

The City Record

Official Publication of the City of Cleveland

June the Tenth, Nineteen Hundred and Ninety-Eight

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson.....	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council—Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk—Sandra Franklin.		
MAYOR—Michael R. White			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
DEPT. OF LAW – Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
DEPT. OF FINANCE – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
DIVISIONS – Accounts – Gayle Goodwin Smith, Commissioner, Room 19 City Treasury – Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies – William A. Moon, Commissioner, Room 128			
Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control – _____, Controller, Room 18			
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.			
DEPT. OF PUBLIC UTILITIES – Michael Konicek, Director, 1201 Lakeside Avenue			
DIVISIONS – 1201 Lakeside Avenue			
Water – Julius Ciaccia, Jr., Commissioner			
Water Pollution Control – Darnell Brown, Commissioner			
Utilities Fiscal Control – Morry Blech, Commissioner			
Cleveland Public Power – James F. Majer, Commissioner			
Street Lighting Bureau – Frank Schilling, Acting Chief.			
DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE – Henry Guzmán, Director, Room 113			
DIVISIONS – Waste Collection and Disposal – Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets – Randell T. Scott, Commissioner, Room 25			
Engineering and Construction – JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture – Kenneth Nobilio, Commissioner, Room 517			
DEPT. OF PUBLIC HEALTH – Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
DIVISIONS – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment – Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
DEPT. OF PUBLIC SAFETY – William M. Denihan, Director, Room 230.			
DIVISIONS – Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service – Bruce Shade, Commissioner, 1708 South Pointe Drive			
DEPT. OF PARKS, RECREATION & PROPERTIES – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
DIVISIONS – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management – Vernon Robinson, Commissioner, East 49th & Harvard			

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

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

Recreation – Michael Cox, Acting Commissioner, Room 8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MORAL CLAIMS COMMISSION – Law Director Sylvester Summers, Jr.; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, JUNE 10, 1998

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CITY COUNCIL

MONDAY, JUNE 8, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio June 8, 1998.

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

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

Also present were Chief of Staff Sheffield-McClain and Directors Summers, Carmody, Konicek, Guzman, Staib, Denihan, Jackson, Hamilton, Warren, Axelrod, Carter, Morrison.

Absent: Mayor White.

Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by Deacon Tricia Beeman of the Church of the Transfiguration in Ward 6. Pledge of Allegiance.

MOTION

On the motion of Councilman Britt, the Clerk was instructed to correct the journal of the March 30, 1998, meeting of the Council (City Record Volume 85, Page 424) and the journal of the May 18, 1998, meeting of the Council (City Record Volume 85, Page 755) by striking the following:

“Ord. No. 546-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for landscape maintenance at various waterworks facilities and work stations, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.”

and inserting in lieu thereof:

“Ord. No. 547-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by

requirement contract of labor and materials necessary for landscape maintenance at various waterworks facilities and work stations, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.”

and by striking the following:

“Ord. No. 547-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.”

and inserting in lieu thereof:

“Ord. No. 546-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.”

and, further, that the Clerk be instructed to publish these ordinances correctly in the June 10, 1998, City Record.

The reading of the minutes of the last meeting was dispensed with and the journal approved.

COMMUNICATIONS

File No. 1746-97-B.

Objections to Estimated Assessments for the Theater District. Letter from The Glickman Organization Real Property. Parcel No. 103-01-36, letter dated June 1, 1998. Received.

File No. 1031-98.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 009-98. Received.

File No. 1032-98.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 010-98. Received.

File No. 1033-98.

From the Brook Park City Council re: copy of Resolution No. 10-1998 adopted on May 19, 1998. Received.

File No. 1034-98.

From the Richard E. Jacobs Group, Inc. re: annual report of Independent Auditor which confirms

that the Cumulative Minimum Return was not achieved for the period ended December 31, 1997. Received.

File No. 1035-98.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-154-HT-AEC. Letter dated May 28, 1998. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1036-98.

Re: Transfer of Ownership Application - 8377663 - Sonu Corporation dba 7 Eleven Foodstore 56643, 10134 Madison Avenue. (Ward 18). Received.

File No. 1037-98.

Re: Transfer of Ownership Application - 8916855 - 3919 Lorain Inc. dba Amigos Food Market, 3919 Lorain Avenue. (Ward 14). Received.

File No. 1038-98.

Re: Transfer of Ownership Application - 6417552 - 951 Linn Corporation dba Scotts Grocery, 951 Linn Drive, first floor and basement. Received.

COMMUNICATIONS

File No. 1039-98.

From Forest City Enterprises — Audited Financial Statements for Tower City Hotel Community Urban Redevelopment Corporation for year ended January 31, 1998 and Report of Agreed upon Procedures on the Schedules of Return from Operations, Total Project Costs, Capitalized Return Deficit and Cumulative Minimum Return for the Ritz-Carlton Hotel for the year ended January 31, 1998. Received.

File No. 1040-98.

May 29, 1998

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Galen Schuerlein for appointment to the Landmarks Commission. This appointment is effective immediately upon approval of Council and will expire December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

CONDOLENCE RESOLUTIONS

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

Res. No. 1087-98. Alex Smith, Jr.

Res. No. 1088-98. Hilda Marie Chavers.

Res. No. 1089-98. James A. Branch.

Res. No. 1090-98. Sophie Srnowski.

Res. No. 1096-98. Captain Donald G. Stewart.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1091-98. Reverend John Charles Dalton.

Res. No. 1092-98. Fr. Thomas Haren.

RECOGNITION RESOLUTIONS

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

Res. No. 1093-98. Henry R. Stoudermire.

Res. No. 1094-98. Paul Novosel.

Res. No. 1095-98. Patrick & Ann Kilbane.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1007-A-98 (as a substitute for Ordinance No. 1007-98).

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract for the demolition of not to exceed four school buildings to be acquired by the City of Cleveland.

Whereas, pursuant to Ordinance No. 383-97, passed December 15, 1997, the Commissioner of Purchases and Supplies will acquire sites for the Department of Community Development for land assembly and future redevelopment, several of which sites were Cleveland Public School buildings; and

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

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

Section 1. That the Director of Community Development is authorized to make a written contact in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the demolition of each or all of the following buildings to be acquired from the Cleveland Public Schools: John Adams High School, located at 3817 Martin Luther King, Jr. Boulevard; West Tech High School, located at 2201 West 93rd Street; Hazeldell School, located at 654 East 124th Street; and Longmeade School, located at 12712 Longmeade Avenue, for the Department of Community Development.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 501, Request No. 23111.

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.

Without objection, substitute ordinance agreed to. Ordinance No. 1007-98 laid on the table.

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

Ord. No. 1065-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of multi-functional copier/printers in rental Groups I, II, and III for the various divisions of City government.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the rental of multi-functional copier/printers in rental Groups I, II and III in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23354)

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

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

Ord. No. 1066-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair the motor vehicle bodies, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair motor vehicle bodies 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 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 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 22198)

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. 1067-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of reproducing and binding not to exceed thirty record books, for the Division of Water Pollution Control, 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 and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: reproducing and binding not to exceed thirty record books, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23030.

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. 1068-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants or one or more firms of consultants to provide professional services to design, procure and implement information management systems for the Division of Water.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, procure and implement information management systems for the Division of Water, including, but not limited to, plant control systems and document management systems, designing integrated information management systems, preparing specifications for the procurement of necessary computer hardware and software, reviewing and redefining work practices, and providing technical support and training for the implementation of integrated information management systems in the Division of Water.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 52 SF 001, Request No. 24018.

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. 1069-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to inspect, test and repair bucket and derrick trucks, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to inspect, test at high voltage levels and repair bucket and derrick trucks in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of 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 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 22199)

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. 1070-98.**By Councilmen Willis and Johnson (by departmental request).****An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. PI 52012A for improvements to Cleveland Memorial Gardens with S.W. Franks Construction Company, 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 and directed to make the following alterations and modifications in Contract No. PI 52012A with S.W. Franks Construction Company for improvements to Cleveland Memorial Gardens, for the Department of Parks, Recreation and Properties:**CLEVELAND MEMORIAL GARDENS
SITE IMPROVEMENTS****ADDITIONS-ORIGINAL ITEMS**

Item #1	Mobilization, demolition, general conditions, bonding, insurance (Lump Sum at 37,914.83)	37,914.83
Item #3	Clear and grub - remove scrub vegetation and small trees (7.06 A.C. @ 1,700.00 A.C.)	12,002.00
Item #4	Remove large trees (30 @ 112.00 each)	3,360.00
Item #13	Topsoil stripping (39,367 C.Y. @ 2.90 C.Y.)	114,164.30
Item #14	Topsoil respread (24,460 C.Y. @ 3.00 C.Y.)	73,380.00
Item #15	Excavation - cut (14,341 C.Y. @ 2.60 C.Y.)	37,286.60
Item #17	Excavation - drainage channel (14,341 C.Y. @ 2.60 C.Y.)	15,312.00
Item #19	Silt fence (3,000 L.F. @ 2.50 L.F.)	7,500.00
Item #20	Straw bales (16 each @ 10.00 each)	160.00
Item #21	12" reinforced concrete sewer pipe (56 L.F. @ 25.00)	1,400.00
Item #33	Rock channel protection (66 C.Y. @ 100.00 C.Y.)	6,600.00
Item #34	Erosion control matting (500 S.Y. @ 6.60 S.Y.)	3,300.00
Item #40	ODOT Std. MH-3 (84" dia.) (1 @ 5,000.00)	5,000.00
Item #44	ODOT Std. 2-2-13 Catch Basin (1 @ 1,300.00/ea.)	1,300.00
Item #46	4" Underdrain under roadway (900 L.F. @ 6.00 L.F.)	5,400.00
Item #47	6" HDPE Non-perforated underdrain (30 L.F. @ 8.00 L.F.)	240.00
Item #51	Mountable curb and gutter (without underdrains) (1,630 L.F. @ 8.50 L.F.)	13,855.00
Item #52	Vertical curb and gutter (with underdrains) (1,000 L.F. @ 15.00 L.F.)	15,000.00
Item #54	Wheel stops (8 each @ 67.00 each)	536.00
Item #62	Hydroseeding (117,000 S.Y. @ .77 S.Y.)	90,090.00
	TOTAL ADDITIONS TO ORIGINAL ITEMS	443,800.73

CREDIT - ORIGINAL ITEMS

Item #5	Sawcut and remove concrete (160 S.Y. @ 21.00 S.Y.)	3,360.00
Item #6	Demo concrete walk (Lump Sum @ 600.00)	600.00
Item #9	Demo curb (42 L.F. @ 6.00 L.F.)	252.00
Item #10	Remove guardrail (30 L.F. @ 7.00 L.F.)	210.00
Item #11	Abandon existing drainage structure (1 @ 500.00 each)	500.00
Item #12	Remove and relocated light pole (1 @ 1,400.00 each)	1,400.00
Item #16	Excavation-fill (7,787 C.Y. @ 2.05 C.Y.)	15,963.35
Item #18	Fill material (325 L.F. @ 7.00 L.F.)	2,275.00
Item #41	ODOT Std. MH-3 (96" dia.) (1 @ 6,100.00)	6,100.00
Item #45	4" HDPE perforated underdrain (2,745 L.F. @ 6.00 L.F.)	16,470.00
Item #50	Mountable curb and gutter (with underdrains) (245 L.F. @ 15.00 L.F.)	3,675.00
Item #59	Blank plot markers (109 each @ 5.50 each)	599.50
	Add Alternate No. 2 (committal shelter) (Lump Sum @ 60,000.00)	60,000.00
	Add Alternate No. 4 (Blvd. terminus wall) (Lump Sum @ 25,000.00)	25,000.00
	TOTAL CREDITS TO ORIGINAL ITEMS	136,404.85

NEW ITEMS FOR SUBSIDIARY

Item #103	Debris and pipe removal (Lump Sum @ 14,252.00)	14,252.00
Item #104	Remove and dispose of NCB debris (Lump Sum @ 15,000.00)	15,000.00
Item #105	Performance of sewer work out of sequence (Lump Sum @ 9,600.00)	9,600.00
Item #106	Temporary access drive off Clarkwood to complete sewer work (Lump Sum @ 15,700.00)	15,700.00
Item #107	Additional inspection fees for Cuyahoga Sanitary Engineer (Lump Sum @ 8,400.00)	8,400.00
Item #108	Labor cost increase (Union wage scale will go up on May 1st and this will cover work that was delayed beyond the contractor's control) (Lump Sum @ 7,000.00)	7,000.00
Item #109	Sidewalk along Green Road (7,100 S.F. @ 2.90 S.F.)	20,590.00
Item #110	Grading and excavation for sidewalk along Green road (Lump Sum @ 30,000.00)	30,000.00
Item #111	Guardrail (825 L.F. @ 16.50 L.F.)	13,612.50
Item #112	4" PVC utility sleeves (400 L.F. @ 19.50 L.F.)	7,800.00
Item #113	Topsoil re-handling (13,000 C.Y. @ 2.00 C.Y.)	26,000.00
Item #114	Split rail fence (700 L.F. @ 12.50)	8,750.00
Item #115	Premium back-fill material (500 C.Y. @ 22.55)	11,275.00
Item #116	Storm sewer connection (Lump Sum @ 1,850.00)	1,850.00
Item #117	Grading and excavation for workhouse access Road (Lump Sum @ 4,650.00)	4,650.00
Item #118	9" concrete pavement for workhouse access Road (1,671 S.Y. @ 56.45 S.Y.)	94,327.95
	TOTAL NEW ITEMS FOR SUBSIDIARY	288,807.45

ADDITIONS (OVERRUNS)	443,800.73
+ NEW ITEMS	288,807.45
TOTAL ADDITIONS TO ORIGINAL CONTRACT	732,608.18
TOTAL ADDITIONS	732,608.18
- TOTAL CREDITS	136,404.85
TOTAL SUBSIDIARY AMOUNT	596,203.33

ORIGINAL CONTRACT AMOUNT	1,998,059.93
SUBSIDIARY AMOUNT	596,203.33
REVISED CONTRACT AMOUNT	2,594,263.26

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 \$596,203.33, to be paid from Fund Nos. 10 SF 006, 10 SF 165, 20 SF 320, 20 SF 350, and 62 SF 001.

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

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

**Ord. No. 1072-98.
By Councilmen Cimperman, Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing the Director of Public Service to execute an easement granting to East Ohio Gas Company certain easement rights in property located along relocated Erieside Avenue and West 3rd Street and declaring said easement rights no longer needed for public use.

Whereas, the East Ohio Gas Company ("EOG") has requested the Director of Public Service to convey certain easement rights in property located along relocated Erieside Avenue and West 3rd Street; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

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

Strip #1

Part of PPN: 101-03-011, 022, 023

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of Relocated Erieside Avenue (70 feet wide);

Thence South 56° 06' 52" West, along the centerline of said Erieside Avenue, 49.50 feet to a point;

Thence South 33° 53' 08" East, 21.50 feet to a point and the True Place of Beginning of the following described strip of land;

Thence South 33° 53' 08" West, 73.00 feet to a point;

Thence North 78° 53' 08" West, 61.50 feet to a point;

Thence South 56° 06' 52" West, 59.12 feet to a point;

Thence South 42° 36' 52" West, 44.32 feet to a point;

Thence South 29° 06' 52" West, 219.39 feet to a point;

Thence South 40° 21' 52" West, 122.07 feet to a point;

Thence North 86° 45' 38" West, 126.00 feet to a point;

Thence North 33° 53' 08" West, 267.74 feet to a point;

Thence North 56° 06' 52" East, 25.00 feet to a point;

Thence South 33° 53' 08" East, 240.39 feet to a point;

Thence Southeasterly along the arc of a curve to the left, with a radius of 30.00 feet and whose chord bears South 60° 19' 23" East, 26.71 feet, an arc distance of 27.69 feet to a point;

Thence South 86° 45' 38" East, 73.37 feet to a point;

Thence Northeasterly along the arc of a curve to the left, with a radius of 30.00 feet and whose chord bears North 67° 15' 06" East, 26.29 feet, an arc distance of 27.21 feet to a point;

Thence Northeasterly along the arc of a curve to the left, with a radius of 725.00 feet and whose chord bears North 35° 11' 21" East 153.45 feet, an arc distance of 153.74 feet to a point;

Thence North 29° 06' 52" East, 119.39 feet to a point;

Thence Northeasterly along the arc of a curve to the right, with a radius of 275.00 feet and whose chord bears North 41° 11' 16" East, 115.04 feet, an arc distance of 115.90 feet to a point;

Thence North 53° 15' 42" East, 77.17 feet to the True Place of Beginning;

Strip #2

Part of PPN: 101-03-022, 023

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being more fully described as follows:

Beginning at an iron pin monument at the intersection of the centerline of East 9th Street (99 feet wide) with the centerline of Relocated Erieside Avenue (70 feet wide);

Thence South 56° 06' 52" West, along the centerline of said Erieside Avenue, 49.50 feet to a point;

Thence South 33° 53' 08" East, 94.50 feet to a point;

Thence North 78° 53' 08" West, 61.50 feet to a point;

Thence South 56° 06' 52" West, 59.12 feet to a point;

Thence South 42° 36' 52" West, 44.32 feet to a point;

Thence South 29° 06' 52" West, 219.39 feet to a point;

Thence South 40° 21' 52" West, 122.07 feet to a point;

Thence North 86° 45' 38" West, 5.65 feet to a point, said point also being the Principal Place of Beginning of the following described strip of land;

Thence Southwesterly along the arc of a curve to the left, with a radius of 745.00 feet and whose chord bears South 49° 51' 45" West, 160.81 feet, an arc distance of 161.12 feet to a point;

Thence South 56° 03' 30" West, 522.14 feet to a point;

Thence North 34° 08' 55" West, 945.68 feet to a point;

Thence North 69° 55' 47" East, 10.31 feet to a point;

Thence South 34° 08' 55" East, 933.21 feet to a point;

Thence North 56° 03' 30" East, 512.17 feet to a point;

Thence Northeasterly along the arc of a curve to the left, with a radius of 735.00 feet and whose chord bears North 50° 11' 46" East, 150.14 feet, an arc distance of 150.39 feet to a point;

Thence North 86° 45' 33" West, 13.20 feet to a point, said point also being the Principal Place of Beginning;

Part of PPN: 101-02-002
Regulator Station

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and being more fully described as follows:

Beginning at the most Northwest-erly corner of West 3rd Street (99 feet wide) as shown on the Vacation Plat of part of Erieside Avenue, N.W. and West 3rd Street as recorded in Volume 210, Page 7 of C.C.M.R.;

Thence North 34° 02' 55" West, and parallel to the centerline of said West 3rd Street, 30.00 feet to a point;

Thence Easterly and parallel to the Northerly line of said West 3rd Street to a point on the Northwest-erly line of said Erieside Avenue;

Thence Southerly along the North-westerly line of said Erieside Avenue to the Northerly line of said West 3rd Avenue;

Thence Westerly along the Northerly line of said West 3rd Street to the Place of Beginning.

Section 2. That the easement shall be non-exclusive and the purpose of the easement shall be to upgrade EOG's facilities in order to increase and maintain adequate gas service to accommodate the new stadium, the Rock and Roll Hall of Fame, the Great Lakes Science Center, parking garage, and other development activity occurring along the lake-front.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies and the Director of Public Service are authorized to convey the above-described (non-exclusive) easement interest to EOG at a price

not less than fair market value as determined by the Board of Control.

Section 4. That the duration of the easement shall be permanent; that the easement may include reasonable access rights; that the easement shall not be assignable; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by Official Deed of Easement prepared by Director of Law and executed by the Director of Public Service on

behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties.

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

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

Ord. No. 1073-98.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Saint Aloysius - Saint Joseph Parish to encroach into the public right-of-way of St. Clair Avenue with four (4) banners from the period of June, 1998 to June, 1999, to celebrate their centennial year as a church.

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 Saint Aloysius - Saint Joseph Parish, 10932 St. Clair Avenue, Cleveland, Ohio 44108; its successors and assigns; for the construction, use and maintenance of four (4) banners to be attached to the Cleveland Electric Illuminating Company's (C.E.I.) utility poles (by separate permission), for the period of June, 1998 to June, 1999, and which banners publicize the celebration of the church's centennial year, at the locations more fully described herein.

SAINT ALOYSIUS - SAINT JOSEPH PARISH BANNER ENCROACHMENT AREA:

There are to be four (4) Cleveland Electric Illuminating Company utility poles to be used, all with no numbers or signage, (by separate permission from C.E.I.) and also shown by a map on file with the Council of the City of Cleveland as File No. 1073-98-A and further described as follows:

1.) Beginning with the second utility pole on the Southerly side of St. Clair Avenue, Westerly of the Southwesterly corner of St. Clair Avenue and Lakeview Road and in front of St. Aloysius Church and Rectory;

2.) Thence proceeding Westerly along the Southerly side of St. Clair Avenue including the third and fourth utility poles;

3.) Thence continuing Westerly on the Southerly side of St. Clair Avenue to the second utility pole from the corner of East 109th Street and St. Clair Avenue in front of the St. Aloysius Church Parking Lot.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to

attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed within the public rights-of-way as aforesaid in Section 1, and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

Ord. No. 1074-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24141)

Section 3. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative

agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to effectuate such cooperative efforts, and may enter into contract with the vendors selected through that cooperative process.

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

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

Ord. No. 1075-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Cuyahoga County Criminal Justice Services for the 1997 Violence Against Women Act 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 Law is hereby authorized to apply for and accept a grant in the amount of \$340,083, from the Cuyahoga County Criminal Justice Services, to conduct the 1997 Violence Against Women Act Program, for the purposes set forth in the application and according thereto; that the Director of Law 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. 1075-98-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 Finance, Law; Committee on Finance.

Ord. No. 1076-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Ryan White Planning and Evaluation Project.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in

the approximate amount of \$15,000 and such other funds as may become available during the grant period, from the Ohio Department of Health, to conduct the Ryan White Planning and Evaluation Project, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1076-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 1077-98.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to solicit proposals to enter into contracts with various entities for the Housing Opportunities for Persons with AIDS Program.

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into contract with one or more entities for the development, implementation and operation of the Housing Opportunities for Persons with AIDS Program ("HOPWA") in an approximate amount of \$600,000.00, such sums to include administrative costs to the Department.

The selection of said 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 purposes 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 contracts herein authorized shall be prepared by the Director of Law, approved by the Director of Public Health, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 13 SF 513, Request No. 24510.

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

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

Ord. No. 1078-98.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1998-99 State AIDS Community Based Care Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$59,750 and such other funds as may become available during the grant period, from the Ohio Department of Health, to conduct the 1998-99 State AIDS Community Based Care Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1078-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 1079-98.
By Councilmen Cintron, Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a Lease By Way of Concession with the U.S. Department of Veterans Affairs to provide medical services at the McCafferty Health Center, for a period not to exceed five years and a five-year option to renew.

Whereas, the Department of Public Health and the U.S. Department of Veterans Affairs desire to enter into a Lease By Way of Concession at the McCafferty Health Center, allowing the Veterans Administration to provide services at the facility with an emphasis on serving traditionally under-served Hispanic and African American veterans, such services to include but not be limited to basic primary health care, preventive health care, mental health care, telemedicine, outreach, adjustment counseling, employment and social support services, and referrals to other VA clinics for the full range of VA services; and

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

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

Section 1. That, notwithstanding Section 183.03 or any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to enter into a Lease By Way of Concession with the U.S. Department of Veterans Affairs for the provision of medical and social services at the McCafferty Health Center, for a period not greater than five (5) years, with one option to renew for an additional five (5) years, with approval by City Council.

Section 2. That said Lease By Way of Concession shall include provisions stating that the U.S. Department of Veterans Affairs shall bear the cost of any improvements or alterations to the McCafferty Health Center needed to implement the Lease By Way of Concession; that no rental fee shall be charged to the U.S. Department of Veterans Affairs; that the U.S. Department of Veterans Affairs may contribute to the operating cost of the McCafferty Health Center or provide other improvements or alterations to the facility in lieu of such contributions; that the City shall retain any permanent improvements or alterations to the facility after the U.S. Department of Veterans Affairs has vacated the premises; and that the U.S. Department of Veterans Affairs may employ their usual billing practices for the persons they serve.

Section 3. That the Lease By Way of Concession shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect the public interest.

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

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

Ord. No. 1080-98.
By Councilman Westbrook (by departmental request).

An emergency ordinance to appropriate property for the public purpose of developing a corporate office park.

Whereas, the Council of the City of Cleveland, by Resolution No. _____, adopted _____, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of developing an office 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 developing a corporate office park, the following described fee simple interests be and the same hereby are appropriated:

Permanent Parcel No. 029-05-005

Parcel No. 1

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

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

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

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

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

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

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

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

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

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

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

Easterly Part of
Permanent Parcel No. 029-05-003

Parcel No. 2

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

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

Thence South 83° 17' 15" West, along the Northerly line of land so conveyed to Dorothy Hutchinson,

which is also along the centerline of Hillside Road, a private road, (20 feet wide), 102.62 feet to the Easterly line of land conveyed to The Horvitz Company by deed dated May 5, 1964 and recorded in Volume 11140, Page 397 of Cuyahoga County Records;

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

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

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

Westerly Part of
Permanent Parcel No. 029-05-003

Parcel No. 3

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

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

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

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

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

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

Section 2. That the Director of 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.

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

Ord. No. 1081-98.

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

An emergency ordinance to make an exception to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to City employees entitled to benefits of federally administered loan and grant programs for home loans and grants.

Whereas, pursuant to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of the Division of Rehabilitation and Conservation, all employees of said division, the Mayor and the Directors of all city departments, and members of Council are prohibited from applying for and receiving loans and/or grants of federally city-administered funds under existing or future home-owner rehabilitation, repair or home purchasing or building programs, subject to the same laws, ordinances, rules and regulations that apply to non-city employees under any such program; and

Whereas, the Division of Rehabilitation and Conservation has been re-named the Division of Neighborhood Services and Louise V. Jackson is Commissioner of that Division; and

Whereas, the Division of Neighborhood Services has responsibility regarding existing and future home-owner rehabilitation, but has no responsibility regarding home purchasing or building programs; and

Whereas, Louise V. Jackson has requested participation in a purchasing or building program regarding which neither she nor the Division of Neighborhood Services has any influence or authority; and

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

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

Section 1. That, notwithstanding and as an exception to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, Louise V. Jackson is hereby authorized and entitled to apply for and receive loans and/or grants of federally City-administered funds under home purchasing or building programs and to purchase property under the City's Land Reutilization Program, subject to the same laws, ordinances, rules and regulations that apply to non-city employees under any such program.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

Ord. No. 1082-98.
By Councilmen Jackson and Johnson (by departmental request).

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

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 Community Development is hereby authorized to expend funds and enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program.

Section 2. That the aggregate cost authorized in Section 1 of this ordinance shall be in an amount not to exceed \$1,208,000.00, and shall be paid from Fund No. 13 SF 874 and RL 23113.

Section 3. That the Director of Community Development is hereby authorized to enter into contract with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

Section 4. That the cost of said contract authorized in Section 3 of this ordinance shall be in an amount not to exceed \$45,000.00 and shall be paid from Fund No. 14 SF 023 and RL 23113.

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 Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1083-98.
By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5206-10 Franklin Boulevard to Kenneth F. Brichacek.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-14-041, as more fully described in Section 2 below, to Kenneth F. Brichacek.

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. 002-14-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 4, 5, 6 and 7 in Charles Cassen's Allotment of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 2 of Maps, Page 35 of Cuyahoga County Records:

Beginning on the Northerly line of said Sublot No. 4 at a point 41 feet Westerly from the Northeastly corner of said Sublot No. 4; thence Westerly along the Northerly line of said Sublot No. 4, 49 feet; thence Southerly parallel with the Westerly line of West 52nd Street (formerly Dare Street) to the Northerly line of Franklin Avenue, N.W.; thence Easterly along the Northerly line of Franklin Avenue, N.W. to a point distant 41 feet measured at right angles from the Westerly line of West 52nd Street; thence Northerly parallel with the Westerly line of West 52nd Street 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.

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

Ord. No. 1084-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Downtown Development Coordinators, fiscal agent for Cleveland Media Development Corporation, to develop and administer a program for marketing Cleveland as a place to produce major motion pictures.

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 authorized to enter into contract with Downtown Development Coordinators, fiscal agent for Cleveland Media Development Corporation, to develop and administer a program for marketing Cleveland as a place to produce major motion pictures.

Section 2. That the cost of said contract shall be in an amount not to exceed Sixty Thousand Dollars (\$60,000), and shall be paid from Fund No. 17 SF 652, Request No. 24284.

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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1085-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Fanta Equipment Company to provide economic development assistance to partially finance the construction and the purchase of machinery and equipment for its facility located at 6601 Storer Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Fanta Equipment Company to provide economic development assistance to partially finance the construction and the purchase of machinery and equipment for its facility located at 6601 Storer 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. 1085-98-A.

Section 3. That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24285.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept

the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1086-98.

By Councilman Westbrook (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for development of a corporate office park.

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 for the public purpose of developing a corporate office park, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 029-05-005

Parcel No. 1

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

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

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

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

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

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

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

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

Thence Northeastly North 30° 00' 50" East, 261.34 feet to a point;
Thence North 04° 30' 10" East, 80.69 feet to the centerline of Hill-side Road, 20 feet wide, proposed;

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

Easterly Part of

Permanent Parcel No. 029-05-003

Parcel No. 2

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

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

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

Thence South 00° 16' 40" West along the Easterly boundary line of land so conveyed to The Horvitz Company and along the Westerly boundary line of land so conveyed to Dorothy Hutchinson, as aforesaid, 630.19 feet to the Northerly line of land conveyed to Albert

Dunham by deed dated March 11, 1871 and recorded in Volume 188, Page 486a of Cuyahoga County Records;

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

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

Westerly Part of

Permanent Parcel No. 029-05-003

Parcel No. 3

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

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

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

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

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

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

Section 2. That the Director of Finance is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the abovementioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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 Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

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

Ord. No. 1041-98.

By Mayor White.

An emergency ordinance approving and ratifying an agreement with CSX Corporation to ameliorate adverse environmental impacts due to changes in rail traffic resulting from the railroad's acquisition of certain Conrail assets.

Whereas, on June 23, 1997, Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS") and CSX Corporation and CSX Transportation, Inc. ("CSX") filed a joint application with the Surface Transportation Board ("Board") seeking authority for NS and CSX to acquire and divide certain assets of Conrail; and

Whereas, on September 22, 1997, this Council approved Resolution No. 1799-97, wherein the Council, *inter alia*, strongly urged the Board to review the proposed acquisition and distribution of the assets of Conrail with consideration of the negative impacts such transaction would have on the citizens of the City of Cleveland and the Greater Cleveland area, including safety issues such as increase in injuries to citizens and the increase in delays in emergency equipment response, and environmental issues related to air and noise pollution and the shipment of hazardous cargo; and

Whereas, Cleveland intervened in the proceeding before the Board in order to avoid significant adverse environmental impacts resulting from anticipated increases in rail traffic in Cleveland's neighborhoods should the Board approve the joint application; and

Whereas, on June 4, 1998, the Mayor executed a Settlement Agreement with CSX which, subject to ratification and approval by this Council, would commit CSX to make capital investments in Cleveland and financial contributions to Cleveland in order to ameliorate and mitigate the adverse environmental impacts in Cleveland resulting from increases in rail traffic by CSX and would result in significant benefits to the City and its residents, including job opportunities at local CSX facilities; and

Whereas, this Council hereby ratifies and approves the agreement made by the Mayor and CSX; and

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

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

Section 1. That, notwithstanding any ordinance to the contrary, this Council hereby ratifies and approves the Settlement Agreement with CSX Corporation and its railroad subsidiaries to ameliorate certain adverse environmental impacts due to changes in rail traffic resulting from the railroad's acquisition of certain Conrail assets, which was executed by the Mayor and CSX on June 4, 1998. A copy of the Settlement Agreement is contained in File No 1041-98-A.

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

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

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

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

Those voting nay: Councilman Rybka.

Ord. No. 1042-98.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Irish Cultural Festival to hang two (2) Banners on Cleveland Public Power utility poles (by separate permission) on Euclid Avenue and East 9th Street for the period of June 26, 1998 to July 26, 1998 inclusive to publicize their festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cleveland Irish Cultural Festival, 2364 Queenston Road, Cleveland Heights, Ohio 44118; to install, maintain and remove two (2) Banners on Cleveland Public Power Poles (by separate permission), being; the 3rd pole East of East 9th Street and Euclid Avenue, on the Southerly side of the street, Pole No. B61-10; and the 4th pole East of East 9th Street and Euclid Avenue, on the Northerly side of the street, Pole No. B60-10; for the period from June 26, 1998 to July 26, 1998, inclusive. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1043-98.

By Councilman Cintron.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Lutheran Hospital to encroach into the public right-of-way at various locations on Vestry Avenue, West 25th Street, West 28th Street and Franklin Boulevard with nineteen (19) banners, in conjunction with their on-going banner 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 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 Lutheran Hospital (Cleveland Clinic Health System), 1730 West 25th Street, Cleveland, Ohio 44113; its successors and assigns; for the construction, use and maintenance of nineteen (19) banners to be attached to the Cleveland Electric Illuminating Company (C.E.I.) and Cleveland Public Power (C.P.P.) utility poles (by separate permission), and which banners are in conjunction with Lutheran Hospital's on-going banner program, and will encroach into various locations of Vestry Avenue, West 25th Street, West 28th Street and Franklin Boulevard as more fully described herein:

LUTHERAN HOSPITAL PROPOSED BANNER ENCROACHMENT AREA:

LOCATION:	POLE NUMBER:	OWNER:
9-Poles-Variou-E. side of W. 25th & both sides of Vestry	No #'s	C.P.P.
1-Pole-W. of the S.W. corner of W. 25th & Franklin	1140	C.E.I.
1-Pole-S. side of Franklin, at the Cinecraft driveway	44028	C.P.P.
1-Pole-N. side of Franklin, E. of Hospital parking lot	No #	C.P.P.
1-Pole-N. side of Franklin	527805	C.E.I.
1-Pole-S. side of Franklin	44029	C.P.P.
1-Pole-N. side of Franklin	44030	C.E.I.
1-Pole-S. side of Franklin	A0344	C.P.P.
1-Pole-N.E. corner of Franklin & W. 25th	No #	C.P.P.
1-Pole-E. side of W. 28, N. of Franklin	No #	C.P.P.
1-Pole-N. side of Franklin, W. of W. 28th	No #	C.E.I.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners are to be placed in the public right-of-way at the location as aforesaid in Section 1 and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1044-98.
By Councilman Cintron.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Lutheran Hospital to encroach into portions of the public right-of-way of Vestry Avenue and West 25th Street to construct, use and maintain a directional sign, a portion of a brick retaining wall and a portion of a wrought iron and brick pier ornamental fence.

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 Lutheran Hospital (Cleveland Clinic Health System) 1730 West 25th Street, Cleveland, Ohio 44113 its successors and assigns; for the construction, use and maintenance of a directional sign, a portion of a brick retaining wall and a portion of a wrought iron and brick pier ornamental fence, which will

encroach into the public right-of-way of Vestry Avenue and West 25th Street at the locations more fully described herein:

LEGAL DESCRIPTION OF SIGN ENCROACHMENT INTO VESTRY AVENUE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence South 58°-43'-36" West along the Northerly line of Vestry Avenue, as aforesaid, 118.43 feet to a point; thence South 31°-16'-24" East, 7.49 feet to a point and the principal place of beginning; thence continuing South 31°-16'-24" East, 5.33 feet to a point; thence South 58°-43'-36" West, 3.33 feet to a point; thence North 31°-16'-24" West, 5.33 feet to a point; thence North 58°-43'-36" East, 3.33 feet to a point and the principal place of beginning and containing 18 square feet of land, be the same more or less but subject to all legal highways.

LEGAL DESCRIPTION OF WALL ENCROACHMENT INTO VESTRY AVENUE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence South 58°-43'-36" West, along the Northerly line of Vestry Avenue, as aforesaid, 113.83 feet to a point and the principal place of beginning; thence South 31°-30'-41" East, 2.64 feet to a point; thence South 58°-29'-19" West, 26.42 feet to a point and P.C. of a curve; thence by the arc of a curve bearing to the right; Radius = 40.33 feet, Delta = 21°-31'-53", Arc = 15.16 feet, Chord = 15.07 feet and Chord Bearing South 69°-15'-15" West to a point on the Northerly line of Vestry Avenue as aforesaid; thence North 58°-43'-36" East, along the Northerly line of Vestry Avenue, as aforesaid, 41.22 feet to a point and the principal place of beginning, and containing 0.002 acres of land, be the same more or less but subject to all legal highways.

**LEGAL DESCRIPTION OF
ENCROACHMENT INTO WEST
25TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence North 31°-05'-14" West along the Westerly line of West 25th Street, as aforesaid, 159.60 feet to a point and the principal place of beginning; thence continuing North 31°-05'-14" West, along the Westerly line of West 25th Street, as aforesaid, 51.58 feet to an angle point; thence North 12°-46'-10" West along the Westerly line of West 25th Street, as aforesaid, 30.04 feet to a point; thence South 24°-21'-50" East, 80.65 feet to a point and the principal place of beginning and containing 0.0056 acres of land, be the same more or less but subject to all legal highways.

Section 2. That said directional sign, portion of brick retaining wall and portion of wrought iron and brick pier ornamental fence as aforesaid in Section 1 shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1045-98.
By Councilman Melena.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Ave., for the period from June 5, 1998 to June 22, 1998, inclusive, publicizing the Church Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Sagrada Familia Church to install, maintain and remove banners at 7750 Detroit Ave., (pole Nos. E 6 43 and E 5 4 dark brown light poles) and 7775 Detroit Ave., (pole Nos. E 6 42 and E 5 5 dark brown light poles) for the period from June 5, 1998 to June 22, 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.

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

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

Ord. No. 1046-98.
By Councilman Patmon.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Glenville Health Center to stretch banners across St. Clair Ave. near E. 107th St., for the period from June 8, 1998 to July 10, 1998, inclusive, publicizing the reopening of their Health 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 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 Glenville Health Center to install, maintain and remove banner across St. Clair Ave. near E. 107th St., (pole No. NE695 and 509670) for the period from June 8, 1998 to July 10, 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.

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

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

Ord. No. 1047-98.

By Councilman Polensek.

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Nottingham Civic Club to encroach into various locations of the public right-of-way in the areas of St. Clair Avenue and Nottingham Road, with a total of both (approximately) thirty-one (31) banners and American flags to publicize the "Nottingham Village Neighborhood Banner Project".

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

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

Section 1. That the Director of Public 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 The Nottingham Civic Club, 18316 St. Clair Avenue, Cleveland, Ohio 44110; its successors and assigns; for the construction, use and maintenance for a total of (approximately) thirty-one (31) Banners and American Flags, to be attached to Cleveland Public Power and Cleveland Electric Illuminating Company utility poles (by separate permission), to publicize the "Nottingham Village Neighborhood Banner Project", and which Banners and American Flags will encroach into the public right-of-way at various locations on St. Clair Avenue and Nottingham Road and are more fully described as follows:

PROPOSED ENCROACHMENT AREA FOR BANNERS AND AMERICAN FLAGS:

LOCATION:	POLE NO.:	SIGNAGE:
Starting with the corner at Nottingham Road and St. Clair Avenue heading west:	nh127sw/corner	Banner
	516571	American Flag
	NH 28 - (Nottingham Hardware)	Banner
	NH 29 - (E. 187th St.)	Banner
	NH1-30	American Flag
	515859	Banner
	NH1-31	American Flag
	NH1-32	Banner
	NH1-33	American Flag
	NH1-34	Banner
	NH1-35	Banner
Starting from the northwest corner of Nottingham Road and St. Clair Avenue and heading west	5005197	Banner
	NH27A	American Flag
	505196	Banner
	A7212	American Flag
	no number (#18633 St. Clair)	Banner
	A7214	American Flag
	504801	Banner
	no number (#18611 St. Clair)	American Flag
	no number (#18607 St. Clair)	Banner
	509350	American Flag
	no number (#18523)	Banner
	no number (#18509)	American Flag
	no number (corner cafe)	Banner
	3288878	American Flag
	no number	Banner
	no number (#18421)	American Flag
	A7231	Banner
Starting at the northeast corner of Nottingham Road and St. Clair Avenue heading east	A8110	Banner
	693439	Banner
Starting at the southwest corner of Nottingham Road and St. Clair heading east	NH121A	Banner
	NG1303	Banner

Section 2. That said Support Columns, Protective Bollards and Aerial Encroachments will be constructed within the public right-of-way at the locations aforesaid in Section 1, and with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That nothing in this Ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1, of this ordinance.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1048-98.**By Councilman Willis.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Case Western Reserve University to encroach into the public right-of-way of Juniper Road N.E. with decorative Pillars, Walls, Fence and Pavers for a Pedestrian Portal Entryway to the North Campus Village Dormitory.

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 Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44117, its successors and assigns; for the construction, use and maintenance of decorative Pillars, Walls, Fence and Pavers for a Pedestrian Portal Entryway to the North Campus Village Dormitory, which will encroach into the public right-of-way of Juniper Road N.E. at the locations more fully described herein.

**PROPOSED ENCROACHMENT
AREA WITHIN JUNIPER ROAD N.E.:**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a parcel within the bounds of Juniper Road N.E., 60 and 70 feet in width, as renamed by Ordinance Number 1822-75, passed by the Council of the City of Cleveland, Ohio July 21, 1975, being also a part of Original One Hundred Acre Lot No. 395, bounded and described as follows:

Beginning on the northeasterly curved line of Juniper Road N.E., 70 feet in width, as now renamed, at the southeasterly corner of Sublot No. 71 in the Reallotment and Resubdivision of a part of Wade Park Allotment, of part of Original One Hundred Acre Lot Nos. 386, 387, 394, 395, 402 and 403, as shown by the recorded plat in Volume 33 of Maps, Pages 29 and 30 of Cuyahoga County Records, being also the southwesterly corner of the southerly terminus of Magnolia Drive N.E., 70 feet in width, as shown by the Vacation Plat recorded in Volume

186 of Maps, Page 21 of Cuyahoga County Records; Course No. 1: thence South 51°-59'-50" East, along said southerly terminus of Magnolia Drive N.E., 70.00 feet to a point in a southeasterly curved line of said renamed Juniper Road N.E.; Course No. 2: thence southwesterly along said southeasterly curved line of renamed Juniper Road N.E., being along the arc of a circle deflecting to the right, 24.12 feet to a point of reverse curvature therein, said curved line having a radius of 547.25 feet and a chord which bears South 39°-05'-06" West a distance of 24.12 feet, being also the northerly end of a curved turnout connecting said southeasterly line of renamed Juniper Road N.E., 70 feet in width, with the northerly curved line of Juniper Road N.E., 60 feet in width; Course No. 3: thence southeasterly along said curved turnout, being along the arc of a circle deflecting to the left, 23.53 feet to a point of reverse curvature in said northerly curved line of Juniper Road N.E., 60 feet in width, said curved line having a radius of 12.54 feet and a chord which bears South 33°-20'-34" East a distance of 20.23 feet; Course No. 4: thence easterly along said northerly curved line of Juniper Road N.E., being along the arc of a circle deflecting to the right, 20.00 feet to a point, said curved line having a radius of 635.80 feet and a chord which bears South 82°-14'-15" East a distance of 20.00 feet; Course No. 5: thence South 8°-39'-09" West along a radial line of said northerly curved line of Juniper Road N.E., 15.70 feet to a point on the southerly face of the curved north curblineline of Juniper Road N.E.; Course No. 6: thence northwesterly along said southerly face of a curved north curblineline on Juniper Road N.E., being along the arc of a circle deflecting to the left and a westerly prolongation thereof, 33.64 feet to a point of tangency, said curved line having a radius of 620.10 feet and a chord which bears North 82°-54'-04" West a distance of 33.63 feet; Course No. 7: thence North 84°-58'-52" West, 13.42 feet to a point of curvature; Course No. 8: thence southwesterly along the arc of a circle deflecting to the left, 131.38 feet to a point in the easterly face of a northwesterly curved curblineline on renamed Juniper Road N.E., as aforementioned, said curved line having a radius of 153.16 feet and a chord which bears South 70°-26'-41" West a distance of 127.39

feet; Course No. 9: thence North 44°-07'-40" West along a radial line of the southerly curved line of renamed Juniper Road N.E., 19.57 feet to a point in a northeasterly curved line thereof; Course No. 10: thence northeasterly along said northeasterly curved line of renamed Juniper Road N.E., being along the arc of a circle deflecting to the left, 135.62 feet to a point of compound curvature therein, said curved line having a radius of 1598.63 feet and a chord which bears North 43°-40'-19" East a distance of 135.58 feet; Course No. 11: thence continuing northeasterly along a northeasterly curved line of renamed Juniper Road N.E., being along the arc of circle deflecting to the left, 28.70 feet to the place of beginning, said curved line having a radius of 477.25 feet and a chord which bears North 39°-31'-08" East a distance of 28.70 feet, containing 8,877 square feet of land (0.2038 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in May, 1998, 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 decorative Pillars, Walls, Fence and Pavers will be located within the public right-of-way of Juniper Road N.E. and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1049-98.**By Councilman Westbrook.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Our Father's House Church to encroach into the public right-of-way on Detroit Avenue between West 112th and West 114th Streets with seven (7) banners to be hung on Cleveland Public Power utility poles (by separate permission) from the period of July 1, 1998 to September 30, 1998 inclusive.

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 Our Father's House Church, 11228 Detroit Avenue, Cleveland, Ohio 44102, its successors and assigns; for the construction, use and maintenance of seven (7) banners to be attached to Cleveland Public Power utility poles (by separate permission), for the period of July 1, 1998 to September 30, 1998, and which banners will encroach into Detroit Avenue between West 112th and West 114th Streets to publicize the celebration of the church's tenth year of serving the Community, at the locations more fully described herein.

OUR FATHER'S HOUSE CHURCH / ENCROACHMENT AREA:

LOCATION:	POLE NUMBER:	OWNER:
Detroit Avenue between West 112th and West 114th Streets	E-7-25	C.P.P.
	E-7-26	C.P.P.
	E-7-15	C.P.P.
	E-7-16	C.P.P.
	E-7-27	C.P.P.
	E-8-11	C.P.P.
	E-8-10	C.P.P.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed in the public right-of-way at the location as aforesaid in Section 1 and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1050-98.

By Councilman Cintron.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Deborah James at West 45th Street and Detroit Avenue and West 28th Street and Church Avenue).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; 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 14, at the locations specified: Deborah James at West 28th Street and Church Avenue and also at West 45th and Detroit Avenue.

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

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

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

from and after the earliest period allowed by law.

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

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

Ord. No. 1051-98.

By Councilman Cintron.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (John White).

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

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

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

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

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

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

Ord. No. 1052-98.

By Councilman Sweeney.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 20. (Marcella Fallest).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 20; 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 20: Marcella Fallest.

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

Ord. No. 1053-98.

By Councilman Sweeney.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 20. (Adam Wilson).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 20; 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 20: Adam Wilson.

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

Ord. No. 1054-98.

By Councilman Zene.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Marcella Falles).

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

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

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19: Marcella Falles.

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

Ord. No. 1063-98.

By Councilman Melena.

An emergency ordinance consenting and approving the issuance of a permit for the American Lung Association's bike-a-thon, a short run and a walk on June 14, 1998, sponsored by the American Lung Association.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a bike-a-thon, a short run and a walk, sponsored by the American Lung Association on June 14, 1998, the route for the bike tour and the walk will start in the Edgewater State Park. The bike-a-thon will exit Edgewater Park onto Edgewater Drive to Cove Rd. The same route will be followed when they re-enter Cleveland on the return portion of the tour. The route for the short run and walk are as follows: start lower Edgewater Park trail south east side of loop. Head west/clockwise around lower loop one full lap, then up hill on trail to entrance/exit to upper park. Right/west on Cliff Dr. to Edgewater Dr., right/west on Edgewater Dr., to easterly Harborview Dr., turn right on to Harborview Dr around to Edgewater Dr. to 117th Street. Turn back/around on Edgewater Dr., east on Edgewater Dr. to West Blvd. Left on West Blvd. to entrance road into park. Take entrance road around to last parking area, just before this area to your right is a sidewalk, turn right onto this side-

walk. Stay on this sidewalk/trail which goes behind upper pavilion to main trail going down hill. Go down hill on main trail, at bottom of hill bare left and go pass lower pavilion to finishline, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1071-98.

By Councilmen Patmon and Westbrook.

An emergency ordinance to amend Section 111.072 of the Codified Ordinances of Cleveland, Ohio 1976, relating to the hiring of Utility Consultants by City Council.

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

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

Section 1. That Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976, is hereby amended to read as follows:

Section 111.072 Hiring of Professional Utility Consultants by City Council.

(a) On behalf of City Council, the President of Council is hereby authorized to enter into contract with professional consultants to provide assistance to the members of Council in the investigation of utility related matters pertaining to the Divisions of Cleveland Public Power, Water, and Water Pollution Control, including but not limited to, utility rate increases, service efficiency issues, capital project performance, **deregulation**, and operational and financial assessments. The cost of said contracts shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 58 SF 001 and such other funds deemed appropriate by the Director of Finance.

(b) That the Director of Public Utilities shall provide notice of future water and sewer rate increases by publishing such rate increases in the City Record at least six (6) months prior to the introduction of legislation approving said rate increases and, at the same time, by providing written notice of the proposed increases to all members of Council.

Section 2. That existing Section 111.072 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by

Ordinance No. 565-96, passed April 1, 1996, is hereby repealed.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1055-98.

By Councilman Cimperman.

An emergency resolution appointing a second assessment equalization board to hear objections to estimated assessments with respect to the provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland.

Whereas, this Council did, on the 15th day of December, 1997, duly adopt Resolution No. 1746-97, declaring therein the necessity of provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland; and

Whereas, pursuant to said resolution, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; and

Whereas, this Council appointed an Assessment Equalization Board in Resolution No. 938-98, adopted May 18, 1998, to hear and determine written objections on June 5, 1998; and

Whereas, one party petitioned this Council to continue the June 5, 1998 hearing by reason of out-of-town travel by said party; 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 Michael Thomas McBride, Curly M. Range and Gladys Faye Callahan, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board, to hear and determine written objections filed with respect to Permanent Parcel No. 103-01-036 in accordance with law to the estimated assessments heretofore filed with

the Clerk of this Council pursuant to Resolution No. 1746-97 of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 1746-97 and by law.

Section 2. That the assessment equalization board shall meet at 8:00 o'clock, a.m. on the 12th day of June, 1998, at Cleveland City Hall, 601 Lakeside Avenue, Room 514, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations along with the recommendations arising out of the June 5, 1998 meeting, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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

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

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

Res. No. 1056-98.

By Councilman Jackson.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 6017 Quincy Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 54075040005, Madaba Inc., DBA Quick Stop, 6017 Quincy Ave., Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 54075040005, Madaba Inc., DBA Quick Stop, 6017 Quincy Ave., Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1057-98.

By Councilman Johnson

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 2664 Woodhill Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 4424893, KHA Mo Corp., DBA Perfect Market, 11612 Kinsman Rd., 1st Fl., Cleveland, Ohio 44120, to Permit No. 97601540005, Woodhill Best Grocery Co., Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 4424893, KHA Mo Corp., DBA Perfect Market, 11612 Kinsman Rd., 1st Fl., Cleveland, Ohio 44120, to Permit No. 97601540005, Woodhill Best Grocery Co., Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1058-98.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 951 Linn Dr., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 7921018, Abraham L. Scott, DBA Scott, Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 6417552, 951 Linn Corp., DBA Scotts Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 7921018, Abraham L. Scott, DBA Scott, Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 6417552, 951 Linn Corp., DBA Scotts Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1059-98.

By Councilman Sweeney.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St., and repealing Res. No. 167-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St., by Res. No. 167-98, adopted January 26, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th, be and the same is hereby withdrawn and Res. No. 167-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 1060-98.

By Councilman Westbrook.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., and repealing Res. No. 2209-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., by Res. No. 2209-97, adopted December 15, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., be and the same is hereby withdrawn and Res. No. 2209-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 1061-98.

By Councilmen Jackson, Gordon, Patmon, Sweeney, White, Cintron, Jones and Cimperman.

An emergency resolution withholding local community approval as required by the Ohio Department of Youth Services in connection with the construction of the juvenile detention center and affiliated court buildings at East 22nd Street.

Whereas, the Council of the City of Cleveland is in receipt of Resolutions adopted by the Board of

County Commissioners for Cuyahoga County as well as the Juvenile Court Judges, adopted by those respective bodies on or about May 28, 1998, approving a three phase plan for the construction of a juvenile detention center and affiliated court buildings and other accessories, as set forth in the design drawing of Thomas Zung, Architects/Richard Bowen & Associates, dated May 28, 1998; and

Whereas, local community approval is also required by the Ohio Department of Youth Services as indicated in the outline of required steps in the correspondence of April 30, 1998, addressed to the Board of County Commissioners from the Director of the Ohio Department of Youth Services, Geno Natalucci-Persichetti; and

Whereas, the local community authority is constituted in the City Council who is not opposed to the plan indicated above, but is not willing to provide local community approval unless and until the following conditions have been satisfied:

(a) A detailed timetable for all phases being constructed has been provided; and

(b) A realistic and identifiable source of funding for all three phases has been put in place binding the County and all sources of such funding so as to accomplish same within the next three to five years; and

(c) That the Council is satisfied as to the long range viability of the plan and that it is conducive to the proper care of the children being housed and handled in such facilities.

Whereas, the proposed site on and about the existing premises for the Juvenile Court on 22nd Street is contrary to the City Zoning Code, in that Section 337.08(e)(8) specifically prohibits correctional facilities in this zoning district, and that any use in contradiction of the Code which is non-conforming in nature must obtain a zoning variance for any "enlargement or expansion" pursuant to Chapter 359 of the Codified Ordinances of the City of Cleveland, 1976; and

Whereas, the County Commissioners have not addressed the concerns as protected under Chapter 161 of the Codified Ordinances relating to Landmark Commission approvals, and buildings of a special historic, community, or aesthetic interest or value; and

Whereas, as the protector of the local community, it is this Council's duty, before approving the proposed plan, to assure that the proper care is being provided to the children of this community, and that the plan will provide a viable institution for the protection of the health, safety, and welfare of our constituents; and

Whereas, although Council is not opposed to the plan at this time, approval is being withheld until such time as the aforementioned conditions and concerns have been satisfied, 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 Council of the City of Cleveland, does hereby and herein formally serve notice upon the Ohio Department of Youth Services, the Cuyahoga County Board

of Commissioners, and the County Juvenile Court Judges, that they are withholding local community approval as required in the Ohio Department of Youth Services letter of April 30, 1998, until such time as all of the conditions indicated above have been satisfied, and do further serve notice upon the aforementioned that the subject site is not in compliance with all Code and Zoning requirements as is also required in the Ohio Department of Youth Services correspondence of April 30, 1998.

Section 2. That the Council of the City of Cleveland is ready, willing and able to work with the County Commissioners and the Juvenile Court Judges in order to accomplish satisfaction of the aforementioned conditions of Council in order that local community approval can be provided within the required time period.

Section 3. That the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution to Geno Natalucci-Persichetti, Director of the Ohio Department of Youth Services, to the Cuyahoga County Board of Commissioners, and to the Cuyahoga County Juvenile Court Judges.

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

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

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

Res. No. 1062-98.
By Councilmen Cintron, Westbrook, Polensek, Gordon, Zone, Melena, Robinson, Coats, Lewis, Johnson, Cimperman, Willis and Dolan.

An emergency resolution opposing any attempts to privatize the United States Postal Service.

Whereas, the Council of the City of Cleveland recognize all the men and women who work for the United States Postal Service and who have served the American public in this constitutionally authorized service during the past 220 years, and

Whereas, thousand of dedicated postal employees commit their lives and careers to processing and delivering America's mail to businesses and residents throughout the country in a timely and efficient manner and at the least cost to American taxpayers; and

Whereas, a postal service operated by private sector carriers has been historically rejected by the United States Congress and the American people, and

Whereas, the United States Postal Service has attempted to move toward privatization through awarding a contract to Emery Worldwide Airlines to create a new Priority Mail network, which appears to be a backdoor privatization effort by administrative practice rather than by Congressional policy, a practice this Council strongly oppose; 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 Council of the City of Cleveland is opposed to any efforts by the United States Postal Service that result, both directly or indirectly, in the privatization of the United States Postal Service and the loss of jobs for dedicated postal employees and hereby urges the United States Postal Service to reject any such measure which result in privatization of services provided by the Postal Service. This Council urges the United States Congress to take appropriate action to prevent the United States Postal Service from taking any such actions which may result in the privatization of such services.

Section 2. That the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution to Congressman Dennis J. Kucinich.

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

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

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

Res. No. 1064-98.
By Councilman Britt.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 8502 Quincy Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 36356500005, Harry John Inc., 8502 Quincy Ave., Cleveland, Ohio 44106; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety

and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 36356500005, Harry John Inc., 8502 Quincy Ave., Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1304-96.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to 1352 West Sixth Street Limited Partnership to construct railings and six (6) planter boxes, in front of the Piccolo Mondo Restaurant, which will encroach into the public right-of-way of West 6th Street.

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

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

Ord. No. 2194-97.

By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Schmelzer Brothers Limited Partnership, or their designee, for renovation of the Finance/Pointe Building.

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

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

Ord. No. 322-98.

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

An emergency ordinance authorizing and directing the Directors of Economic Development and Parks,

Recreation and Properties to enter into contract with the Thompson Design Group for the purpose of conducting a planning study for the West Side Market and the larger Market District.

Approved by Directors of Economic Development, Parks, Recreation and Properties, Finance, Law; Relieved of Committee on Public Parks, Property and Recreation; Recommended by Committees on Community and Economic Development, Finance.

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

Ord. No. 424-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants to provide professional services to develop and implement a telecommunications system for the Division of Cleveland Public Power.

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

1. In Section 1, line 9, between "system" and the period, insert ", but expressly excluding the actual installation of the telecommunications system."

Amendment agreed to.

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

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

Ord. No. 677-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to modify and maintain a trac-vac residuals collection system at the Garrett Morgan Water Works Facility, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Ord. No. 678-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for a Water Pollution Control Loan Fund loan to finance a City-wide sewer system evaluation survey; and authorizing the Director of Public Utilities to employ one or more consultants to provide a City-wide sewer system evaluation survey.

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

1. In the title, strike lines 5, 6, 7, 8 and 9 in their entirety and insert in lieu thereof the following: "system evaluation survey."

2. Strike Sections 4 and 5 in their entirety and renumber existing Section 6 to new "Section 4".

Amendments agreed to.

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

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

Ord. No. 679-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to test and dispose of hazardous or non-hazardous waste or materials, including asbestos assessment and removal, for the Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utilities, for a period not to exceed two years.

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

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

Ord. No. 691-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs.

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

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

Ord. No. 754-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace fire hydrants, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Ord. No. 768-98.

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

An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit.

Approved by Directors of Public Safety, Community Development, Finance, Law; Recommended by Committees on Public Safety, Community and Economic Development, Finance.

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

Ord. No. 771-98.

By Councilmen Lewis, 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 1917, 1911, 1913 East 73rd Street to Ronnie A. Stephens.

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

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

Ord. No. 773-98.

By Councilmen Lewis, 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 7122, 7206, 7210 Linwood to Wendy Y. Beverly and Lenwood P. Beverly.

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

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

Ord. No. 816-98.

By Councilmen Patmon and Johnson (by departmental request).

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 \$45,000,000; (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.

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

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

Ord. No. 817-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain combination cleaners and their appurtenances, for the Division of Water Pollution Control, Department of Public Utilities.

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

1. In Section 2, line 3, after "thereunder" insert "**which shall not exceed \$70,000**".

Amendment agreed to.

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

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

Ord. No. 824-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities and to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs and to expend funds for the operation of programs administered by the Department of Community Development.

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

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

Ord. No. 863-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for maintenance and support of computer hardware, software, peripherals and wiring, for the Police Record Management System project, for the Division of Police, Department of Public Safety, for a five year period.

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

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

Ord. No. 909-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modifications in Contract No. 50009 for the Spring Road relief sewer project with Vallejo/Terrace, a joint venture, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 924-98.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Titles II and III of the Job Training Partnership Act; to appropriate such funds to provide for administration of the JTPA program by the Department of Personnel and Human Resources; authorize funds for food and beverages for meetings of the Private Industry Council of Cleveland and for the annual Fortitude Award Ceremony; and enter into various

contracts for training services for the disadvantaged and employment and training assistance for dislocated workers.

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

1. In Section 4, line 10, strike "David G. Hill and Associates Co., L.P.A." and insert in lieu thereof "**Millisor & Nobil Co., L.P.A.**".

2. In Section 5, line 4, strike "education" and insert in lieu thereof "**Education**".

3. In Section 5, line 6, strike "Brently" and insert in lieu thereof "**Brentley**".

4. In Section 8, after line 10, insert the following new agency: "**Cleveland Initiative For Education**".

5. In Section 8, line 11, strike "Theater" and insert in lieu thereof "**Theatre**".

6. In Section 9, line 3, strike "20 SF 082" and insert in lieu thereof "**15 SF 082**".

Amendments agreed to.

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

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

Ord. No. 978-98.

By Mayor White.

An emergency ordinance approving and ratifying an agreement with Norfolk Southern Corporation and Norfolk Southern Railway Company to ameliorate adverse environmental impacts due to changes in rail traffic resulting from the railroads' acquisition of certain Conrail assets.

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

1. After the first "Whereas" clause, insert an additional Whereas clause to read as follows:

"Whereas, on September 22 1997, this Council approved Resolution No. 1799-97, wherein the Council, inter alia strongly urged the Board to review the proposed acquisition and distribution of the assets of Conrail with consideration of the negative impacts such transaction would have on the citizens of the City of Cleveland and the Greater Cleveland area, including safety issues such as increase in injuries to citizens and the increase in delays in emergency equipment response, and environmental issues related to air and noise pollution and the shipment of hazardous cargo; and"

Amendment agreed to.

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

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

Those voting nay: Councilman Rybka.

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. 985-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to enter into contract without competitive bidding with National Underground Storage, Inc. for lease of space for the storage of records, and the purchase of services related to the storage of records.

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

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

Ord. No. 986-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of a criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court.

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

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

Ord. No. 987-98.

By Councilman Johnson (by departmental request).

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

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

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

Ord. No. 1002-98.

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


An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement for a period of one year and to extend Contract No. 51520 with Kenmore Construction Co.

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

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

Pursuant to Rule 22 of the Rules of Order Governing the Council of the City of Cleveland, a yeas vote by Councilman Westbrook shall be recorded on Ordinance No. 478-98, authorizing a purchase agreement with OfficeMax for approximately 34.4 acres of City-owned property located in the Village of Highland Hills.

The Council adjourned at 9:15 p.m. to meet on Monday, June 15, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 3, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 3, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield-McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Absent: Laura A. Williams, Director, Office of Equal Opportunity.

Others: William A. Moon, Commissioner, Purchases and Supplies.

On motion, the following resolutions were adopted.

Resolution No. 390-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hughes Supply, Inc. for the following: stop cock boxes (items 1 and 2) for the Division of Water, Department of Public Utilities, received on the 8th day of April, 1998, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Forty Four Thousand Nine Hundred Seventy Dollars (\$44,970.00), (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield-McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 391-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1291-97, passed by the Cleveland City Council on May 11, 1998, Camp Dresser & McKee ("Consultant") is hereby selected upon the nomination of the Director of Port Control to provide professional consulting engineering services for the design of improvements to Abram Creek at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Camp Dresser & McKee based on its proposals dated June 19, 1997, scope of work dated April 4, 1998, cost summary dated April 9, 1998, and letter dated April 4, 1998. The fee for such services shall be an amount not to exceed Three Million Four Hundred Thousand Dollars (\$3,400,000).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to

Camp Dresser & McKee ("Consultant") is hereby approved:

SUBCONTRACTOR SERVICE

Dodson Stilson Inc.
(MBE - \$618,429/18.19%)
Engineering Services &
Environmental Lab Services

American Geotechnical &
Environmental Services Inc.
(MBE - \$475,617/13.99%)
Geotechnical Investigation &
Analysis, Design & Construction
Quality Assurance Testing

KS Associates Inc.
(FBE - \$222,784/6.55%)
Surveying, Mapping, &
Data Collection

Water Resources & Coastal
Engineering
(FBE - \$162,778/4.79%)
Hydrology, Hydraulics
Drainage Design &
Environmental Analysis

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield-McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 392-98.

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 2494-89, passed by the Council of the City of Cleveland November 20, 1989, and Ordinance No. 1342-91, passed by the Council of the City of Cleveland July 24, 1991, the firm of West Carroll Bergmann Associates is hereby selected upon the nomination of the Director of Public Service from a list of qualified consultants determined to be available after a full and complete canvass by the Director of Public Service, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City in order to obtain engineering services necessary for the rehabilitation of the West 3rd Street lift bridge over the Cuyahoga River.

Be it further resolved that the Director of Public Service hereby is authorized to enter into a written contract with West Carroll Bergmann Associates, based on its August 8, 1997 proposal as clarified by its letters dated October 2, 1997 and February 10, 1998, provided that the compensation to be paid shall not exceed Eight Hundred Thirteen Thousand Sixty-Two and no/100 Dollars (\$813,062.00), which contract shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by West Carroll Bergmann Associates for the design services contract authorized above hereby is approved:

Ralph Tyler Companies
1120 Chester Avenue
Cleveland, Ohio 44114
(MBE) 30%

KS Associates
424 Middle Avenue
Elyria, Ohio 44035
(FBE) 8%

Prime Engineering, Inc.
103 Ghent Road
Akron, Ohio 44333
(FBE) 0.17%

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 393-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Kahm Services, Inc.** for an estimated quantity of **labor and materials to repair rear loading packer bodies (all items) for the Division of Waste Collection and Disposal Department of Public Service**, for the period of one (1) year beginning with the date of execution of a contract received on the **21st day of November, 1997**, pursuant to the authority of Ordinance No. **1018-96**, passed **June 18, 1996**, which on the basis of the estimated quantity would amount to approximately **Seventy Thousand and no/100 (\$70,000.00) Dollars, (Net 30 Days)**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Service** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 25558

which shall be certified against such contract in the sum of **Ten Thousand and no/100 (\$10,000.00) Dollars.**

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 394-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Ohio Machinery Co.** for an estimated quantity of **Gradall equipment parts and labor (all items), for the Division of Motor Vehicle Maintenance, Department of Public Service**, for the period beginning with the date of execution of a contract and ending December 31, 1998, received on the 3rd day of April, 1998, pursuant to the authority of Ordinance No. **149-98**, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately **Twelve Thousand Five Hundred and no/100 (\$12,500.00) Dollars, (Net)**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Service** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19639

which shall be certified against such contract in the sum of **Three Thousand and no/100 \$3,000.00) Dollars.**

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 395-98.

By Director Staib.

Resolved by the Board of Control of the City of Cleveland, that all bids received on May 7, 1998 for Heated Food Carts (all items) for the Division of Correction, Department of Public Health, pursuant to the authority of Ordinance No. **2042-97**, passed by the Council of the City of Cleveland on December 15, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 396-98.

By Director Denihan.

Whereas by Resolution No. **943-97**, adopted November 19, 1997, pursuant to the authority of Ordinance No. **2839-90**, passed January 28, 1991, this Board of Control approved the bid of C. D. Whitfield Co., as the lowest and best for the public improvement of modifications to existing plumbing at the City Dog Kennels for the Division of Dog Pound, Department of Public Safety; and

Whereas, in said Resolution No. **943-97** the amount was incorrectly stated as Six Thousand, Six Hundred and no/100 Dollars (\$6,600.00); now therefore,

Be it resolved, by the Board of Control of the City of Cleveland that Board of Control Resolution No. **943-97**, adopted November 19, 1997, affirming and approving the bid of C. D. Whitfield Co. as the lowest and best for the public improvement of modifications to existing plumbing at the City Dog Kennels, hereby is amended by changing the amount to Six Thousand, Six Hundred Sixty and no/100 Dollars (\$6,660.00).

Be it further resolved that all other provisions of said Resolution No. **943-97** not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 397-98.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Company for an estimated quantity of Meals for the Summer Food Program (Item 1 - approximately one hundred and ten thousand unitized lunches complete as specified) (Item 2 - approximately twenty-nine thousand two hundred ten unitized breakfasts, complete as specified) (Item 3 - approximately twenty-two thousand unitized snacks complete as specified) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of three (3) months, beginning with the date of execution of a contract, received on May 22, 1998, pursuant to the authority of Ordinance No. **617-98**, passed April 27, 1998, which on the basis of the estimated quantity would amount to **Two Hundred Fifty Six Thousand Five Hundred Thirty One and 00/100 Dollars, (\$256,531.00), (2% 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. 12543

which shall be certified against such contract in the sum of **Ninety Six Thousand Seven Hundred Fifty and 00/100 Dollars (\$96,750.00).**

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 398-98.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of various food items (Bid 1: 1-28) (Bid 2: 29-202) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period of nine (9) months, beginning with the date of execution of a contract, received on May 22, 1998, pursuant to the authority of Ordinance No. **617-98**, passed April 27, 1998, which on the basis of the estimated quantity would amount to **Seventy Eight Thousand Seventy Nine and 39/100 Dollars (\$78,079.39)**, 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. 12544

which shall be certified against such contract in the sum of **Twenty Five Thousand and 00/100 Dollars (\$25,000.00).**

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 Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 399-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 104-21-005, 104-21-006 and western half of 104-21-007 under said Land Reutilization Program; and

Whereas, Ordinance No. 888-98 passed May 18, 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, Ivan Gadson 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. 888-98 passed May 18, 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 Ivan Gadson for the sale and development of Permanent Parcel Nos. 104-21-005, 104-21-006 and western half of 104-21-007, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 400-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 104-21-098, 104-21-099, and 104-21-100 under said Land Reutilization Program; and

Whereas, Ordinance No. 774-98 passed May 18, 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, William and Morray Mumford 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. 774-98 passed May 18, 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 William and Morray Mumford for the sale and development of Permanent Parcel Nos. 104-21-098, 104-21-099, and 104-21-100, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 401-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 119-03-070 and 119-03-096 under said Land Reutilization Program; and

Whereas, Ordinance No. 475-98 passed May 18, 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, Albert L. and Cynthia L. Owens have 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. 475-98 passed May 18, 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 Albert L. and Cynthia L. Owens for the sale and development of Permanent Parcel Nos. 119-03-070 and 119-03-096, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 402-98.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by E.P.I. of Cleveland, Inc., contractor for the metal fabrication, rails and guardrails,

overhear coiling doors and shutters for the new Cleveland Browns Stadium, under City Contract 52548, pursuant to Ordinance No. 304-96 passed on March 8, 1996, and Board of Control Resolution No. 992-97, adopted November 26, 1997, for the Department of Parks, Recreation & Properties, is hereby approved:

Diamond Core Drilling
Coon Caulking
Kapton Caulking
Demco Painting

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 403-98.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the employment of the following subcontractors by Independence Excavating Inc., contractor for the sitework and stadium culvert rehabilitation for the new Cleveland Browns Stadium, under City Contract 52843, pursuant to Ordinance No. 304-96 passed on March 8, 1996, and Board of Control Resolution No. 228-97, adopted April 1, 1998, for the Department of Parks, Recreation & Properties, is hereby approved:

Giambrone Masonry
Royal Landscaping
Cleveland Cement
Kelley Dewatering
Pyramid Electric
Cuyahoga Concrete
Pompili Precast
KM & M
Anning-Johnson, Co.
Mack Industries
Superior Concrete Pipe
Lakeside Construction
Regulatory Contractors, Inc.
Wheeler & Melena (Division of
Michael Benza Associates)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 404-98.

By Director Jackson.

Be it resolved, by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Independence Excavating Inc., contractor for the sitework and stadium culvert rehabilitation for the new Cleveland Browns Stadium, under City Contract 52843, pursuant to Ordinance No. 304-96 passed on March 8, 1996, and Board of Control Resolution No. 228-98, adopted April 1, 1998, for the Department of Parks, Recreation & Properties, is hereby approved:

Richmond Valve and Pipe Co.
(FBE) \$100,000

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 405-98.

By Director Jackson.

Resolved by the Board of Control of the City of Cleveland, that all bids received on May 6, 1998 for the signage and graphics (Bid Package #14) for the new Cleveland Browns NFL Stadium, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1996 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.

Absent: None.

Resolution No. 406-98.

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Higgins Electric Company (Bid Package No. 8D) for the public improvement of the new Cleveland Browns NFL Stadium Suite Power and Lighting, and all items and alternate 1, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on May 22, 1998, pursuant to the authority of Ordinance No. 304-96, passed March 8, 1996, for a gross price for the improvement in the aggregate amount of Two Million Four Hundred Eighty-two Thousand and no/100 (\$2,482,000.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Higgins Electric Company for the public improvement of the new Cleveland Browns Stadium suite electrical work, hereby is approved:

Gilcrest Electric and Supply
(MBE) \$744,800.00

Work Best Electric, Inc.
(FBE) \$248,200.00

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheffield McClain, Directors Guzman, Staib, Acting Director Smith, Directors 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 Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service

Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS**MONDAY, JUNE 22, 1998****9:30 A.M.****Calendar No. 98-104:** 1198 Old River Road

Rivers Edge Inc. c/o Robert F. Ewolski, president, appeals, under Section 76-6 of the Charter of the City of Cleveland and Section 690.13 of the Codified Ordinances from the refusal to issue a Dance Hall License for the premises at 1198 Old River Road; said refusal being by Robert J. Schneider, Commissioner of Assessments and Licenses upon recommendation of Lisa Thomas, Commissioner of Building and Housing under authority of Section 690.03 of the Codified Ordinances.

Calendar No. 98-105: 570 East 105th Street, a.k.a. 564-576 East 105th Street

Shorebank Enterprise Group, owner, c/o John Schoeniger, appeals to erect approximately 330 linear feet of 6' high ornamental fence and 145 linear feet of 6' high wood privacy fence to enclose the parking lot granted by the Board of Zoning Appeals on September 2, 1997, in Calendar No. 97-178 on the 144' x 238' irregular shaped corner parcel located in a Multi-Family District on the northwest corner of E. 105th St. and Barrett Ave., at 570 E. 105th St. aka 564-576 E. 105th St. and accessory to the Glenville Enterprise Center (a multi-tenant office/warehouse/light manufacturing facility) at 540 E. 105th St.; said fencing being in excess of the 4'6" maximum height permitted within the setback areas on E. 105th St. and Barrett Ave. as limited by Sections 357.05, 357.07 and 357.13(b)(3) of the Codified Ordinances.

Calendar No. 98-108: 3170 Warren Road, N.W.

The Church in Cleveland, owner c/o James Young, trustee, appeals, to construct an additional 10 car parking area and, to erect a 50' x 60' two-story masonry building with school classrooms on the first floor and three dwelling units on the second floor and to be located in the open area on the North between the dwelling house at 3166 Warren Rd. and the church building at 3170 Warren Rd., all on the 293' x 587' irregular shaped acreage parcel located in a Multi-Family District for a depth of 150' and in a One-

Family District for the remainder and also occupied by an existing 114 car accessory off-street parking lot and two other dwelling houses and the church building and known as 3170 Warren Road; said new classroom/apartment building within the One-Family District being contrary to the residence limitations of Section 337.02 and contrary to the distance between buildings required by Section 357.15 and the parking areas not being in conformance with the screening requirements of Section 349.08 and the landscape requirements for the parking island strips pursuant to Section 352.10 of the Codified Ordinances.

Calendar No. 98-109: 4281 West 30th Street

Marie Pineiro, owner, appeals to erect a 48" x 31" (approximately 10 sq. ft.) non illuminated business wall sign attached to the front porch post of the two-story frame dwelling house on a 69' x 100' irregular shaped lot located in a Two-Family District at 4281 W. 30th Street; said business identification sign being in excess of 2 square feet and contrary to the residence limitations as limited by Section 350.13(e) of the Codified Ordinances.

Calendar No. 98-119: 3454 Warren Road, N.W.

Christine A. Madsen, owner, appeals to erect approximately 271 linear feet of 6' high wood stockade fence and gates and approximately 25 linear feet of 5' high wood stockade fence to enclose the rear part of the 85' x 165' irregular shaped corner lot located in a Multi-Family District on the southwest corner of Warren Rd. and Frick Ct. and occupied by a two-story frame dwelling house at 3454 Warren Rd.; portions of said 6' high fence and gate to be in excess of the 4'6" maximum height possible as limited along Frick Ct. within the setback area pursuant to Sections 357.05 and 357.13(b)(3) of the Codified Ordinances.

**REHEARING GRANTED
ON MAY 4, 1998****10:30 A.M.****Calendar No. 97-260:** 1266 Parkwood Drive, N.E.

Mildred Brown Abercrombie, owner, appeals to change use to a Group Home with 9 clients the 23' x 32' 2-1/2 story frame One-Family dwelling house on a 40' x 120' irregular shaped corner lot located in a C-Multi Family District on the Southwest corner of Parkwood Drive and Hathaway Avenue at 1266 Parkwood Drive; the south side yard being 2' instead of 8' in width as required by Section 357.09 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS**MONDAY, JUNE 8, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, June 1, 1998, the following appeals were heard by the Board, and, on Monday, June 8, 1998 were decided by the Board.

The following appeals were **Grant- ed:**

Calendar No. 98-91: 4404 West 47th Street
Kiram Sayage, owner, and tenant, Jenny's Pizza c/o Donald Moore, appealed to change use of an exist- ing 2-story frame commercial/resi- dential building.

Calendar No. 98-92: 799 East 82nd Street
Anthony M. Pilla, Bishop, owner, and St. Phillip Neri Church, tenant, c/o Father Gary Stakem, appealed, to renovate and change the use of an existing 36' x 62' convent house.

The following appeal was **Re- fused:**

Calendar No. 98-90: 15501 Munn Road
Rita Mikolay and John A. Miko- lay, co-trustees of Rita Mikolay Revocable Trust, owners, and Real- ty One c/o James W. Fox Jr., ten- ant, appealed to attach a 4' x 20' temporary banner to the building front of an existing 40' x 60' 2-story masonry office building.

The following appeal was **Dis- missed:**

Calendar No. 98-88: 1947 West 54th Street.

The following appeals were **With- drawn:**

Calendar No. 98-65: 2148 West 6th Street.

Calendar No. 98-66: 2157 West 6th Street.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

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

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

Richard Norris, last known ad- dress, 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 Pur- chases and Supplies, Room 128, City Hall, in accordance with the append- ed schedule, and will be opened and read in Room 128, City Hall, imme- diately thereafter.

Each bid must be made in accor- dance 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 Pur- chases 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 speci- fied 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 advertise- ment: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certi- fied before doing business with the City. Therefore, any prime contrac- tor wishing to receive credit for using an MBE or FBE should ensure that applications for certifi- cation as to MBE or FBE status compliance with the Code, affirma- tive 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 crimi- nal penalties."

WEDNESDAY, JUNE 17, 1998

Easton Park Site Improvements and Luke Easter Park Sidewalk Improvements, for the Division of Research, Planning and Develop- ment, Department of Parks, Recre- ation and Properties, as autho- rized by Ordinance Nos. 1264-97 and 1965-97, passed by the Council of the City of Cleveland, July 16, 1997 and December 15, 1997, respectively.

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

June 3, 1998 and June 10, 1998

THURSDAY, JUNE 18, 1998

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

Phase II — Software, for the Department of Port Control, as authorized by Ordinance No. 1275- 97, passed by the Council of the City of Cleveland, September 22, 1997.

June 3, 1998 and June 10, 1998

THURSDAY, JUNE 25, 1998

Labor and Materials to Repair Over- head Doors, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 244-98, passed by the Council of the City of Cleveland, April 6, 1998.

Stage Draperies, for the Division of Convention Center and Stadi- um/West Side Market, as autho- rized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, JUNE 19, 1998, 10:00 A.M., IN THE CLEVE- LAND CONVENTION CENTER, 5001 LAKESIDE AVENUE.

Phased Asbestos Removal, for the Department of Port Control, as authorized by Ordinance No. 929- 96, passed by the Council of the City of Cleveland, June 18, 1996.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE COST OF FIFTY DOLLARS (\$50.00) CER- TIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 18, 1998, 10:00 A.M. IN THE ENGI- NEERING OFFICE, CLEVELAND HOPKINS INTERNATIONAL AIR- PORT.

Phase 2 — Residential Sound Insulation Program 98 — Group M, for the Department of Port Control, as authorized by Ordinance Nos. 930- 95 and 469-98, passed by the Coun- cil 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 DE- POSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICA- TIONS ARE RETURNED IN GOOD CONDITION WITHIN (15) DAYS AFTER THE BID OPEN- ING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINIS- TRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIR- PORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program 98 — Group N, for the Department of Port Control, as authorized by Ordinance Nos. 930- 95 and 469-98, passed by the Coun- cil 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 DE- POSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICA- TIONS ARE RETURNED IN GOOD CONDITION WITHIN (15) DAYS AFTER THE BID OPEN- ING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINIS- TRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIR- PORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program 98 — Group O, for the Department of Port Control, as authorized by Ordinance Nos. 930- 95 and 469-98, passed by the Coun- cil 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 DE-

POSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group P, 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group Q, 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

June 10, 1998 and June 17, 1998

FRIDAY, JUNE 26, 1998

Labor and Materials to Perform Glycol Collection Services, for the Department of Port Control, as authorized by Ordinance No. 991-98, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE **NON-REFUNDABLE** COST OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER. A PRE-BID MEETING WILL BE HELD ON FRIDAY, JUNE 19, 1998, 10:00 A.M. IN THE ENGINEERING OFFICE CONFERENCE ROOM OF CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

June 10, 1998 and June 17, 1998

WEDNESDAY, JULY 1, 1998

Dare Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 320-98, passed by the Council of the City of Cleveland, April 6, 1998.

June 10, 1998 and June 17, 1998

FRIDAY, JULY 10, 1998

New Cleveland Browns NFL Football Stadium, Bid Package No. 81 — Telephone and Data Cabling System, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE **NON-REFUNDABLE** FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A **MANDATORY** PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JUNE 24, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 501 LAKESIDE AVENUE, CLEVELAND, OHIO.

June 10, 1998 and June 17, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1661-97.

By Councilman Skrha.
An emergency resolution declaring the intention to vacate that part of Webster Avenue S.E.

Whereas, this Council is satisfied that there is good cause for vacate that part of Webster Avenue S.E. 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. WEBSTER AVENUE S.E. Being all that portion of Webster Avenue (60.00 feet wide) bounded on the West by that portion of Webster Avenue vacated by the Council of the City of Cleveland by Ordinance Number 2625-88, passed on December 19, 1988; bounded on the East by the Southerly prolongation of the Westerly line of East 13th Street (60.00 feet wide); bounded on the North by the Northerly line of Webster Avenue S.E., and on the South by the Northerly right-of-way of the Innerbelt Freeway, so called.

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 June 1, 1998.
Effective June 10, 1998.

Res. No. 563-98.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate portions of East 12th Street and Webster Avenue S.E.

Whereas, this Council; is satisfied that there is good cause for vacate portions of East 12th Street and

Webster Avenue S.E. 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 the following described real property:

EAST 12TH STREET (60.00 feet wide), Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being the Southwesterly 20.00 feet of East 12th Street (60.00 feet wide), extending Southeasterly from the Southeasterly line of Carnegie Avenue S.E. (99.00 feet wide), to the Southwesterly prolongation of the Southeasterly line of Gardiner Court (15.00 feet wide).

AND

WEBSTER AVENUE S.E. (60.00 feet wide) Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of that portion of Webster Avenue (60.00 feet wide), bounded on the West by the Southeasterly prolongation of the Southwesterly line of East 13th Street (60.00 feet wide); on the East by that portion of Webster Avenue (vacated by the Council of the City of Cleveland by Ordinance No. 2693-89, passed on December 12, 1989); on the Northwesterly by the Northwesterly line of Webster Avenue S.E.; and on the Southeast by the Northwesterly line of the Innerbelt Freeway, so called.

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 June 1, 1998.
Effective June 10, 1998.

Res. No. 625-98.

By Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate portions of West 30th Street and Keene Court S.W.

Whereas, this Council; is satisfied that there is good cause to vacate portions of West 30th Street and Keene Court S.W., as hereinafter described, and

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

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

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

WEST 30TH STREET (66.00 feet wide), extending Northerly from the Northerly line of Chatham Avenue S.W. (66.00 feet wide) to the Easterly prolongation of the Southerly line of Keene Court S.W. (16.00 feet wide).

AND:

KEENE COURT S.W. (16.00 feet wide) extending Westerly from the Westerly line of West 30th Street (66.00 feet wide) to the Northerly prolongation of the Easterly line of West 31st Place (16.00 feet wide).

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

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

Adopted June 1, 1998.
Effective June 10, 1998.

Res. No. 973-98.

By Councilman Dolan.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 15520 Munn Rd., and repealing Res. No. 376-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 15520 Munn Rd., by Res. No. 376-98, adopted March 2, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 15520 Munn Rd., be and the same is hereby withdrawn and Res. No. 376-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted June 1, 1998.
Effective June 10, 1998.

Res. No. 974-98.

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

An emergency resolution requesting that the FirstEnergy Corporation withdraw recently issued layoff notices to its employees, and return to the bargaining table to reach a fair labor agreement.

Whereas, the FirstEnergy Corporation's decision to terminate negotiations with the Utility Workers Union of America, Local 270 and implement a contract is contrary to the idea of fairness to workers and the federally recognized collective bargaining process; and

Whereas, the elimination of 485 jobs by the FirstEnergy Corporation, will result in lower electric service levels for Cleveland residents; and

Whereas, the reduction in service caused as a result of these layoffs could result in potentially dangerous delays in the restoration of electric power to Cleveland residents in the event of an emergency; and

Whereas, the reduction in service caused as a result of these layoffs may result in the FirstEnergy Corporation's noncompliance with minimum electric service standards established by the Public Utilities Commission of Ohio; and

Whereas, the elimination of these positions will unfairly harm working families and the Cleveland community; and

Whereas, the Utility Workers Union of America, Local 270, has sought an immediate court injunction to prevent the elimination of these positions and has sought relief from the National Labor Relations Board;

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

Section 1. That the FirstEnergy Corporation should immediately withdraw all job layoff notices issued to its employees as part of the planned elimination of 485 jobs announced on Wednesday, May 27, 1998.

Section 2. That the FirstEnergy Corporation should return to the bargaining table with the Utility Workers Union of America, Local 270, in order to reach a fair labor agreement in accordance with federally recognized labor negotiation processes.

Section 3. That the Clerk of Council be and she is hereby directed to transmit certified copies of this resolution to Anthony Alexander, President of the FirstEnergy Corporation, Dan DiNicola, Spokesman for FirstEnergy Corporation, John Ryan, President of the Cleveland AFL-CIO, and David Kotecki, President of the Utilities Workers Union of America, Local 270.

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 June 1, 1998.
Effective June 10, 1998.

Res. No. 975-98.

By Councilman Rybka.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3125 E. 65th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 1783507 Idell Cowan, DBA All My Children Mini Mart, 3125 E. 65th St., Cleveland, Ohio 44127; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 1783507, Idell Cowan, DBA All My Children Mini Mart, 3125 E. 65th St., Cleveland, Ohio, 44127 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 1, 1998.
Effective June 10, 1998.

Res. No. 976-98.

By Councilman White.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 3661 E. 93rd St., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 6418414, 93rd Aetna Food Market Inc., DBA 93rd Aetna Food Market, 3661 E. 93rd St., 1st Fl. & Bsmt., Cleveland, Ohio 44105, to Permit No. 0072349, Aetfood Inc., DBA Aetna Food Market, 3661 E. 93rd St., 1st Fl. & Bsmt., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 6418414, 93rd Aetna Food Market Inc., DBA 93rd Aetna Food Market, 3661 E. 93rd St., 1st Fl. & Bsm., Cleveland, Ohio 44105, to Permit No. 0072349, Aetfood Inc., DBA Aetna Food Market, 3661 E. 93rd St., 1st Fl. & Bsm., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 1, 1998.

Effective June 10, 1998.

Ord. No. 82-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with Cuyahoga Community College to provide Ohio Peace Officer Training to comply with State minimum standards for jails for not to exceed forty (40) students.

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into contract with Cuyahoga Community College to provide Ohio Peace Officer Training Courses to not to exceed forty (40) students to comply with State minimum standards for jails.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-50-03-0230, Request No. 23000.

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 317-98.

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$490,780.00, and such other funds as may become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 1998 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

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

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

Passed June 1, 1998.

Effective June 10, 1998.

Ord. No. 471-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pavement Technology, Inc. Therefore, the Director of Public Service is hereby authorized and directed to make a written requirement contract for the period of one year with said Pavement Technology, Inc. for the labor and materials necessary to apply reclaimite asphalt rejuvenating agent on various City streets, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

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 21353)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 478-98.

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

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with the Cleveland Cuyahoga County Port Authority for approximately 34.4 acres of City-owned property located in the Village of Highland Hills.

Whereas, the City of Cleveland (the "City") desires to develop Cleveland Enterprise Park on approximately 80 acres of land (the "Zone") situated in the Village of Highland Hills (the "Village") along Harvard Road, between Green and Northfield Roads (the "Property"), in accordance with a Master Plan for the commercial development of the Property; and

Whereas, the City, pursuant to the authority of Ordinance No. 1235-95, passed October 23, 1995, and the Village, pursuant to the authority of Ordinance Nos. 1995-20, passed August 14, 1995, and Ordinance No. 1995-28, passed December 13, 1995, entered into a Joint Development Economic Zone Agreement ("J.D.A.") for the Zone; and

Whereas, the Cleveland Cuyahoga County Port Authority ("Port Authority") has proposed to purchase from the City 34.4 acres of land in order to construct a multi-story office building for OfficeMax, Inc. ("OfficeMax"), which OfficeMax, Inc. estimates will house 400 - 600 OfficeMax, Inc. employees; and

Whereas, the J.D.A. requires the City and Village to share income tax revenue such that the City will receive seventy-five percent (75%) of net income taxes of employees relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and

Whereas, the portions of the Property to be sold to Port Authority, are no longer needed for public use; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor of the City of Cleveland and the Directors of

Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the following described property to Port Authority for the development of an office building, to be leased to OfficeMax, which property is determined to be no longer needed for public use:

**Light Industrial Parcel No. 7
(OfficeMax Site)**

Situated in the Village of Highland Hills, the County of Cuyahoga and the State of Ohio and known as being all of Light Industrial Parcel No. 7, to be recorded in the re-subdivision of the Cleveland Enterprise Park, Phase 1, Platbook Volume , Page , of the Cuyahoga County Record of Plats and also being a part of Original Lot No's. 66, 67, 76, and 77 in the Original Warrensville Township and more fully described as follows:

Beginning at an iron pin monument found S 66 degrees 52' 38" W, 39.22 feet from the intersection of the centerline of Harvard Avenue (width varies) and the centerline of Re-located Millcreek Boulevard (85 feet wide);

Thence along the centerline of said Harvard Ave., S 66 degrees 50' 47" W, 33.28 feet to a point; Thence S 23 degrees 09' 13" E, 50.00 feet to a point on the right-of-way line of said Harvard Ave. and the true place of beginning;

Thence following a curve to the right, having a central angle of 90 degrees 00' 00", a radius of 30.00 feet, a chord distance of 42.43 feet and a chord bearing of S 68 degrees 09' 13" E, the arc distance of 47.12 feet to a point and the westerly right-of-way line of said relocated Millcreek Blvd.;

Thence continuing along the westerly right-of-way line of said re-located Millcreek Blvd., S 23 degrees 09' 13" E, 422.68 feet to a point of curve;

Thence following a curve to the left, having a central angle of 38 degrees 52' 29", a radius of 542.50 feet, a chord distance of 361.06 feet and a chord bearing of S 42 degrees 35' 27" E, the arc distance of 368.08 feet to a point;

Thence S 17 degrees 47' 38" W, 53.56 feet to a point;

Thence S 17 degrees 47' 32" W, 546.49 feet to a point;

Thence S 81 degrees 11' 19" W, 193.32 feet to a point;

Thence S 56 degrees 56' 04" W, 781.57 feet to a point; and the easterly right-of-way line of Northfield Avenue (100 feet wide);

Thence continuing along said right-of-way following a curve to the right, having a central angle of 28 degrees 05' 34", a radius of 2,814.79 feet, a chord distance of 1,366.34 feet and a chord bearing of N 14 degrees 21' 12" W, the arc distance of 1,380.12 feet to a point;

Thence continuing along said right-of-way line, N 00 degrees 18' 25" W, 37.63 feet to a point of curve;

Thence following a curve to the right, having a central angle of 81 degrees 09' 41", a radius of 30.00 feet, a chord distance of 39.03 feet and a chord bearing of N 40 degrees 16' 25" E, the arc distance of 42.50 feet to a point and the southerly right-of-way line of said Harvard Ave.,

Thence easterly continuing along said Harvard Ave. right-of-way line following a curve to the left, having a central angle of 10 degrees 15' 29", a radius of 1,949.86 feet, a chord distance of 348.63 feet and a chord bearing of N 75 degrees 43' 31" E, the arc distance of 349.10 feet to a point of spiral curve;

Thence continuing along said Harvard Ave. right-of-way line following a spiral curve to the left, having a central angle of 03 degrees 45' 00", a chord distance of 252.57 feet and a chord bearing of N 68 degrees 06' 10" E, the length of 252.57 feet to a point;

Thence N 66 degrees 50' 47" E, 94.78 feet to a point;

Thence N 78 degrees 09' 23" E 50.99 feet to a point;

Thence N 66 degrees 50' 47" E, 200.00 feet to a point and the place of beginning and containing 34.000 acres, more or less, as surveyed by Ralph C. Tyler, Registered Surveyor No. 4236, State of Ohio, in May 1995, but subject to all legal roads, highways and easements of record.

The basis of bearing for this description is an assumed meridian and used to denote angular measurements only.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Parcel described in Section 1 of this ordinance at a price of Two Million, Two Hundred Ninety-three Thousand, Seven Hundred and Twenty-two Dollars (\$2,293,722.00), which this Council determines to be the fair market value of the Sale Parcel taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyances to Port Authority shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland, which quitclaim deed shall contain such provisions as deemed necessary by the Director of Law to protect the public interest.

Section 4. That all proceeds from the sale of the Sale Parcel shall be paid into Fund No. 17 SF 684, to be credited toward costs of site preparation and certain infrastructure, roads and utilities, including relocation of utilities, within the Zone.

Section 5. That the Project Agreement shall be prepared by the Director of Law, and shall contain a provision requiring Port Authority to complete construction of a multi-story office building to be leased to OfficeMax within five (5) years of the conveyance date or the Sale Parcel shall revert to the City. A copy of the executed lease agreement between OfficeMax and the Port Authority shall be delivered to the Clerk of Council and placed in File No. 478-98-A. The Project Agreement shall also provide that if at the end of the Lease Agreement between OfficeMax and the Port Authority, OfficeMax does not exercise its option to purchase the property and the Port Authority decides to sell the property to another party, the City shall have the right of first refusal to purchase the property. The City's right of first refusal shall expire 180 days after notice of the opportunity by the Port Authority.

Section 6. That the Project Agreement may also provide for the City to pay for site preparation and the installation of certain infrastructure, roads, and utilities, including relocation of utilities, within the Zone, which costs shall be paid out of Fund No. 17 SF 684.

Section 7. The Project Agreement shall require OfficeMax, as the future tenant, to use best efforts, consisting of their cooperation with programs offered by the City's Human Resources Division, subject to economic restraints of the project and the right of OfficeMax to make

final employment decisions, to achieve objectives related to construction and employment for City economic development initiatives, to include awarding 30% of construction contracts and supplies purchase orders to minority-owned enterprises; awarding 10% of construction contracts and supplier purchase orders to female-owned enterprises; hiring minorities for 16.1% of construction jobs; hiring women for 6.9% of construction jobs; hiring minorities for 33% of the jobs created by the project; hiring Cleveland residents for 50% of construction jobs; and hiring Cleveland residents for 50% of all jobs created by the project. In addition, OfficeMax shall maintain neutrality with respect to any organizing campaign or any decision by the employees whether to join or be represented by any labor organization. However, neutrality shall not be construed to interfere with or restrict OfficeMax from exercising its rights to fairly represent its position in communicating with its employees.

Section 8. That the Project Agreement shall provide that site plans for the development showing buildings, roadway alignments and the location of the GCRTA Blue Line Rapid Transit shall be submitted to the City Planning Commission for review and approval.

Section 9. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development are authorized to prepare and execute easements to Cleveland Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporation, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and assigns, to provide necessary services to the Zone, and a temporary easement for purposes of ingress and egress to the Sale Parcel to OfficeMax, Inc.

Section 10. That it is hereby determined to make such public improvements to the property as are necessary and desirable to prepare the property for proposed development as contemplated in the Project Agreement with Port Authority, which public improvements may include, without limitation, building demolition, environmental testing and materials disposal, construction and installation of paving, curbing, gutters, grading, excavation, drainage, walls, sewers, piping, manholes, catch basins, lighting, utilities, streetscaping, traffic signals, signage, sidewalks, erosion controls, subbases, bike paths, and spillways ("Improvements"), for the Department of Public Service Division of Engineering and Construction, and/or the Department of Economic Development, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvements.

Section 11. That the Director of Economic Development and/or Public Service are hereby authorized to enter into a contract or contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the Improvements, provided, however, that each separate trade and each distinct components part of the Improvements 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 12. That the Mayor, and/or the Directors of Economic Development and/or Public Service are here-

by authorized to enter into an agreement with the Village of Highland Hills within which the City of Cleveland agrees to pay the local matching share commitment for any grants or loans received from the Ohio Public Works Commission for the financing of the Improvements to the Development Area, and in which the Village of Highland Hills and the City determine the administration of said grants or loans received from the Ohio Public Works Commission. Said agreement shall be prepared by the Director of Law of the City of Cleveland, and shall contain such terms and conditions as the Director of Law determines are necessary or appropriate to protect the interests of the City, including a provision whereby the City must approve all plans for the construction of the Improvements to be funded by Ohio Public Works Commission and local matching share commitment.

Section 13. That the Directors of Economic Development and/or Public Service are further authorized to employ by contract one or more professional engineering consultants, surveyors, architects, planners, designers, environmental consultants and/or construction managers, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, plan and implement the Improvements. The selection of an engineering consultant to design the Improvements to be funded by grants or loans from the Ohio Public Works Commission, the State of Ohio, and the local matching share commitment may be made by direct contract to the Registered Professional Engineer employed by the Village of Highland Hills. The selection of other consultant, consultants, or other professional or professionals for such services shall be made by the Board of Control upon the nomination of the Directors of Economic Development and/or Public Service from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Directors of Economic Development and/or Public Service for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Economic Development and/or Public Service, and certified by the Director of Finance.

Section 14. That the Mayor or his designee is authorized to enter into such agreements and to take such actions as may be necessary to accept grants, loans and gifts from the State of Ohio or other governmental entities for the purpose of funding the Improvements. Such grants, loans, and gifts shall be deposited into Fund No. 17 SF 684.

Section 15. That the Mayor is hereby authorized to execute a plat dedicating to public use the property upon which and under which certain of the Improvements shall be constructed, including but not limited to all roadways through the Zone.

Section 16. That the costs of the Improvements, services and agreements authorized herein shall be paid from Fund No. 17 SF 684. Prior legislation to the contrary notwithstanding, expenditures from Fund 17 SF 684 shall not exceed the total of all funds received by the City from

the Ohio Public Works Commission and the State of Ohio for Improvements, services, and agreements contemplated in this Ordinance plus any proceeds from the sale of land within the Zone, deposited in Fund 17 SF 684. Any proceeds from the sale, lease, or other disposition of real property remaining in Fund No. 17 SF 684 after payment of Expenditures as authorized herein, shall be transferred into NDIF Fund No. 10 SF 501.

Section 17. 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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 682-98.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic control signal lamps, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic control signal lamps in the estimated sum of \$20,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20475)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 683-98.

By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic signal and sign material and equipment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic signal and sign material and equipment 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 Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20471)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 699-98.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the U.S. Environmental Protection Agency for the EPA Brownfields Economic Development Initiative Brownfield Assessment Demonstration Pilot Program, and to enter into contract with WIRE-Net to implement the program.

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

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

Section 1. That the Director of Economic Development is hereby authorized to apply for and accept a grant in the amount of \$200,000.00, from the U.S. Environmental Protection Agency, to conduct the EPA Brownfields Economic Development Initiative Brownfield Assessment

Demonstration Pilot Program, for the purposes set forth in the application and according thereto; that the Director of Economic Development 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. 699-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Economic Development is hereby authorized to enter into contract with WIRE-Net, for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 4. That 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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 758-98.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to paint center and lane lines on City streets, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to paint center and lane lines on City streets 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 Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one 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 20472)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 759-98.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of reflective sheeting and sign posts, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of reflective sheeting and sign posts 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 Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one 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 20474)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 760-98.
By Councilmen Coats and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic paint, thermoplastic material and reflective glass beads, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of traffic paint, thermoplastic material and reflective glass beads 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 Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one 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 20473)

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 819-98.
By Councilmen Gordon and Johnson
(by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed two portable lead detectors, for the Division of Environment, Department of Public Health.

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed two (2) portable lead detectors, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Environment, Department of Public Health.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 13 SF 471, Request No. 24509.

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 June 1, 1998.

Effective June 10, 1998.

Ord. No. 857-98.**By Councilman Johnson (by departmental request).****An emergency ordinance to amend Sections 16 and 41 of Ordinance No. 436-97, passed April 14, 1997, as may be amended by Ordinance No. 1474-97, passed October 13, 1997, relating to compensation for various classifications.**

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

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

Section 1. That Section 16 of Ordinance No. 436-97, passed April 14, 1997, and Section 41 of Ordinance No. 436-97, passed April 14, 1997, as amended by Ordinance No. 1474-97, passed October 13, 1997, are hereby amended to read, respectively, as follows:

Section 16. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Auto Body Repair Unit Leader.....	\$12.44 per hour	\$18.03 per hour
2. Auto Body Repair Worker	\$10.49 per hour	\$14.99 per hour
3. Automobile Repair Helper	\$ 9.73 per hour	\$13.43 per hour
4. Automobile Repair Worker	\$11.03 per hour	\$14.86 per hour
5. Automobile Repairman Unit Leader	\$12.44 per hour	\$18.03 per hour
6. Blacksmith	\$10.71 per hour	\$17.56 per hour
7. Garage Worker	\$ 9.20 per hour	\$12.64 per hour
8. Heavy Duty Mechanic	\$10.71 per hour	\$17.81 per hour
9. Small Equipment Repair Worker	\$ 9.93 per hour	\$13.43 per hour
10. Tire Repair Worker	\$10.23 per hour	\$13.54 per hour
11. Welder	\$12.17 per hour	\$17.31 per hour

Section 41. Hourly Rate-Crafts

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

	Effective Date	Minimum	Maximum
1. Asbestos Worker	5-1-98	\$27.42	\$34.28
2. Asphalt Construction Foreman	5-1-97	17.69	27.33
3. Asphalt Raker	5-1-97	16.96	26.20
4. Asphalt Tamper	5-1-97	16.96	26.20
5. Boiler Maker	5-1-98	28.34	35.67
	10-1-97	27.74	34.67
6. Bricklayer	5-1-98	24.32	30.40
7. Bricklayer Foreman	5-1-98	25.32	31.40
8. Bricklayer Helper	5-1-96	17.42	26.13
9. Carpenter	5-1-98	24.12	30.14
10. Carpenter Foreman	5-1-98	25.12	31.94
11. Carpenter Apprentice	5-1-92	5.97	16.43
12. Cement Finisher	5-1-98	24.47	30.59
13. Cement Finisher Foreman	5-1-98	25.47	31.59
14. Construction Equipment Operator - Group A	5-1-98	25.17	28.78
15. Construction Equipment Operator - Group B	5-1-98	25.02	28.63
16. Construction Equipment Operator - Group C	5-1-98	24.32	27.93
17. Construction Equipment Operator - Group D	5-1-98	23.54	27.15
18. Construction Equipment Operator - Group E	5-1-98	23.22	26.83
19. Construction Equipment Operator - Oiler - Group F	5-1-98	17.24	20.85
20. Curb Cutter	5-1-97	17.34	26.79
21. Electrical Worker	5-1-98	27.54	34.42
22. Electrical Worker Foreman	5-1-98	28.54	35.42
23. Glazier	5-1-98	24.38	30.47
24. Ironworker	5-1-98	27.50	34.38
25. Ironworker Foreman	5-1-98	28.50	35.42
26. Jackhammer Operator	5-1-97	16.96	26.20
27. Master Mechanic	5-1-98	25.67	29.28
28. Overhead Floodlight Maintenance Man	5-1-92	21.19	26.49
29. Painter	5-1-98	23.55	29.44
30. Painter - Apprentice	5-1-92	6.95	14.89
31. Painter Foreman	5-1-98	24.55	30.44
32. Paver	5-1-97	17.19	26.56
33. Paving Foreman	5-1-97	17.68	27.33
34. Pipefitter (Welder)	5-1-98	28.54	35.68
35. Pipefitter Foreman	5-1-98	29.54	36.68
36. Plasterer	5-1-98	24.02	30.03
37. Plasterer Foreman.....	5-1-98	25.02	31.03
38. Plumber (Welder)	5-1-98	28.03	35.04
39. Plumber Foreman	5-1-98	29.03	36.04
40. Roofer	5-1-98	24.78	30.97
41. Sheet Metal Worker	5-1-98	27.07	33.84
42. Sheet Metal Worker Foreman	5-1-98	28.07	34.84
43. Sign Painter	5-1-94	22.55	25.61
44. Sign Painter Unit Leader	5-1-94	23.55	26.61
45. Spray Painter	5-1-94	20.22	23.34
46. Superintendent of Construction Equipment	5-1-97	17.68	27.33

Section 2. That Section 16 of Ordinance No. 436-97, passed April 14, 1997, and Section 41 of Ordinance No. 436-97, passed April 14, 1997, as amended by Ordinance No. 1474-97, passed October 13, 1997, are hereby repealed.**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed June 1, 1998.

Effective June 10, 1998.

Ord. No. 970-98.
By Councilmen Britt, Lewis and Patmon.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Clinic Run on June 20, 1998, sponsored by Cleveland Clinic and Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Cleveland Clinic Run, sponsored by Cleveland Clinic and Hermes Race Systems, on June 20, 1998, starting at East 96th Street to Euclid Ave., Euclid Ave. to East 105th Street, East 105th Street to Martin Luther King Blvd., Martin Luther King Blvd. to Ansel Rd. and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 1, 1998.
 Effective June 10, 1998.

Ord. No. 971-98.
By Councilman Cintron.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at rear of 2017 West 45th Street to Lakeside Blueprint 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 Sup-

plies is hereby authorized to sell Permanent Parcel No(s). 006-20-068 and 006-20-140, as more fully described in Section 2 below, to Lakeside Blueprint 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. 006-20-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being part of Sublot No. 4 in Taylor and Hoyts' Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat in Volume 1 of Maps, Page 20 of Cuyahoga County Records, and beginning on the Easterly line of West 45th Street (formerly Taylor Street) at the Northwesterly corner of said Sublot No. 4; thence Northeasterly along the Northerly line of said Sublot, 90 feet; thence Southerly 37.73 feet to a point which is distant Northerly at right angles 39.52 feet from the Southerly line of said Sublot No. 4 and distant Easterly at right angles 85.93 feet from the Easterly line of West 45th Street; thence Southwesterly 88.12 feet to a point in the Easterly line of West 45th Street distant Northerly 20 feet from the Southwesterly corner of said Sublot No. 4; thence Northerly along the Easterly line of West 45th Street 20 feet to the place of beginning, according to a survey of Charles W. Root, Civil Engineer, made April, 1918, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 006-20-140

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in Taylor and Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 48 and 49 as shown by the recorded plat of said Subdivision in Volume 1 of Maps, Page 20 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Southeasterly corner of said Sublot No. 4; thence Westerly along the Southerly line of said Sublot No. 4, 46 feet to a point distant Easterly 90 feet front the Southwesterly corner of said Sublots; thence Northerly 77.47 feet to a point in the Northerly line of said Sublot No. 4 distant Northeasterly 90 feet from the Northwesterly corner thereof; thence Northeasterly along the Northerly line of said Sublot; 60.92 feet to the Northeasterly corner thereof; thence Southerly along the Easterly line of said Sublot 102.16 feet to the place of beginning, according to the survey of Charles W. Root, C.E. made April, 1918, be the same more or less, but subject to all legal highways.

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 June 1, 1998.
 Effective June 10, 1998.

Ord. No. 972-98.
By Councilman Melena.
An emergency ordinance consenting and approving the issuance of a permit for the St. Augustine Run on June 6, 1998, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the St. Augustine Run, sponsored by Hermes Race Systems, on June 6, 1998, starting at Detroit Ave. and W. 87th, Detroit to Lake Ave., Lake Ave. to West Blvd., West Blvd. into Lakefront State Park and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 1, 1998.
 Effective June 10, 1998.

Ord. No. 977-98.
By Councilman Westbrook.
An emergency ordinance directing the Director of Finance to issue payment on Voucher No. 104155.

Whereas, Section 111.071 of the Codified Ordinances of Cleveland, Ohio, 1976, authorizes the President

of Council on the behalf of City Council to enter into contracts with professional consultants to provide assistance to the members of Council in matters concerning the performance of their official business; and

Whereas, pursuant to Section 111.071, the President of Council employed Watson & Watson to provide professional consulting services in connection with issues relating to the U. S. Department of Housing and Urban Development and the City of Cleveland; and

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

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

Section 1. That the Director of Finance is hereby directed to issue payment on Voucher No. 104155, dated March 18, 1998, for professional consulting services related to the U. S. Department of Housing and Urban Development and the City of Cleveland.

Section 2. That costs of said voucher shall be charged against Index Code 210005, SF 320.

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 June 1, 1998.

Effective June 10, 1998 without the signature of the Mayor.

REPRINT

Ord. No. 546-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized 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 to repair water mains and appurtenances 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 year may be taken if deemed desirable by the Commis-

sioner 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 24008)

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

Passed May 18, 1998.

Effective May 25, 1998.

REPRINT

Ord. No. 547-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for landscape maintenance at various waterworks facilities and work stations, 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 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 landscape maintenance at various waterworks facilities and work stations 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 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 24006)

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

Passed May 18, 1998.

Effective May 25, 1998.

COUNCIL COMMITTEE MEETINGS

Monday, June 1, 1998

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

Public Parks, Recreation and Properties Committee (joint with Community & Economic Development, City Planning and Finance Committees): 1:30 P.M. — Present: Willis, Chairman; Dolan, Vice Chairman; Lewis, Polensek, Sweeney, White. Excused: Britt.

Community & Economic Development Committee (joint with Public Parks, Recreation and Properties, City Planning and Finance Committees): 1:30 P.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

City Planning Committee (joint with Public Parks, Recreation and Properties, Community & Economic Development and Finance Committees): 1:30 P.M. — Present: Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

Finance Committee (joint with Public Parks, Recreation and Properties, Community & Economic Development, City Planning Committees): 1:30 P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone. Excused: Melena.

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

Tuesday, June 2, 1998

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

Wednesday, June 3, 1998

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

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

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