three Thousand and 00/100ths Dollars (\$3,000.00).

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 Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 699-98.**

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, Inc. for an estimated quantity of HVAC Equipment and Controls (Part B Items #12 less 61.1% discount), (Part C Items #6, 11, 12, 24, 36, 38, 41, 42, 51, 54, 56, 58, 80, 83 and 87 thru 89 less 11.1% thru 86.1% discount), (Part D Item #27 less 20% discount) for the Division of Property Management, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on the 21st day of August, 1998, pursuant to the authority of Ordinance No. 247-98, passed April 6, 1998, which on the basis of the estimated quantity would amount to Twenty Thousand and 00/100ths Dollars, (\$20,000.00), (2%, 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 29522 which shall be certified against such contract in the sum of Five Thousand and 00/100ths Dollars (\$5,000.00).

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 Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 700-98.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 002-34-060 located at 1917 West 50th Street in Ward 14; and

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

Whereas, A.F.F.O.R.D., Incorporated, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 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 Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with A.F.F.O.R.D., Incorporated for the sale and development of Permanent Parcel No. 002-34-060 located at 1917 West 50th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamil-

ton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 701-98.**

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 006-20-042, 006-20-133, 007-07-101, 007-07-102, 007-07-115, 007-07-116, 007-07-128 and 007-07-129 under said Land Reutilization Program; and

Whereas, Ordinance No. 1608-98 passed September 28, 1998, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network Limited Partnership XV has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1608-98 passed September 28, 1998, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network Limited Partnership XV for the sale and development of Permanent Parcel Nos. 006-20-042, 006-20-133, 007-07-101, 007-07-102, 007-07-115, 007-07-116, 007-07-128 and 007-07-129, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$800.00, which amount is hereby determined to be not less than the Fair Market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 702-98.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 21, 1998 for demolition of various non-operative stations for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1980-96, passed by the Council of the City of Cleveland on June 2, 1997, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Acting Directors Ricchiuto, Myles, Directors Denihan, Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lake-side 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, NOVEMBER 2, 1998**

**9:30 A.M.**

**Calendar No. 98-214:** 3214 Clark Avenue, S.W.

Tayssir Khatib, owner, appeals to construct a 36' x 37' concrete block auto repair and auto sales building on a 40' x 180' lot and located in a General Retail District on the north side of Clark Avenue at 3214 Clark Avenue; said construction being contrary to Section 343.11 in which an auto repair garage is not permitted and Section 345.03(C)(2) in which an auto repair garage is first permitted in a Semi-Industry District and must be located 100' away from a Residential District and contrary to the Landscaping and Screening Regulations of Section 352.10(9)(b), where a minimum of 6' high screened fence is required at the rear and side abutting residences and Section 327.02(e) in which adequate floor plans are required showing use to calculate parking and contrary to the Off-Street Parking Regulations of Section 349.04(g)(h) and an auto sales lot must be 60' in width and 40' is proposed per Section 347.11 of the Codified Ordinances.

**Calendar No. 98-215:** 3337 Central Avenue, S.E.

McClain Market, owner c/o Cordell Hubbard, appeals to construct a 14' 6" x 52' grocery store building to an existing 18' x 60' one-story masonry and wood frame store building on a 50' x 107' lot and located in a Two-Family District on the north side of Central Avenue at 3337 Central Avenue; said construction being contrary to Section 337.03 in which a grocery store is not permitted in a Two-Family District and Section 357.07 in which

a 7' setback is required along Central Avenue and a 2' setback is proposed and contrary to the Landscaping and Screening Regulations of Section 352.10, where a 6' median strip is required along the westerly property line and 0' is proposed but subject to the expansion limitations of Section 359.01(a) of the Codified Ordinances.

**Calendar No. 98-216:** 14916 Aspinwall Avenue, N.E.

Greater New Calvary Baptist Church, owner c/o Nathaniel Foster, associate, appeals to install approximately 400 linear feet of 6' high chain link fencing on the west part of a 282' x 140' through corner parcel located in a Two-Family District at the southeasterly corner of East 149th Street and Aspinwall Avenue and occupied by a church at 14916 Aspinwall Avenue; said installation being contrary to Section 357.13(b) (3) in which the maximum allowed height of fence within a setback is 4'-6" and 6'-0" is proposed and contrary to the Residential District Requirements where the maximum height of fence permitted along the south lot line shall not be greater than 2', which equals the distance from the property line to the adjoining main building and 6' is proposed, pursuant to Section 337.23 (a)(6) of the Codified Ordinances.

**Calendar No. 98-217:** 1034 East 78th Street

Ralph Tromp, owner, appeals to construct a 20' x 10' one-story front porch to an existing 20' x 45' two-family dwelling house with an existing 20' x 20' detached garage, all located in a Two-Family District and located on a 30' x 106' lot on the west side of East 78th Street at 1034 East 78th Street; said proposed porch to project more than the 6' maximum and aggregate a vertical area in excess of 20% and extends within 10' of the street line which is contrary to the Yard Encroachments Permitted Requirements of Section 357.13(b)(4) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, OCTOBER 19, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, October 19, 1998, the following appeals were heard by the Board:

The following appeal was **Approved:**

**Calendar No. 98-204:** 2129 Random Road

Angie Sanders, owner, appealed to construct a second story frame addition to an existing 22' x 30' one-story dwelling unit located in the rear of a 33' x 126' parcel with an existing 25' x 46' two-story dwelling house in the front of the property and located in a Multi-Family District.

The following appeals were **Refused:**

**Calendar No. 98-207:** 2002 Broadview Road

Sul H. Choi, owner, appealed for an expansion of use of an existing

one-story masonry auto repair shop into a lot for the sale of used cars and an auto repair shop located in a Local Retail District.

**Calendar No. 98-172:** 5301 Broadway, S.E.

Donald Bram, owner, and Golden Motors Inc., tenant c/o Donald Bram, appealed to convert an existing 40' x 95' lot with an existing two-story storefront building, an existing one-story concrete garage work area and a two-bay garage into an automotive repair garage, automotive services and used auto sales lot located in a General Retail Business District.

**Calendar No. 98-173:** 5307-5313 Broadway

Donald Bram, owner, and Golden Motors Inc., tenant c/o Donald Bram, appealed to convert an existing 40' x 145' lot with an existing 12' x 46' trailer on said lot into a used auto sales lot in a General Retail Business District.

**Calendar No. 98-174:** 5417 Mumford Avenue

Donald Bram, owner, and Golden Motors Inc., tenant c/o Donald Bram, appealed to convert an existing 120' x 60' vacant parking lot into a storage lot for autos in needs of automotive services and a used auto sales lot in a Two-Family District.

**Calendar No. 98-191:** 1902 Treadway Avenue

James Ridella, owner, appealed to install 131 linear ft. of 6' high board on board wooden fencing in the northerly rear portion of a 42' x 120' parcel located in a Single-Family District.

The following appeals were **Postponed:**

**Calendar No. 98-203:** 4700 West 130th Street to November 30, 1998.

**Calendar No. 98-205:** 1906 East 82nd Street to November 9, 1998.

**Calendar No. 98-206:** 3520 East 116th Street to November 16, 1998.

**Calendar No. 98-202:** Appeal of Michael B. Robinson to November 2, 1998.

**Calendar No. 98-169:** 6605 Clark Avenue, S.W. to November 9, 1998.

**On October 19, 1998 in Executive Session:**

The following appeal was heard on Monday, October 12, 1998, and said decision to **REFUSE** was approved and adopted by the Board on October 19, 1998:

**Calendar No. 98-200:** 12013 Ashbury Avenue

David Morrow, owner, appealed to change use of an existing 45' x 87' two story masonry building and one-story masonry garage into a construction training center and office warehouse on a 95' x 195' irregular "T" shaped lot in a Two-Family District.

EUGENE CRANFORD, JR.,  
Secretary



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

Re: Report of the Meeting of  
October 14, 1998

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in The City Record:

\* \* \*

**Docket A-76-98.**

RE: Appeal of Cleveland Container Recycling Corp., Owner of the Property located on the premises known as 9520 Richmond Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated March 24, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-76-98 has been POSTPONED; to be rescheduled for November 11, 1998.

\* \* \*

**Docket A-132-98.**

RE: Appeal of Aetna Properties, Owner of the Property located on the premises known as 3603 East 82nd Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated June 29, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-132-98 has been POSTPONED; to be rescheduled for November 11, 1998.

\* \* \*

**Docket A-133-98.**

RE: Appeal of Burton Enterprises, Inc., Owner of the Property located on the premises known as 8323-29 Quincy Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 22, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-133-98 has been POSTPONED; to be rescheduled for October 28, 1998.

\* \* \*

**Docket A-138-98.**

RE: Appeal of Urbana, Inc., Owner of the Property located on the premises known as 1703 Urbana Road from a 72 HOUR EMERGENCY CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated August 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HOUR EMERGENCY CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant seven days (7 das.) in which to secure the opening in the roof and parapet from the weather, and to grant the Appellant forty-five days (45 das.) in which to obtain permits

and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

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**Docket A-143-98.**

RE: Appeal of Mortgagee Lenders Network, Mortgagee of the Residential Property located on the premises known as 1569 East 30th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 14, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to remove the debris and groom the grounds within seven days (7 das.), and to grant the Appellant thirty days (30 das.) in which to begin construction on the premises. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-150-98.**

RE: Appeal of John Zubal, Owner of the Property located on the premises known as 2020 Clark Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated June 26, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-150-98 has been POSTPONED; to be rescheduled for November 11, 1998.

\* \* \*

**Docket A-153-98.**

RE: Appeal of Theodore Weaver, Owner of the Property located on the premises known as 694 East 91st Street from a VACATE/CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 24, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-153-98 has been POSTPONED; to be rescheduled for October 28, 1998.

\* \* \*

**Docket A-154-98.**

RE: Appeal of Sarswattee Persaud, Owner of the Residential Property located on the premises known as 3366 West 32nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated August

11, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant forty-five days (45 das.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

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**Docket A-155-98.**

RE: Appeal of Helen Novotny, Owner of the Residential Property located on the premises known as 3105 Colburn Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated May 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by January 28, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

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**Docket A-156-98.**

RE: Appeal of First Merit Bank, Owner of the Residential Property located on the premises known as 3272 West 54th Street from a VACATE FORTHWITH/CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated August 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to obtain permits and abate the violations, and to require that the property remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be

REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the VACATE FORTHWITH/CONDEMNATION ORDER and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by November 28, 1998. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

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**Docket A-166-98.**

RE: Appeal of Shaker Square Development Corp. Owner of the Residential Property located on the premises known as 2715 East 116th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated September 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to CABO Code Section R-211.1 and permit the third floor to be occupied without the second means of egress, noting compliance with the CABO Code and the view of the Board that it is a requirement not to be pursuant to the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

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**Docket A-167-98.**

RE: Appeal of Shaker Square Development Corp. Owner of the Residential Property located on the premises known as 2719 East 116th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated September 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to CABO Code Section R-211.1 and permit the third floor to be occupied without the second means of egress, noting compliance with the CABO Code and the view of the Board that it is a requirement not to be pursuant to the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-172-98.**

RE: Appeal of Misko Maslak, Owner of the Property located on the premises known as 17864 Lakeshore Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated September 17, 1998, requiring compliance with the Codified

Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, that based on the facts presented, a motion is in order at this time to find that the Notice of Violation was properly issued, and to REMAND the property at 17864 Lakeshore Boulevard to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**EXTENSION OF TIME:**

**Docket A-52-98 — Chase Mortgage Services — 2097 West 89th Street:**

A motion is in order at this time to DENY the Appellant's request for a four month (4 mo.) "Extension of Time" and to REMAND the property at 2097 West 89th Street to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

**Docket A-104-98 — Charles S. Smith — 1743 East 55th Street:**

There will be no action taken by the Board at this time on Docket A-104-98, noting that the plans are in the Building Department waiting to be reviewed.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- A-144-98—Waltzie Lipsey.
- A-145-98—Billy C. Kinder Jr.
- A-147-98—Betty Edvon.
- A-148-98—Dennis Clair.
- A-151-98—Sharon & Derwin Osborne.
- A-159-98—Cleveland Society Of The Blind.
- A-164-98—Case Western Reserve University.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

September 30, 1998

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

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 28, 1998

Installation of Primary Feeders "E2" and "F2" for the Hangars, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1286-97, passed by the Council of the City of Cleveland.

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

October 14, 1998 and October 21, 1998

**FRIDAY, OCTOBER 30, 1998**

**Residential Sound Insulation Program '98 - Groups W, X, Y, Z**, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 22, 1998, 2:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION, CLEVELAND HOPKINS PASSENGER TERMINAL BUILDING.

**Construction Equipment Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1229-98.

October 14, 1998 and October 21, 1998

**WEDNESDAY, NOVEMBER 4, 1998**

**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.

**Powdered Activated Carbon**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

October 14, 1998 and October 21, 1998

**WEDNESDAY, NOVEMBER 11, 1998**

**New Cleveland Browns NFL Football Stadium - Bid Package No. 13 - Furniture, Fixtures and Equipment Work**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BID DOCUMENTS CAN BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE **NON-REFUNDABLE** COST OF FIFTY DOLLARS (\$50.00) CERTIFIED OR CASHIER'S CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATION.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 21, 1998, 10:00 A.M., AT THE HUBER, HUNT AND NICHOLS CONSTRUCTION TRAILER LOCATED OFF WEST THIRD STREET OPPOSITE THE STADIUM CONSTRUCTION SITE.

October 14, 1998 and October 21, 1998

**FRIDAY, NOVEMBER 6, 1998**

**Paper Stock and Envelopes**, for the Division of Printing and Reproduction, Department of Finance.

**Window Washing Services**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1596-98, passed by the Council of the City of Cleveland, September 28, 1998.

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

October 21, 1998 and October 28, 1998

**THURSDAY, NOVEMBER 12, 1998**

**Repair Parts for Pumps, Small Engines and Saws**, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

**One (1) Direct-Fired Air Make Up Unit**, for the Department of Public Safety, as authorized by Ordinance No. 2839-90, passed by the Council of the City of Cleveland, January 28, 1991.

October 21, 1998 and October 28, 1998

**FRIDAY, NOVEMBER 13, 1998**

**Kinsman Water Tower Rehabilitation**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 312-98, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 4, 1998, 10:00 A.M. AT THE DIVISION OF WATER, ENGINEERING CONFERENCE ROOM, 75 ERIEVIEW PLAZA, CLEVELAND, OHIO.

**Various Automotive and Truck Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 998-98, passed by the Council of the City of Cleveland, June 15, 1998.

**Two (2) Mower Decks and One (1) Hydroseeder**, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

October 21, 1998 and October 28, 1998

**FRIDAY, NOVEMBER 20, 1998**

**Remanufactured Transmissions**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 554-98, passed by the Council of the City of Cleveland, May 18, 1998.

October 21, 1998 and October 28, 1998

**ADOPTED RESOLUTIONS AND ORDINANCES****Res. No. 929-98.**

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

**An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of portions of the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.**

Whereas, the maintenance of trees in the downtown area of the City of Cleveland involves special costs due to adverse natural conditions; and

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of the downtown area of the City of Cleveland during the 1999-2000 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, creating or excavating cut-outs for shade trees and other related activities in and along the streets of the downtown area of the City of Cleveland during a 12-month period beginning during 1999 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council 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 it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants thereof to control the blight and disease of shade trees within public rights of way by removing, planting, trimming, watering and creating or excavating cut-outs for shade trees, and other related activities (collectively, "Tree Maintenance") in and along the streets of a portion of the downtown area of the City of Cleveland for a 12-month period beginning during 1999.

**Section 2.** That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1999-2000 Tree Maintenance District" which shall include all territory within the following boundaries:

**BOUNDARIES OF TREE MAINTENANCE DISTRICT**

Beginning on the centerline of the Conrail Railroad right-of-way at its intersection with the Northerly prolongation of the centerline of West 10th Street;

Thence Southerly and Southeasterly along the Northerly prolongation and the centerline of West 10th Street to its intersection with the centerline of Superior Avenue N.W.;

Thence Easterly along the centerline of Superior Avenue N.W.; to its intersection with the Northerly prolongation of the Easterly right-of-way line of Columbus Road N.W.;

Thence Southerly along said Northerly prolongation and the Easterly right-of-way line of Columbus Road N.W. and its Southerly prolongation to its intersection with the centerline of the Cuyahoga River;

Thence Easterly and Southeasterly along the centerline of the Cuyahoga River to its intersection with the Southwesterly prolongation of the Southerly line of Huron Road, S.E.;

Thence Northwesterly along the Southwesterly prolongation and Southerly right-of-way line of Huron Road S.E. to its intersection with the most Southerly right-of-way line of Prospect Avenue S.E.;

Thence Southeasterly along the most Southerly right-of-way line of Prospect Avenue S.E. to its intersection with the centerline of East 18th Street;

Thence Northerly along the centerline of East 18th Street and along its Northerly prolongation to its intersection with the centerline of said Conrail right-of-way;

Thence Westerly along said centerline of the Conrail right-of-way to its intersection with the Northerly prolongation of the centerline of West 10th Street and the place of beginning.

**Section 3.** That the plans, specifications and profiles for said Tree Maintenance, at the estimated cost of \$167,580.00, heretofore prepared and placed in File No. 929-98-A in the Office of the Clerk of Council, are hereby approved.

**Section 4.** That the entire cost of such Tree Maintenance in the 1999-2000 Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1999-2000 Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

**Section 5.** That the assessments to be levied shall be payable in cash within thirty (30) days after passage of the City's ordinance of assessment or at the option of the owner in one (1) annual installment. All cash payments remaining unpaid at the expiration of said thirty (30) days shall be certified

by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 6.** That no notes or bonds of the City of Cleveland shall be issued in anticipation of the collection of the special assessment.

**Section 7.** That the Commissioner of Assessments and Licenses has prepared and filed in the Office of the Clerk of Council and placed in the File referenced in Section 3 of this ordinance an estimated assessment in accordance with the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed based upon the estimated cost of the Tree Maintenance which is now on file in the Office of the Clerk of Council.

**Section 8.** The Commissioner of Assessments and Licenses is directed to cause notice of passage of this resolution and of the filing of the estimated assessment to be served on the owners of all lots and lands to be assessed, as provided by law.

**Section 9.** 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 October 12, 1998.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 1425-98.**

**By Councilman Johnson (by request).**

**An emergency resolution declaring the intention to vacate all that portion of East 92nd Street.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of East 92nd Street, 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 EAST 92ND STREET, (50.00 feet wide); extending Southwesterly from the Southwesterly line of Buckeye Road S.E. (80.00 feet wide), to the Southeasterly prolongation of the Southwesterly line of Sublot Number 21 in the L. McCurdy Allotment as shown recorded in Cuyahoga County Map Records Volume 4, Page 51.

**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 October 12, 1998.

Effective October 20, 1998.

**Res. No. 1824-98.**

**By Councilmen Westbrook, Johnson, Willis and Coats.**

**An emergency resolution expressing Council's intent to ensure that the Division of Park Maintenance is restored to a full complement of staff and equipment.**

Whereas, the Council of the City of Cleveland is committed to the employment and the utilization of City workers to provide services to the residents of the City of Cleveland; and

Whereas, this Council is vehemently opposed to the privatization of City facilities and services; and

Whereas, the Department of Parks, Recreation and Properties has sought authorization through Ordinance No. 1256-98 to enter into an agreement with a contractor, in order to supplement the staff of the Division of Park Maintenance, to trim trees throughout the City; and

Whereas, this Council is adamant that the Division of Park Maintenance must be restored to a full complement of staff, with fully operational and efficient equipment, to ensure that the hiring of a private contractor is an interim and temporary measure; and

Whereas, this Council will investigate the operation of Division of Park Maintenance to assist the Division in identifying methods to operate more effectively and efficiently and will work with the Division to recruit additional personnel and to identify the means to repair or purchase needed equipment, now, therefore,

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

**Section 1.** That the Council of the City of Cleveland intends to ensure that the Division of Park Maintenance of the Department of Parks, Recreation and Properties is restored to a full complement of staff as existed in 1989 and 1990. The Council will allocate funds in the 1999 budget necessary to accomplish this goal and will work with the Division to recruit additional employees for the City in order to provide tree trimming service to the residents of the City of Cleveland on an on-going and uninterrupted basis.

**Section 2.** That in order to meet the needs of the residents and to provide for the safe and efficient operation of the Division of Park Maintenance, the Council will undertake an audit of the Division to identify whether existing equipment is operational and whether additional equipment is required to operate effectively.

**Section 3.** That the Council views the hiring of a private contractor to assist the employees of the Division of Park Maintenance in trimming trees as a purely interim and temporary measure, and any such additional hiring of contractors for the Division, if requested, will not be considered favorably by the Council.

**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 October 12, 1998.

Effective October 20, 1998.

**Res. No. 1825-98.**  
**By Councilman Melena.**  
**An emergency resolution objecting to the transfer of ownership and location of a D1 and D2 Liquor Permit to 11100 Clifton Blvd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1 and D2 Liquor Permit from Permit No. 6597284, Winona J. Ostruh, DBA Ostruhs Bar & Grill, 3111 E. 63rd St., 1st Fl. & Bsmnt., Cleveland, Ohio 44127, to Permit No. 9557688, Whistle Stop Cafe Inc., 11100 Clifton Blvd., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a D1 and D2 Liquor Permit from Permit No. 6597284, Winona J. Ostruh, DBA Ostruhs Bar & Grill, 3111 E. 63rd St., 1st Fl. & Bsmnt., Cleveland, Ohio 44127, to Permit No. 9557688, Whistle Stop Cafe Inc., 11100 Clifton Blvd., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted October 12, 1998.

Effective October 20, 1998.

**Res. No. 1826-98.**  
**By Councilman Melena.**  
**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 5004 Storer Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 0353614, B & R Lanes & Lounge Inc., 5004 Storer Ave., Cleveland, Ohio 44102, to Permit No. 2465601, El Paraiso Inc., 5004 Storer Ave., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 0353614, B & R Lanes & Lounge Inc., 5004 Storer Ave., Cleveland, Ohio 44102, to Permit No. 2465601, El Paraiso Inc., 5004 Storer Ave., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted October 12, 1998.

Effective October 20, 1998.

**Res. No. 1827-98.**  
**By Councilman Zone.**  
**An emergency resolution objecting to the transfer of ownership and location of a D5 and D6 Liquor Permit to 11815 Lorain Rd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 0629901, Berea West 117th St. Lounge Inc., Unit 1 1st Fl., 11901 Berea Rd., Cleveland, Ohio 44111, to Permit No. 9406581, Lawrence R. Waring, DBA Variety Theater, 11815 Lorain Rd., Cleveland, Ohio 44111; 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 D5 and D6 Liquor Permit from Permit No. 0629901, Berea West 117th St. Lounge Inc., Unit 1 1st Fl., 11901 Berea Rd., Cleveland, Ohio 44111, to Permit No. 9406581, Lawrence R. Waring, DBA Variety Theater, 11815 Lorain Rd., Cleveland, Ohio 44111; 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 October 12, 1998.

Effective October 20, 1998.

**Ord. No. 1645-97.**

**By Councilman Skrha.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Ampeco System Parking to encroach into the public right-of-way of West 9th St. at Lakeside Ave. with a three (3) foot area of landscaping and planters along the sidewalk area.**

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 Ampeco System Parking, 1459 Hamilton Avenue, Cleveland, Ohio 44114; its successors and assigns, for the construction, use and maintenance of a three (3) foot strip of landscaping with planters, which will encroach into the public right-of-way of West 9th Street at Lakeside Avenue at the location more fully described as follows:

**LANDSCAPING ENCROACHMENT  
AT AMPECO PARKING LOT AT  
WEST 9TH STREET**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and lying within the bounds of West 9th Street, 99.00 feet in width, bounded and described as follows:

Beginning on the northeasterly line of said West 9th Street at a capped 5/8" iron pin found at the most southerly corner of land conveyed to K and S. Parking Company, Inc., by deed dated October 20, 1976 and recorded in Volume 14631, Page 281 of Cuyahoga County Records; Course No. 1: thence South 33°-53'-07" East along said northeasterly line of West 9th Street, 143.55 feet to a railroad spike found at the northwesterly corner of Block "A" in the Lot Split and Consolidation of part of Original Two Acre Lot Nos. 1 to 6, as shown by the recorded plat in Volume 282 of Maps, Page 88 of Cuyahoga County Records; Course No. 2: thence South 56°-06'-53" West, 3.00 feet to its intersection with a line drawn parallel with and distant 3.00 feet southwesterly by rectangular measurement from said northeasterly line of West 9th Street; Course No. 3: thence North 33°-53'-07" West along said parallel line, 143.55 feet to a point; Course No. 4: thence North 56°-06'-53" East and perpendicular to said northeasterly line of West 9th Street, 3.00 feet to the place of beginning, according to a

survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in October, 1996, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

**Section 2.** That said landscaping and planters will be constructed within the public right-of-way at the locations aforesaid in Section 1, and will 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 October 12, 1998.

Effective October 20, 1998.

**Ord. No. 1109-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8016 Melrose Avenue to Earthie M. Carter.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 106-21-060, as more fully described in Section 2 below, to Earthie M. Carter.

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

P.P. No. 106-21-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Emily G. Cory, by deed dated March 21, 1878, and recorded in Volume 295, Page 1 of

Cuyahoga County Records (said Northerly line being also the Southerly line of Melrose Avenue, N.E.) at a point distant 267.65 feet Easterly measured along said Southerly line of Melrose Avenue, N.E., from its point of intersection with the Westerly line of said Original One Hundred Acre Lot No. 391; thence Easterly along said Southerly line of Melrose Avenue, N.E., 30 feet; thence Southerly on a line parallel to said Westerly line of Original Lot No. 391, 102.50 feet; thence Westerly on a line parallel to said Southerly line of Melrose Avenue, N.E., 30 feet; thence Northerly 102.50 feet to the place of beginning, and being further known as parts of Sublots Nos. 51 and 52 in Emily G. Cory's proposed Allotment of part of Original One Hundred Acre Lots Nos. 342 and 391, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed October 12, 1998.

Effective October 20, 1998.

**Ord. No. 1223-98.**

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

**An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain, repair or replace switchgear and circuit breakers, for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of



Cleveland, Ohio, 1976, for the requirements for the period of one (1) year for the necessary items of labor and materials necessary to maintain, repair or replace switchgear and circuit breakers in the estimated sum of \$200,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one (1) year 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 22200)

**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 October 12, 1998.  
Effective October 21, 1998.

**Ord. No. 1224-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of paper products, 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one (1) year for the necessary items of paper products 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 Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one (1) year 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 24010)

**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 October 12, 1998.  
Effective October 21, 1998.

**Ord. No. 1232-98.**  
**By Councilman Cimperman.**  
**An emergency ordinance to vacate a portion of Packard Court N.E. hereinafter described.**

Whereas, on the 17th day of November, 1997 the Council of the City of Cleveland adopted Resolution No. 1785-97 declaring its intention to vacate a portion of Packard Court N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1785-97 has been served upon the owners of all the property abutting Packard Court N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of July, 1998; the Board of Revision of Assessments approved the vacation of Packard Court N.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Packard Court N.E. (12 feet wide) extending Easterly 132 feet from the Easterly line of East 25th Street (66 feet wide), be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power, and Ameritech equipment.

The description of easement is as follows:

That portion of Packard Court N.E., (12 feet wide) extending Easterly 132 feet from the Easterly line of East 25th Street (66 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with plans approved by the Commissioners of the Division of Light and Power, and Ameritech, of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to

notify the Auditor of Cuyahoga County of the vacation of all that portion of Packard Court N.E., herein provided by sending him a copy of this Ordinance.

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1234-98.**  
**By Councilman Gordon.**  
**An emergency ordinance to vacate a portion of Clybourne Court S.W. hereinafter described.**

Whereas, on the 16th day of December, 1996 the Council of the City of Cleveland adopted Resolution No. 1472-96 declaring its intention to vacate a portion of Clybourne Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1472-96 has been served upon the owners of all the property abutting Clybourne Court S.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 7th day of July, 1998, the Board of Revision of Assessments approved the vacation of Clybourne Court S.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 Clybourne Court S.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 Clybourne Court S.W. (10.00 feet wide), extending from the Westerly line of West 38th Street (45 feet wide), Westerly, to the Easterly line of West 42nd Street (40.00 feet wide), be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment.

The description of easement is as follows:

All that portion of Clybourne Court S.W. (10.00 feet wide), extending from the Westerly line of West 38th Street (45.00 feet wide), Westerly, to the Easterly line of West 42nd Street (40.00 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with plans approved by the Commissioner of the Division of Light and Power, of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga



County of the vacation of all that portion of Clybourne Court S.W., herein provided by sending him a copy of this Ordinance.

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1244-98.**  
**By Councilman Britt.**  
**An emergency ordinance to vacate a portion of East 96th Street hereinafter described.**

Whereas, on the 2nd day of March, 1998 the Council of the City of Cleveland adopted Resolution No. 630-97 declaring its intention to vacate a portion of East 96th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 630-97 has been served upon the owners of all the property abutting East 96th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 3rd day of April, 1998, the Board of Revision of Assessments approved the vacation of East 96th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 96th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 96th Street (66 feet wide), and its associated turn-outs extending Northerly from the Northerly line of Cedar Avenue (66.00 feet wide) to the Southerly line of Carnegie Avenue (80.00 feet wide) be and the same is hereby vacated.

**Section 2.** That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Water and Heat equipment, and Division of Fire equipment.

The description of easement is as follows:

That all that portion of East 96th Street (66.00 feet wide), and its associated turn-outs extending Northerly from the Northerly line of Cedar Avenue (66.00 feet wide) to the Southerly line of Carnegie Avenue (80.00 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Water and Heat, and the Commissioner of the Division of Fire, of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 96th Street, herein

provided by sending him a copy of this Ordinance.

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1248-98.**  
**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into a second amendment to Contract No. 52655 with Tandem Computers Incorporated to extend the term of the existing computer hardware and software maintenance service contract.**

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 authorized to enter into a second amendment to Contract No. 52655 with Tandem Computers Incorporated to extend the term of the existing computer hardware and software maintenance service contract from January 1, 1997 to April 30, 1997, and shall increase the amount of the contract by \$62,015.00. Said increase shall be paid from Fund No. 01-60-02-0615, Request No. 22759.

**Section 2.** That this second amendment to Contract No. 52655 shall be prepared and approved by the Director of Law and shall contain such provisions as he deems necessary to protect the public interest.

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1249-98.**  
**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 the Ohio Department of Public Safety for the 1998-99 EMS-EMT Training 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 \$12,503.45, from the Ohio Department of Public Safety, to conduct the 1998-99 EMS-EMT Training 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. 1249-98-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.

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1250-98.**  
**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 1998-1999 Fire-EMT Training 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 \$14,080.80, from the Ohio Department of Public Safety, to conduct the 1998-1999 Fire-EMT Training 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. 1250-98-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.

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1251-98.**  
**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Physio-Control Equipment Service for maintenance service on defibrillators, including but not limited to monitors and battery support systems, for the Division of Emergency Medical Service, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Physio-Control Equipment Service. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said Physio-Control Equipment Service, for a period of one year on the basis of its proposal, for maintenance service on defibrillators, including but not limited to monitors and battery support systems, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20675.

**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 October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1252-98.**  
**By Councilmen Rybka, Willis and Johnson (by departmental request).**  
**An emergency ordinance to appropriate property for public use to relocate Oman Park, located at East 81st Street and Mansfield Avenue.**

Whereas, the Council of the City of Cleveland, by Resolution No. 162-98, adopted April 6, 1998, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of relocating Oman Park; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

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

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

**Section 1.** That for the public purpose of relocating Oman Park to the northwest corner of East 81st Street and Mansfield Avenue, the following described fee simple interests be and the same hereby are appropriated:

Permanent Parcel Number 133-06-005  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 85 feet of Sublot No. 3 and the Easterly 10 feet of the Northerly 85 feet of Sublot No. 2 in E. S. Gillette's Allotment of part of Original One Hundred Acre Lot No. 447, as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southerly side of Union Avenue, S.E. and extending back of equal width 85 feet to the Northerly line of Mansfield Avenue, S.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to easement for Union Avenue slope rights recorded in Volume 1710, Page 268-70 of Cuyahoga County Deed Records.

**Section 2.** That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests hereinbefore described.

**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 October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1253-98.**  
**By Councilmen Cimperman, Willis, and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to perform arboricultural work in the Downtown Tree Assessment District, 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 labor and materials necessary to perform arboricultural work in the Downtown Tree Assessment District 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 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 20496)

**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 October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1256-98.**  
**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for trimming trees by supervised work crews, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary for trimming trees by supervised work crews in the estimated sum of \$500,000, 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 22461)

**Section 3.** That prior to implementing any tree trimming in a particular ward, the Director of Parks, Recreation and Properties shall receive written approval from the Council member in whose ward the tree trimming will take place.

**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 October 12, 1998.  
Effective October 20, 1998, without the signature of the Mayor.

**Ord. No. 1258-98.  
By Councilmen Polensek, Jackson,  
Rybka and Johnson.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15911 Corsica Avenue to Cleo Davis.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 113-14-082, as more fully described in Section 2 below, to Cleo Davis.

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

P.P. No. 113-14-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 298 and 299 in the Eastwood Sublot No. of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Corsica Avenue N.E., and extending back between parallel lines, 101 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1261-98.  
By Councilmen Britt, Jackson,  
Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2074 East 83rd Street aka 8217 Carnegie Avenue to J. T. Bailey Company, Incorporated.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 119-14-066, as more fully described in Section 2 below, to J. T. Bailey Company, Incorporated.

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

P.P. No. 119-14-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 15 and 16 in E. N. Keyes' Subdivision of part of Original One Hundred Acre Lots Nos. 399 and 407, as shown by the recorded plat in Volume 5 of Maps, Page 17 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the Westerly line of East 83rd Street, (formerly Lincoln Avenue), 60 feet wide, at a point 42 feet Northerly, measured along said Westerly line, from its intersection with the Northerly line of Carnegie Avenue, S.E., (formerly East Prospect Street), 80 feet wide; thence Southerly along said Westerly line of East 83rd Street, 42 feet to the Northerly line of Carnegie Avenue, S.E. thence Westerly along said Northerly line of Carnegie Avenue, S.E., 139.64 feet; thence Northerly on a line forming an included angle of 90° 41' with said last described line, 42 feet; thence Easterly 137.84 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1262-98.  
By Councilmen Willis, Jackson,  
Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 795 Eddy Road, N.E. to Northeastern Neighborhood Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 110-13-010, as more fully described in Section 2 below, to Northeastern Neighborhood Development Corporation or designee.

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



P.P. No. 110-13-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 101 of the Eddy Road Allotment Company's Eddy Road Subdivision of part of Original One Hundred Acre Lots Nos. 372 and 373 as shown by the recorded plat in Volume 28 of Maps, Page 9 of Cuyahoga County Records and being 41.91 feet front on the Easterly side of Eddy Road, N.E., 164.51 feet on the Southerly side, 177.01 feet on the Northerly line and 40 feet wide in the rear, excepting therefrom a strip of land 5 feet wide for the widening of Eddy Road, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1415-98.**  
**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 for the 1998-99 Caribbean/Gang Task Force 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 \$86,373.00, from the U.S. Department of Justice, to conduct the 1998-99 Caribbean/Gang Task Force 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. 1415-98-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.

Passed October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1419-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance ratifying and approving the emergency sewer repair at West 98th Street under the Norfolk Southern and Regional Transit Authority tracks in accordance with the Mayor's Emergency Purchase letter of July 9, 1998.**

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

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

**Section 1.** That this Council hereby ratifies and approves the repair of sewers at West 98th Street under the Norfolk Southern and Regional Transit Authority tracks authorized pursuant to Section 181.12 of the Codified Ordinances of Cleveland, Ohio, 1976, on July 9, 1998, and ratifies the payment for the repair from Fund No. 54 SF 001, Request No. 23031.

**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 October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1601-98.**  
**By Councilmen Patmon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for the maintenance of a Pitney Bowes console inserter and attached peripherals, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pitney Bowes. Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said Pitney Bowes upon the basis of its proposal dated April 23, 1998, for maintenance of a Pit-

ney Bowes console mail inserter (Model 8316 Serial number 3149) and attached peripherals, for a period of one year beginning November 1, 1998 and ending October 31, 1999, to be purchased by the Commissioner of Purchases and Supplies for a gross price 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. 24021.

**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 October 12, 1998.  
Effective October 20, 1998.

**Ord. No. 1606-98.**  
**By Councilmen Cimperman, Willis and Johnson (by departmental request).**

**An emergency ordinance to levy special assessments for the control of blight and disease of shade trees by replacing, maintaining, trimming and removing shade trees in and along the public rights-of-way in portions of the City of Cleveland and levying the assessments.**

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 revised assessment of the cost and expense of providing for the control of blight and disease of shade trees by replacing, maintaining, trimming and removing shade trees in and along the streets of portions of the City of Cleveland ("Tree Maintenance") in the 1997 Tree Maintenance District in the City of Cleveland, as set forth in Resolution No. 376-96, adopted on May 13, 1996, amended by Ordinance No. 667-97, passed April 28, 1997, and amounting in the aggregate to \$168,881.43 as reported to this Council by the Commissioner of Licenses and Assessments, be and the same is hereby adopted and conformed, and that there be and are hereby levied and assessed upon the lots and lands within the 1997 Tree Maintenance District the several amounts reported as aforesaid, which assessments and the description of said lots and lands are now on file in the office of the Clerk of Council in File No. 1606-98-A and which assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

**Section 2.** That this Council hereby finds and determines that the revised assessments as now on file in the office of said Clerk are in the same proportion to the estimated assessments as originally filed as the actual cost of the above described improvement is to the estimated cost of the improvement as originally filed.

**Section 3.** That the assessment against each lot or parcel of land shall be payable in cash within thirty (30) days after the passage of this ordinance or at the option of the owner in one (1) annual install-

ment. All cash payments shall be made to the Commissioner of Licenses and Assessments of this City. All assessments and installments thereof remaining unpaid at the expiration of said thirty (30) days shall be certified by the Clerk of this Council to the County Auditor as provided by law to be placed by him on the tax duplicate and collected as other taxes are collected.

**Section 4.** That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage as required by Section 319.61, Ohio Revised Code.

**Section 5.** It is found and determined that all formal action of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements.

**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 October 12, 1998.

Effective October 20, 1998.

**Ord. No. 1700-98.**

**By Councilmen Jones, Patmon and Johnson (by departmental request).  
An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of the Kerruish Park Stormwater Project.**

Whereas, pursuant to Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

Whereas, pursuant to Section 164.05 of the Ohio Revised Code, the Ohio Public Works Commission has been created to accept and approve applications for state financing of capital infrastructure improvement projects of political subdivisions in Cuyahoga County; and

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

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

**Section 1.** That the Mayor is hereby authorized to apply to the District One Public Works Integrated Committee for Ohio Public Works Commission grant and loan funds to finance the following infrastructure capital improvement project: Kerruish Park Stormwater Project.

**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 October 12, 1998.

Effective October 20, 1998.

**Ord. No. 1822-98.**

**By Councilman Britt.  
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Cleveland Job Corps to stretch banners on Stokes Blvd. at Cedar Road for the period from October 19, 1998 to November 6, 1998, inclusive, publicizing the Health Fair.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Cleveland Job Corps to install, maintain and remove banners on Stokes Blvd. at Cedar Road, for the period from October 19, 1998 to November 6, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 12, 1998.

Effective October 21, 1998.

**Ord. No. 1823-98.**

**By Councilmen Willis and Britt.  
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King Jr. Blvd. (east of the Cleveland Museum of Natural History) and on Stokes Blvd. for the period from November 2, 1998 to December 3, 1998, inclusive, publicizing its Holiday Circlefest Celebration.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated, to install, maintain and remove banners

on Martin Luther King Jr. Blvd. (east of the Cleveland Museum of Natural History) and on Stokes Blvd. for the period from November 2, 1998 to December 3, 1998 inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed October 12, 1998.

Effective October 21, 1998.

**DEFEATED RESOLUTIONS  
AND ORDINANCES**

**Ord. No. 1767-98.**

**By Mayor White.  
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Apcoa, Inc. to manage certain parking facilities, for a term of three years with a three year option to renew.**

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, the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Apcoa, Inc. for the management of the Willard Park Garage, Memorial Shoreway Lot, Canal Basin Lot, Superior Avenue Lot Chester Avenue Lot and Stadium South Lot, on the basis of its proposal dated June 19, 1995, contained in File No. 1767-98-A, as modified by the summary of terms contained in said File, for a term of three (3) years with one option to renew the agreement for an additional three (3) years exercisable by the Director of Parks, Recreation and Properties.

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

**Section 3.** That 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.

Defeated October 12, 1998.

**Ord. No. 1768-98.****By Mayor White.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a lease agreement with American Golf Corporation to operate the Seneca Golf Course and the Highland Golf Course, for a term of ten (10) years with a five (5) year option to renew; and to amend Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, relating to fees for golf course and cross country skiing.**

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, the Director of Parks, Recreation and Properties is authorized to enter into a Lease Agreement with American Golf Corporation for the operation of the Seneca Golf Course and Highland Golf Course, including the clubhouses and related facilities, on the basis of its proposal dated July 10, 1995, contained in File 1768-98-A, as modified by the summary of terms contained in said File, for a term of ten (10) years with one option to renew the lease for an additional five (5) years exercisable by the Director of Parks, Recreation and Properties.

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

**Section 3.** That Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, is hereby amended to read as follows:

**Section 133.29 Golf Course and Cross County Skiing Fees**

(a) Effective January 1, 1998, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf course from City residents:

## (1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.50
18 holes	\$15.00	\$16.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.00	\$ 5.00
18 holes	\$ 9.00	\$ 9.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (a) who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(b) Effective January 1, 1998, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

## (1) Golf fees

A. Regular rates	Monday-Friday	Weekends
9 holes	\$ 9.00	\$ 9.50
18 holes	\$17.00	\$18.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (b) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(c) Effective January 1, 1999, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 8.75	\$ 9.25
18 holes	\$16.25	\$17.50
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.50	\$ 5.50
18 holes	\$ 9.75	\$ 9.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 6.50	\$ 6.50
18 holes	\$12.00	\$12.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 5.50	\$ 5.50
18 holes	\$ 9.75	\$ 9.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (c) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(d) Effective January 1, 1999, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$10.00	\$10.50
18 holes	\$18.75	\$20.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25



To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 7.75	\$ 7.75
18 holes	\$14.50	\$14.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (d) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(e) Effective January 1, 2000, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.00	\$ 9.75
18 holes	\$17.00	\$18.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.75	\$ 5.75
18 holes	\$10.25	\$10.25

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.50	\$12.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 5.75	\$ 5.75
18 holes	\$10.25	\$10.25

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (e) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(f) Effective January 1, 2000, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$10.50	\$11.25
18 holes	\$20.00	\$21.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 8.25	\$ 8.25
18 holes	\$15.25	\$15.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (f) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(g) Effective January 1, 2001, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.50	\$10.00
18 holes	\$17.75	\$18.75
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$10.75	\$10.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 7.25	\$ 7.25
18 holes	\$13.00	\$13.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$10.75	\$10.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (g) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(h) Effective January 1, 2001, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$11.25	\$11.75
18 holes	\$21.25	\$22.25
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 8.75	\$ 8.75
18 holes	\$16.25	\$16.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (h) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(i) Effective January 1, 2002, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.75	\$10.50
18 holes	\$18.25	\$19.50
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.25	\$ 6.25
18 holes	\$11.00	\$11.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates (Regular)	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.50	\$13.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.25	\$ 6.25
18 holes	\$11.00	\$11.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (i) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(j) Effective January 1, 2002, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$12.00	\$12.50
18 holes	\$22.50	\$23.75
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 9.25	\$ 9.25
18 holes	\$17.25	\$17.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (j) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(k) Commencing on January 1, 2003, and on the first day of January in each year thereafter, the Director of Parks, Recreation and Properties is authorized to increase fees at the municipal golf courses from City residents and non-City residents in the amount which shall be computed by multiplying the amount of the previous years fees by a percentage which is equal to the percentage of increase, if any, between the CPI in effect on the first day of January of the year during which the fees are to be increased and the CPI in effect on the first day of January of the previous year and rounding such amount upwards to the nearest quarter of a dollar. The increased fees shall be effective as of the first day of the year in which they are fixed by the Director of Parks, Recreation and Properties and shall be collected by at the municipal golf courses from City residents and non-City residents until such time as such fees are increased again in accordance with this division (k). As used in this division (k), "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch or department of the Federal Government.

(1) Miscellaneous Rental Fees

(1) Cart Rental Rates for 1998 shall not exceed the following rates:

9 holes - Regular	\$ 9.00
18 holes - Regular	\$18.00
9 holes - Senior	\$ 8.00
18 holes - Senior	\$16.00
9 holes - Single	\$ 6.50
18 holes - Single	\$13.00
Pull Cart	\$ 1.50

(2) Cart Rental Rates for 1999 shall not exceed the following rates:

9 holes - Regular	\$10.00
18 holes - Regular	\$20.00
9 holes - Senior	\$ 9.00
18 holes - Senior	\$17.75
9 holes - Single	\$ 7.25
18 holes - Single	\$14.50
Pull Cart	\$ 1.75

(3) Cart Rental Rates for 2000 shall not exceed the following rates:

9 holes - Regular	\$10.50
18 holes - Regular	\$21.00
9 holes - Senior	\$ 9.50
18 holes - Senior	\$18.75
9 holes - Single	\$ 7.75
18 holes - Single	\$15.25
Pull Cart	\$ 2.00

(4) Cart Rental Rates for 2001 shall not exceed the following rates:

9 holes - Regular	\$11.25
18 holes - Regular	\$22.25
9 holes - Senior	\$10.00
18 holes - Senior	\$19.75
9 holes - Single	\$ 8.25
18 holes - Single	\$16.25
Pull Cart	\$ 2.25

- (5) Cart Rental Rates for 2002 shall not exceed the following rates:
- |                    |         |
|--------------------|---------|
| 9 holes - Regular  | \$12.00 |
| 18 holes - Regular | \$23.50 |
| 9 holes - Senior   | \$10.50 |
| 18 holes - Senior  | \$20.25 |
| 9 holes - Single   | \$ 8.75 |
| 18 holes - Single  | \$17.25 |
| Pull Cart          | \$ 2.50 |
- (6) Tent Rental: \$200.00
- (7) Locker Rental at Highland Park \$50.00 per season
- (8) Banquet Room Rental at Highland Park - Catered Events:
- | No. of People | Golf Outing* | Other Functions |
|---------------|--------------|-----------------|
| less than 75  | \$150.00     | \$200.00        |
| 75 to 150     | \$250.00     | \$300.00        |
- \*Discount rate for golfers who wish to rent this facility.

Rental is based on a five (5) hour period with two hours prior to the rental. The banquet room closes at 1:00 a.m. The dance floor may be rented for an additional \$150.00 per event. The City's restaurant concession shall be used exclusively to provide food for catered events, unless the Director approves the use of an independent caterer. Any alcohol beverages must be purchased from the City's Concessionaire. Security is to be arranged through the Village of Highland Hills' police department and is the responsibility of the group renting the banquet room. The rate shall be fifteen dollars (\$15.00) per hour, one (1) officer per 100 people.

(9) Banquet Room Rental at Highland Park - Non-Catered Events:

The banquet room may be rented Monday through Thursday for meetings and events. Food or beverages must be purchased from the City's concessionaire, or, with the Director's approval, may be provided by the group renting the banquet room. The rental rate shall be twenty-five dollars (\$25.00) per hour with a maximum of a four (4) hour rental period. The banquet room will close no later than 10:00 p.m., Monday through Thursday.

(m) The Director of Parks, Recreation and Properties shall be authorized to collect the following fees for cross country skiing:

- (1) Trail fees
- |                   |         |
|-------------------|---------|
| Daily             | \$ 3.50 |
| Seasonal (single) | 35.00   |
| Seasonal (family) | 70.00   |

Season passes shall be honored seven (7) days per week.

- (2) Equipment Rental (includes boots, skis and poles)
- |        |         |
|--------|---------|
| Hourly | \$ 3.50 |
| Daily  | 10.00   |
- (3) Lessons (per hour)
- |            |         |
|------------|---------|
| Individual | \$ 9.50 |
|------------|---------|

(4) Group rates for trail fees, equipment rental and lessons will be arranged on a group-by-group basis and will depend on the size of the group, duration of the group's use of City facilities, availability of City equipment and facilities and similar factors.

(5) There shall be no charge for trail fees or equipment rental for participants who are enrolled in cross country ski programs conducted by the Division of Recreation.

**Section 4.** That existing Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, is hereby repealed.

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

Defeated October 12, 1998.

**COUNCIL COMMITTEE  
MEETINGS**

**Monday, October 19, 1998**

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

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

**Tuesday, October 20, 1998**

**Community and Economic Development Committee (Joint with Legislation Committee): 9:00 A.M.** — Present:

Jackson, Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone. Excused: Robinson, Vice Chairman.

**Legislation Committee (Joint with Community and Economic Development Committee): 9:00 A.M.** — Present: Zone, Chairman; Jones, Vice Chairman; Britt, Cimperman, Dolan, Johnson, Rybka.

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