

The City Record

Official Publication of the City of Cleveland

January the Twenty-Eighth, 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
Susan E. Axelrod, Executive Assistant for Communications and Support Services
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW – Sylvester Summers, Jr., Director, Room 106; Karen E. Martines, Law Librarian, Room 100
Carolyn Watts-Allen, Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Lessie M. Milton, Chief Counsel

DEPT. OF FINANCE – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS – Accounts – Gayle Goodwin-Smith, Commissioner, Room 19
City Treasury – Mary Christine Jackman, Treasurer, Room 115
Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122
Purchases and Supplies – William A. Moon, Commissioner, Room 128
Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
Financial Reporting and Control – Keith D. Schuster, Controller, Room 18
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.

DEPT. OF PUBLIC UTILITIES – Michael Konicek, Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue
Water – Julius Ciaccia, Jr., Commissioner
Water Pollution Control – Darnell Brown, Commissioner
Utilities Fiscal Control – M. 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 – Randall T. Scott, Commissioner, Room 25
Engineering and Construction – JoMarie Wasik, Acting Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
Architecture – Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH – Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.
DIVISIONS – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue
Environment – Joseph W. Jasper, Jr., Commissioner, Mural Building, 1925 St. Clair Avenue
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY – William M. Denihan, Director, Room 230.
DIVISIONS – Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue
Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service – Bruce Shade, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES – Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Property Management – Vernon Robinson, Commissioner, E. 49th & Harvard

Parking Facilities – Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Park Maintenance and Properties – Richard L. Silva, Acting Commissioner, Public Auditorium – E. 6th & Lakeside.
Recreation – Michael Cox, Acting Commissioner, Room 8
Research, Planning & Development – M. Fallon, Commissioner, 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 – Rm. 122, Susan E. Axelrod, Director

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 185

WEDNESDAY, JANUARY 28, 1998

No. 4390

CITY COUNCIL

MONDAY, JANUARY 26, 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 January 26, 1998.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White, and Directors Summers, Carmody, Konicek, Guzman, Staib, Denihan, Spellman, Hamilton, Warren, Williams, Axelrod, Carter, Morrison and Acting Directors Sheffield-Turner, Patterson.

Absent: Director Nolan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Gregory E. Coles, M. Div. and President of the Boys & Girls Clubs of Cleveland. Pledge of Allegiance.

MOTION

On the motion of Councilman Britt the Clerk was instructed to correct the journal to reflect that Ordinance No. 1655-97 was passed on December 15, 1997, even though it was not printed in The City Record dated December 31, 1997, Volume 84, No. 4386, and further moved that Ordinance No. 1655-97 be printed in The City Record with the correct passage date of December 15, 1997 and an effective date of December 22, 1997. The reading of the minutes of the last meeting was dispensed with and the journal approved.

COMMUNICATIONS

File No. 123-98.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 015-97, Letter dated December 31, 1997. Received.

File No. 124-98.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-94753). Received.

File No. 125-98.

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report December 1997. Received.

File No. 126-98.

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report January 1998. Received.

File No. 127-98.

From the Office of Equal Opportunity re: Certified MBEs and FBEs Reporting Period: Fourth Quarter, 1997. Received.

File No. 128-98.

From the Division of Purchases & Supplies re: Excess Property - Reference No. 001-98. Received.

File No. 129-98.

From the Division of Purchases & Supplies re: Excess Property - Reference No. 002-98. Received.

File No. 130-98.

From the Office of Equal Opportunity re: Denials of Certification - Fourth Quarter, 1997. Received.

File No. 131-98.

From the Office of Equal Opportunity re: MBEs/FBEs Deleted from OEO's Database, Fourth Quarter, 1997. Received.

File No. 132-98.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement. Letter dated January 12, 1998. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 133-98.

Re: Transfer of Ownership Application - 8916606 - 3077 East 65th Inc., 3077 East 65th Street. (Ward 12). Received.

File No. 134-98.

Re: Transfer of Ownership Application - 5819446 - Melbourne Men of Business Inc. dba Café Bluebird, 397 East 156th Street, first floor. (Ward 11). Received.

File No. 135-98.

Re: Transfer of Ownership Application - 5033585 - Larry Siegel, 882 East 185th Street, first floor, basement and patio. (Ward 11). Received.

File No. 136-98.

Re: Transfer of Ownership Application - 9324380 - W.T.F.G. Inc. dba Broadway Deli, 4643 Broadway Avenue. (Ward 13). Received.

File No. 137-98.

Re: Transfer of Ownership and Location Application - 7987615 - Serhan Inc. dba Buckeye Sunoco, 8805 Buckeye Road. (Ward 4). Received.

COMMUNICATIONS**File No. 138-98.**

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Theodore Sande for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 139-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Paul Volpe for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 140-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Velma McEwen Strode for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 141-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Richard C. Schanfarber for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 142-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Randall Shorr for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 143-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Sandra F. Morgan for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1999.

Thank you for your consideration.

Sincerely,
MICHAEL R. WHITE
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 187-98.

December 12, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Jim Gibans for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on 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 rising vote.

- Res. No. 173-98.** John B. Perera.
Res. No. 174-98. Dessie Vawters.
Res. No. 175-98. Earl Claude "Bubba" Childers.
Res. No. 176-98. Charlene C. Rivera.
Res. No. 177-98. Audrey M. Willis.
Res. No. 178-98. Johnnie Mae Daniels.

CONGRATULATORY RESOLUTIONS

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

- Res. No. 179-98.** Joseph and Rose Micciulla.
Res. No. 180-98. Ronald L. Barnes.

RESOLUTIONS OF RECOGNITION

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

- Res. No. 181-98.** Louise Evans.
Res. No. 182-98. Spurgeon Westbrook.
Res. No. 183-98. Theresa James.
Res. No. 184-98. Our Lady of Lourdes Church 115th Anniversary.

RESOLUTION OF APPRECIATION

The rules were suspended and the following Resolution was adopted without objection.

- Res. No. 185-98.** Sharon Sobol Jordan.

RESOLUTION OF WELCOME

The rules were suspended and the following Resolution was adopted without objection.

- Res. No. 186-98.** Algirdas Saudargas.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 144-98.**

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

Whereas, pursuant to Ordinance No. 2107-72, passed March 26, 1973, the City entered into City Contract No. 25845 with the State of Ohio on May 3, 1973 to acquire certain parcels of land adjacent to Cleveland Public Power's ("CPP's") West 41st Street Substation for use for playground purposes; and

Whereas, the City desires to expand the West 41st Street Substation in order to improve reliability of electric service to CPP customers in that area of the City; and

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

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

Section 1. That the Director of Public Utilities and the Director of Parks, Recreation and Properties are hereby authorized to enter into an amendment to City Contract No. 25845 with the State of Ohio to permit the parcels of land described in Section 3 of this ordinance to be used for the expansion of the CPP West 41st Street Substation.

Section 2. That the amendment to City Contract No. 25845 authorized herein shall be approved by the Director of Law and shall contain such terms and conditions as said Director deems appropriate to protect and benefit the public interest.

Section 3. That pursuant to Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to transfer, to the control, possession, and use of the Department of Public Utilities, Division of Cleveland Public Power, for fair market value, the parcels of land designated as State Parcel Nos. 9322, 9323, 9324, 9325, 9325A, 9325B, 9325C, 9325D, 9325E, 9325F, 9325G,

9326, and 9327 in Section 2 of Ordinance No. 2107-72, passed March 26, 1973.

Section 4. That upon consummation of the transfer reference above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver said copy to the custody of the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Ord. No. 145-98.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1938-97, passed December 15, 1997, relating to the vacation of a portion of East 3rd Street (formerly Hickox Street).

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

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

Section 1. That Section 1 of Ordinance No. 1938-97, passed December 15, 1997, is hereby amended to read as follows:

Section 1. That all that portion of East 3rd Street (formerly Hickox Street), between the Southerly line of Euclid Avenue and the Northerly line of Prospect Avenue, lying within the periphery of a circle and being Westerly of a line 16.50 feet Westerly of the Easterly line of said East 3rd Street as established by Ordinance passed by the Council of the City of Cleveland on March 13, 1838, is hereby vacated.

Section 2. That existing Section 1 of Ordinance No. 1938-97, passed December 15, 1997, is hereby vacated.

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

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

Ord. No. 146-98.

By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to AT&T Communications of Ohio, Inc. to encroach into the public right-of-way at East 7th Street and Huron Road with a Manhole which will provide fiber-optic access to AT&T Equipment by outside vendors.

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 AT&T Communications of Ohio, Inc. 866 Rock Creek Road, Plano, Illinois 60545; its successors and assigns, for the construction, use and maintenance of a Manhole for fiber-optic access to AT&T equipment by outside vendors, which Manhole will encroach into the public right-of-way on East 7th Street and Huron Road, and is more fully described as follows:

**AT&T MANHOLE ENCROACHMENT
AT EAST 7TH STREET &
HURON ROAD**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a proposed encroachment permit location for the construction, use and maintenance of an AT&T 4' x 4' x 4' Manhole, and being within the right-of-way of Huron Road S.E., and being further bounded and described as follows:

Commencing at a stone found at the intersection of East 4th Street and Huron Road S.E.;

Thence South 89°-58'-33" East along the centerline of Huron Road S.E., a distance of 618.35 feet to a point;

Thence South 00°-01'-27" West, a distance of 44.70 feet to the center of said AT&T 4' x 4' x 4' Manhole.

This proposed encroachment permit location description is based on an actual field survey by Robert J. McAuley, Ohio Registered Professional Surveyor Number 7209.

All bearings are based on the centerline of Huron Road S.E. bearing being South 89°-058'-33" East as shown on the survey plat of The Greater Cleveland Domed Stadium Corporation, dated March, 1989, and recorded in Cuyahoga County Plat Records.

Section 2. That said Manhole 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 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.

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

Ord. No. 147-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Service is hereby authorized 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 vehicle frames and for alignments, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22919)

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

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

Ord. No. 148-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with E. J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 22920.

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

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

Ord. No. 149-98.

By Councilmen Sweeney 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 Case, Caterpillar, Gradall and Crane Carrier equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized 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 and maintain Case, Caterpillar, Gradall and Crane Carrier equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22914)

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

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

Ord. No. 150-98.

By Councilmen Sweeney 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 mowers and cutting equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized 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 and maintain mowers and cutting equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22916)

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

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

Ord. No. 151-98.

By Councilmen Sweeney 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 Ford trucks, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Service is hereby authorized 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 and maintain Ford truck parts in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22918)

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

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

Ord. No. 152-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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 two (2) years for the necessary items of anti-freeze in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the

Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22917)

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

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

Ord. No. 153-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22915)

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

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

Ord. No. 154-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of youth soccer merchandise, apparel and equipment for the Division of Recreation, Department of Parks, Recreation and Properties.

Whereas, Bart Wolstein has indicated a desire to make a gift of youth soccer merchandise, apparel and equipment valued at \$50,000, to the Division of Recreation, Department of Parks, Recreation and Properties; 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 Parks, Recreation and Properties is hereby authorized to accept youth soccer merchandise, apparel and equipment on behalf of the Division of Recreation, valued at \$50,000, from Mr. Bart Wolstein.

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. 155-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into an agreement with the Board of County Commissioners of Cuyahoga County, Ohio, dedicating plots of ground in Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.

Whereas, it is the desire of the City of Cleveland and the Board of County Commissioners of Cuyahoga County, Ohio (the "Commissioners") to set aside additional grave spaces in Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses; and

Whereas, the Commissioners have agreed to pay the expenses involved therein; and

Whereas, it is deemed fitting and proper that this Council should set aside such additional grave spaces as an expression of appreciation for the very great service rendered by such veterans; 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 Parks, Recreation and Properties is hereby authorized and directed to enter into a new agreement with the Board of County Commissioners of Cuyahoga County, Ohio (the "Commissioners") for their purchase of two hundred (200) grave spaces in

Highland Park Cemetery to be dedicated for the burial of Honorably Discharged Soldiers, Sailors, Marines, and Nurses. At the City's sole future discretion the County may be able to purchase additional grave sites, not to exceed two hundred (200).

Said agreement shall provide that only Honorably Discharged Soldiers, Sailors, Marines and Nurses, who are residents of Cuyahoga County or who may die within the territorial limits of Cuyahoga County, shall be eligible for burial in such dedicated ground, and that the City of Cleveland shall maintain said plot in the same manner as plots similarly set aside for the burial of GAR veterans and Spanish War veterans and that said graves shall be available for use for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses, upon order of the Commissioners or any agency designated by them to issue orders and to determine the eligibility of persons for burial therein.

Section 2. That fees for the burials described in Section 1 shall be as follows:

(a) setting fees for flat granite government markers shall not exceed Two Hundred Dollars (\$200.00) for the first year of the agreement, and thereafter may be increased not more frequently than annually; provided that the maximum fee allowable under the agreement shall be Two Hundred and Fifty Dollars (\$250.00); and

(b) opening and closing fees shall not exceed Two Hundred and Fifty Dollars (\$250.00) each weekday for the first year of the agreement, and thereafter may be increased not more frequently than annually; provided that the maximum fee allowable under the agreement shall not exceed Three Hundred Fifty Dollars (\$350.00).

Section 3. That said agreement shall provide that the Commissioners shall pay to the City of Cleveland the sum of Two Hundred Seventy-Five Dollars (\$275.00) per grave site that said funds shall be set aside and used as follows:

75% to the Cemetery Operating Fund;

25% to the Cemetery General Endowment Fund.

Section 4. That the agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as may be required to protect the interests of the parties.

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

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

Ord. No. 156-98.

By Councilman Cimperman.

An emergency ordinance to vacate a portion of East 36th Place hereinafter described.

Whereas, on the 20th day of November, 1995 the Council of the City of Cleveland adopted Resolution No. 1620-95 declaring its intention to vacate a portion of East 36th Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1620-95 has been served upon the owners of all the property abutting East 36th Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 3rd day of December, 1997, the Board of Revision of Assessments approved the vacation of East 36th Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 36th Place, hereafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of East 36th Place, (14 feet wide), extending from the Northerly line of Perkins Avenue N.E. (60 feet wide) Northerly to the Southerly line of Webster Court N.E. (14 feet wide), as proposed to be vacated by Ordinance Number 1620-95, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of East 36th Place, (14 feet wide), extending from the Northerly line of Perkins Avenue N.E. (60 feet wide) Northerly to the Southerly line of Webster Court N.E. (14 feet wide), as proposed to be vacated by Ordinance Number 1620-95.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 36th Place, herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 157-98.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of the KARE Building located at 13010-16 Kinsman Road, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorizes municipalities to designate Commu-

nity Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at the KARE Building located at 13010-16 Kinsman Road is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area of the KARE Building located at 13010-16 Kinsman Road and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

Section 1. That based upon the information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the area known as the KARE Building located at 13010-16 Kinsman Road, (Permanent Parcel No. 130-24-021) is blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code.

Section 3. That the renovation of the KARE Building located at 13010-16 Kinsman Road will create eighteen units of affordable housing in the Community Reinvestment Area is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance. That this exemption from real property taxation is contingent upon all applicable requirements of Section 3735.65 et seq. of the Ohio Revised Code and this ordinance having been met.

Section 5. That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

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. 158-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Tom Loves to Cook to provide economic development assistance to partially finance interior, exterior and parking lot renovations of property at 8208 Carnegie Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with Tom Loves to Cook to provide economic development assistance to partially finance interior, exterior and parking lot renovations of property at 8208 Carnegie Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 158-98-A.

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

Section 4. That the costs of said contract shall not exceed a Loan Amount of \$90,450 and a Rebate Amount of \$60,300. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23876.

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

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

Section 7. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to

cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

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

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

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

Ord. No. 159-98.

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

An emergency ordinance to authorize the Director of Economic Development to enter into a Tax Increment Financing Agreement with Third Federal Savings and Loan Association to collect service payments for the purpose of repayment of NDIF funds used to partially finance certain infrastructure improvements on Broadway Avenue and for the purpose of payment to the Cleveland School District, and to declare certain improvements to real property to be a public purpose.

Whereas, by Ordinance No. 875-97, passed June 16, 1997, this Council designated the Broadway Union Redevelopment Area ("Area") and approved the Broadway Urban Redevelopment Plan ("Plan"), for purposes of Ohio Revised Code Sections 5709.41 and 5709.42; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property within the Area and consistent with the Plan, may be declared to be a public purpose where fee title of such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 1320-97, passed December 15, 1997, the City acquired fee title to certain real property within the Area prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to thirty (30) years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvements not been exempt; 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 improvements to be constructed in the Area by Third Federal Savings and Loan Association of Cleveland ("Third Federal"), as more fully described in the plans contained in File No. 159-98-A ("Improvements"), on the property fully described in said file, are found by this Council to be consistent with the Plan and are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of twenty (20) years; and that in no event shall be exemption period extend beyond December 31, 2020.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, Third Federal (or the owners of the Improvements) shall make service payments for a period of twenty (20) years in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount equal to the taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 5. That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in Fund No. 10 SF 501 to recover expenditures from the Neighborhood Development Investment Fund ("NDIF") in an amount equal to NDIF funds to be appropriated, by separate legislation, to those public improvements and such other purposes more fully described in such appropriating legislation; said appropriation of NDIF funds shall not exceed \$1,100,000.00.

Section 6. That the Director of Economic Development is hereby authorized to enter into an agreement with Third Federal to provide for the exemption and service payments described herein; said agreement shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this ordinance, and shall contain such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

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

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

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 160-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on the northeasterly side of Ivanhoe Road, N.E. between Yorick Avenue, N.E. and south of Mandalay Avenue, N.E. (Map Change No. 1968, Sheet No. 7)

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

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

Beginning at the intersection of the center line of Ivanhoe Road, N.E. and the center line of Yorick Avenue, N.E.; thence northeasterly along said center line of Yorick Avenue, N.E. to its intersection with the northwesterly extension of a line located one hundred fifty (150) feet northeast of the northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said northwesterly extension and along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with a line located one hundred eighty (180) feet southeast of the southeasterly line of Yorick Avenue, N.E.; thence southwesterly along said line which is parallel to and one hundred eighty (180) feet southeast of said southeasterly line of Yorick Avenue, N.E. to its intersection with a line located one hundred ten (110) feet northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said line which is parallel to and one hundred ten (110) feet northeast of said northeasterly line of Ivanhoe Road, N.E. and along its southeasterly extension to the center line of Kipling Avenue, N.E.; thence southwesterly along said center line of Kipling Avenue, N.E. to its intersection with the northwesterly extension of a line located approximately eighty five (85) feet northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said northwesterly extension and along said line which is parallel to and approximately eighty five (85) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with the northwesterly line of Sublot No. 42 in the A.B. Hinman Subdivision as recorded in Volume 9, Page 29 of the Cuyahoga Map Records; thence northeasterly along said northwesterly line of said Sublot No. 42 to its intersection with the northeasterly line thereof; thence southeasterly from said point to a point located approximately eighty (80) feet northwest of the northwesterly line of Sublot No. 35 in said A.B. Hinman Subdivision and approximately one hundred ninety (190) feet six (6) inches northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly from said point along the southwesterly line of Sublot No. 45 in said A.B. Hinman Subdivision to its intersection with the northwesterly line of said Sublot No. 35; thence southwesterly along said northwesterly line of said Sublot No. 35 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Sublot No. 35 and along its southeasterly extension to the center line of Halliday Avenue, N.E.; thence continuing southeasterly along the northwesterly extension of a line located one hundred fifty (150) feet

northeast of said northeasterly line of Ivanhoe Road, N.E. and along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. to its intersection with the northwesterly line of Sublot No. 5 in the Moran McCurdy and DeWolf Subdivision as recorded in Volume 9, Page 23 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 5 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Sublot No. 5 and along its southeasterly extension to the center line of Mandalay Avenue, N.E.; thence continuing southeasterly along the northwesterly extension of the northeasterly line of Sublot No. 3 in said Moran McCurdy & DeWolf Subdivision; and along said northeasterly line of said Sublot No. 3 and along its southeasterly extension to its intersection with the southeasterly line of Sublot No. 6 in said Moran McCurdy and DeWolf Subdivision; thence southwesterly along the southwesterly extension of said southeasterly line of said Sublot No. 6 and along its southwesterly extension to the center line of Ivanhoe Road, N.E.; thence northwesterly along said center line of Ivanhoe Road, N.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1968, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 161-98.

By Councilman Polensek.

An ordinance to change the Use, and Area Districts of lands on the westerly side of East 200 Street from Mohican Avenue, N.E., north to City Line. (Map Change No. 1967, Sheet No. 7)

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

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

Beginning at the intersection of the center line of East 200 Street and the center line of Mohican Avenue, N.E.; thence westerly along said center line of Mohican Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 33 in the George M. Hermle Subdivision (Non Recorded) (said easterly line of said Sublot No. 33 being located approximately one hundred forty one and thirty two hundredths (141.32) feet west of the westerly line of East 200 Street); thence northerly along said southerly extension and along said easterly line of said Sublot No. 33 and continuing northerly along the easterly line of Sublot No. 43 in said George Hermle Subdivision (Non

Recorded) and along its northerly extension to the center line of Shawnee Avenue, N.E.; thence easterly along said center line of Shawnee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 526 in the Berwick Subdivision as recorded in Volume 27, Page 11 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 526 and continuing northerly along the easterly line of Sublot No. 385 in said Berwick Subdivision and along its northerly extension to the center line of Kewanee Avenue, N.E.; thence easterly along said center line of Kewanee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 370 in said Berwick Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 370 and continuing northerly to its intersection with the easterly line of Sublot No. 7 in the John Fabec Subdivision (Non Recorded); thence northerly along said easterly line of said Sublot No. 7 and along its northerly extension to the center line of Kildeer Avenue, N.E.; thence continuing northerly along the southerly extension of the easterly line of Sublot No. 16 in said John Fabec Subdivision (Non Recorded) and along said easterly line of said Sublot No. 16 and continuing northerly along the easterly line of Sublot No. 619 in the Berwick Extension Subdivision as recorded in Volume 28, Page 14 of the Cuyahoga County Map Records and along its northerly extension to the center line of Cherokee Avenue, N.E.; thence westerly along said center line of Cherokee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 632 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 632 and continuing northerly along the easterly line of Sublot No. 813 in said Berwick Extension Subdivision and along its northerly extension to the center line of Arrowhead Avenue, N.E.; thence westerly along said center line of Arrowhead Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 822 in said Berwick Extension Subdivision and continuing northerly along the easterly line of Sublot No. 1003 in said Berwick Extension Subdivision and along its northerly extension to the center line of Muskoka Avenue, N.E.; thence westerly along said center line of Muskoka Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 1012 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1012 and continuing northerly along the easterly line of Sublot No. 1193 in said Berwick Extension Subdivision and along its northerly extension to the center line of Mohawk Avenue, N.E.; thence westerly along said center line of Mohawk Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 1202 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1202 and continuing

northerly along the easterly line of Sublot No. 1363 in said Berwick Extension Subdivision and along its northerly extension to the center line of Pawnee Avenue, N.E.; thence easterly along said center line of Pawnee Avenue, N.E. to its intersection with the southerly extension of the easterly line of Sublot No. 1368 in said Berwick Extension Subdivision; thence northerly along said southerly extension and along said easterly line of said Sublot No. 1368 to its intersection with the northerly line of Sublot No. 1367 in said Berwick Extension Subdivision; thence easterly along said northerly line of said Sublot No. 1367 and along its easterly extension to said center line of East 200 Street; thence southerly along said center line of East 200 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Local Retail Business District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1967, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 162-98.

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

An emergency resolution declaring the necessity and intention to appropriate property for public use to relocate Oman Park, located at East 81st Street and Mansfield Avenue.

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 relocating Oman Park to the northwest corner of East 81st Street and Mansfield Avenue, 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 Number 133-06-005 Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 85 feet of Sublot No. 3 and the Easterly 10 feet of the Northerly 85 feet of Sublot No. 2 in E. S. Gillette's Allotment of part of Original One Hundred Acre Lot No. 447, as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southerly side of Union Avenue, S.E. and extending back of equal width 85 feet to the Northerly line of Mansfield Avenue, S.E., as

appears by said plat, be the same more or less, but subject to all legal highways.

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

Section 2. That the Director of 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 above-mentioned 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 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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Utilities, Public Parks, Property and Recreation, City Planning, Finance.

Res. No. 172-98.
By Councilmen Willis, Coats and Polensek.

An emergency resolution encouraging the Director of the Department of Parks, Recreation and Properties to explore the feasibility of establishing a "Parks & Properties" Special Police Unit.

Whereas, the Director of Parks, Recreation and Properties may be authorized to contract for security services for various municipal properties and multi-purpose centers throughout the City, and, during special events or other City locations, if required; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that this Council has a vital interest in providing the most efficient and cost effective method of security for the public at the various parks, municipal facilities and multi-purpose centers throughout the City and other City locations during special events; now therefore,

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

Section 1. That this Council encourages the Director of the Department of Parks, Recreation and Properties to explore the feasibility of establishing a "Parks & Properties" Special Police Unit.

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.

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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 163-98.
By Councilman Westbrook.

An emergency ordinance authorizing and directing the purchase by requirement contract of the printing of the City Record and for the furnishing of other printing and accessory services for a period of 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 Clerk of Council 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 printing of the City Record and for the furnishing of other printing and accessory services for a period of two (2) years, cancelable by the Clerk of Council after one (1) year upon thirty (30) days notice, in the approximate amount per year, as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Council of the City of Cleveland.

Section 2. That costs 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.

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. 164-98.
By Councilman Coats.

An emergency resolution urging the Mayor to examine the safety issues involved in the proposed acquisition and distribution of the assets of Conrail among Norfolk Southern and CSX Transportation and to devise emergency evacuation plans.

Whereas, Norfolk Southern Railroad and CSX Transportation have proposed the acquisition and distribution of the assets of Conrail; and

Whereas, by Resolution No. 1799-97, passed September 22, 1997, the Council of the City of Cleveland officially notified the U. S. Department of Transportation of its concerns of the proposed acquisition and distribution of the assets of Conrail by NS and CSX; and

Whereas, although the proposed acquisition and distribution may offer the potential for economic development and redevelopment in the Cleveland area, this Council is concerned that the proposed acquisition will have negative impacts on our community, primarily safety related concerns including emergency conditions relating to the shipment of hazardous cargo; and

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland hereby requests the Mayor and his Administration to work on proposed emergency evacuation procedures to be followed in the event of a major disaster resulting from railroads operating in the City of Cleveland.

Section 2. That within sixty (60) days following the passage of this resolution by Council, the Administration will report the results of its work on this issue to the Public Safety Committee of Council.

Section 3. That the Mayor and his Administration work with cities in the greater Cleveland area that will be affected by the proposed railroad merger and with the Greater Cleveland Growth Association, the Northeast Ohio Areawide Coordinating Agency, and the Ohio Rail Development Commission, as well as state and federal legislators.

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. 165-98.
By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 & C2X Liquor Permit to 15208 Lakeshore Blvd., and repealing Res. No. 1576-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 & C2X Liquor Permit to 15208 Lakeshore Blvd., by Res. No. 1576-97, adopted August 13, 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 C2 and C2X Liquor Permit to 15208 Lakeshore Blvd., be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between the permit holder and Councilman Polensek, and Res. No. 1576-97, 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. 166-98.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 18501 Nottingham Rd. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770455, Emro Marketing Co. 320, DBA Speedway #3320, 1805 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119, to Permit No. 84189840330, Speedway Superamerica LLC, DBA Speedway #3320, 18501 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770455, Emro Marketing Co. 320, DBA Speedway #3320, 1805 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119, to Permit No. 84189840330, Speedway Superamerica LLC, DBA Speedway #3320, 18501 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119 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. 167-98.

By Councilman Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4410229, Julien Inc., DBA Dons One Stop, 4200 W. 130th St., Cleveland, Ohio 44111, to Permit No. 9807902, Yahya Inc., 4200 W. 130th St., Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4410229, Julien Inc., DBA Dons One Stop, 4200 W. 130th St., Cleveland, Ohio 44111, to Permit No. 9807902, Yahya Inc., 4200 W. 130th St., Cleveland, Ohio 44135 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. 168-98.

By Councilman Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4611 W. 130th St. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770645, Emro Marketing Co., DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135, to Permit No. 84189840500, Speedway Superamerica LLC, DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770645, Emro Marketing Co., DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135, to Permit No. 84189840500, Speedway Superamerica LLC, DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135 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. 169-98.

By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A & D6 Liquor Permit to 397 E. 156th St. 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3, D3A & D6 and Liquor Permit from Permit No. 9655271, Willie & Hazel Inc., DBA Cafe Bluebird, 397 E. 156th St. 1st Fl., Cleveland, Ohio 44110, to Permit No. 5819446, Melbourne Men of Business Inc., DBA Cafe Bluebird, 397 E. 156th St. 1st Fl., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A & D6 Liquor Permit from Permit No. 9655271, Willie & Hazel Inc., DBA Cafe Bluebird, 397 E. 156th St. 1st Fl., Cleveland, Ohio 44110, to Permit No. 5819446, Melbourne Men of Business Inc., DBA Cafe Bluebird, 397 E. 156th St. 1st Fl., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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. 170-98.

By Councilman Patmon.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 9021 St. Clair Ave. 1st Fl. & Bsmt., and repealing Res. No. 1506-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 9021 St. Clair Ave., 1st Fl. & Bsmt., by Res. No. 1506-97, adopted August 31, 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 C1 and C2 Liquor Permit to 9021 St. Clair Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1506-97, 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. 171-98.

By Councilman Johnson.
An emergency resolution objecting to the transfer of ownership and location of a C1 & C2 Liquor Permit to 8805 Buckeye Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C1 & C2 Liquor Permit from Permit No. 0412303, Loretta M. Ballout, DBA Quality Food Market, 2122 W. 32nd St. 1st Fl., Cleveland, Ohio 44113, to Permit No. 7987615, Serhan Inc., DBA Buckeye Sunoco, 8805 Buckeye 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 C1 & C2 Liquor Permit from Permit No. 0412303, Loretta M. Ballout, DBA Quality Food Market, 2122 W. 32nd St. 1st Fl., Cleveland, Ohio 44113, to Permit No. 7987615, Serhan Inc., DBA Buckeye Sunoco, 8805 Buckeye 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.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 999-97.

By Councilmen Jackson and Westbrook (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.

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

1. In Section 1, line 2, between "agencies" and "for" insert **" , as set forth in File No. 999-97-A."**

Amendment agreed to.

Ord. No. 1473-97.

By Councilman Westbrook (by departmental request)

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Probation Department Drug Testing Laboratory, for drug and alcohol testing services.

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

Ord. No. 1638-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Mid-Continent Coal and Coke Company for the use and occupancy of certain river-front property located in Cleveland.

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

Ord. No. 2012-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, layout and produce 1997 and 1998 annual report and consumer information materials for the various divisions of the 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 1, at the end, insert the following:

"The Director of Public Utilities shall furnish to the Chairman of the Committee on Public Utilities a copy of all requests for proposals used to employ consultants pursuant to this ordinance and a copy of the drafts of all printed materials prepared by any consultants employed pursuant to this ordinance for the Chairman's review prior to final production."

Amendment agreed to.

Ord. No. 2022-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1468-97, passed September 22, 1997, relating to a requirement contract for the labor and materials necessary to maintain and repair escalators and elevators for the Department of Port Control.

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

Ord. No. 2100-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed three processing machines, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2146-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automotive and truck parts and services, including inventory control service, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed three years.

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

Ord. No. 2147-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to fabricate ring and pinion gears, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2148-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials to repair one boom truck, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2149-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for painting roadways, runways, and other paved areas, for the various divisions of the Department of Port Control for a period not to exceed two years.

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

Ord. No. 2150-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Data General Corporation for the purchase of computer hardware and operating system maintenance services, for the Division of Engineering and Construction, Department of Public Service, for a one year period.

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

Ord. No. 2180-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed three welders with trailers, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2181-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of one concrete rock saw, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2182-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one International Business Machines AS400 computer system, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2183-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install, replace or repair airfield signage, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 2197-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Undercar Express, LLC, or their designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for their facility at 323 Eddy Road, Cleveland, Ohio.

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

Ord. No. 2198-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Sumina Industries, Inc., or their designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for their facility at 17009 Roseland Avenue, Cleveland, Ohio.

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

Ord. No. 2200-97.

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

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 550-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.

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

Ord. No. 2201-97.

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

An emergency ordinance to amend Ordinance No. 388-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.

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

Ord. No. 2202-97.

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

An emergency ordinance authorizing the Director of Economic Development to consent to assignment of the Enterprise Zone Agreement entered into with NorthStar Equip-

ment Corp., or its designee, and the City of Cleveland, to provide for tax abatement for its facility to be located in the Cleveland Industrial Park, authorized by Ordinance No. 334-97, passed June 2, 1997.

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

Ord. No. 65-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend various sections of ordinances to include additional funding sources and authorizing the Director of Finance to modify the certificate of funds for contracts entered into pursuant to such ordinances.

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

SECOND READING EMERGENCY ORDINANCES PASSED**Ord. No. 2044-97.**

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the issuance and sale by the City of Cleveland, Ohio of Airport Special Revenue Bonds for the purpose of paying costs of facilities at Cleveland Hopkins International Airport to be leased to Continental Airlines, Inc., including refunding outstanding Special Revenue Bonds issued for that purpose, in the maximum aggregate principal amount not to exceed \$150,000,000 with respect to new improvements and an aggregate principal amount not to exceed \$80,000,000 with respect to that refunding; authorizing the execution and delivery of agreements with respect to the bonds; and authorizing and approving related matters.

Approved by Directors of Finance, Law; Recommended by Committee on Finance, when amended as follows:

1. In Section 1, at page 3, in the definition of "Project", strike lines 6 and 7 in their entirety and insert in lieu thereof: **"described in Exhibit B-4 to the 1997 Special Facilities Lease, (v) making improvements to the Related Facilities as set forth in the 1997 Special Facilities Lease, and (vi) making such of the additional improvements to the Airport facilities in connection with the Expansion Program that are described in File No. 2044-97-A, and that are approved by the Director of Port Control in a written certificate delivered to the Clerk of Council and the Director of Finance prior to the sale of the Series 1998 Bonds."**

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. 66-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend and supplement Section 1 of Ordinance No. 2097-97, passed December 15, 1997, relating to the temporary appropriation of current payrolls and other expenses of the City of Cleveland for the period from January 1, 1998 until the effective date of the annual appropriation ordi-

nance for the fiscal year ending December 31, 1998.

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.

THIRD READING EMERGENCY ORDINANCES PASSED**Ord. No. 1637-97.**

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for maintenance a mail inserter system, for the Division of Water, Department of Public Utilities.

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

Ord. No. 1937-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2014-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2016-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various equipment and appurtenances for vac-all catch basin cleaners, for the Division of Water Pollution Control, Department of Public Utilities.

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

Ord. No. 2017-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair various air tools, for the Division of Water, Department of Public Utilities.

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

Ord. No. 2023-97.

By Councilmen Britt and Johnson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles (by separate permission).

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

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, February 2, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 999-97.**

By Councilmen Jackson and Westbrook (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, as set forth in **File No. 999-97-A**, 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 \$846,000.00, and shall be paid from Fund No. 13 SF 862 and RL 23087.

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 022 and RL 23087.

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

Ord. No. 1473-97.

By Councilman Westbrook (by departmental request)

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Probation Department Drug Testing Laboratory, for drug and alcohol testing services.

Ord. No. 1638-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Mid-Continent Coal and Coke Company for the use and occupancy of certain river-front property located in Cleveland.

Ord. No. 2012-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, layout and produce 1997 and 1998 annual report and consumer information materials for the various divisions of the 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 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, layout and produce 1997 and 1998 annual reports and consumer information materials, including but not limited to writing, photography, artwork and offset lithographic reproduction for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

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. **The Director of Public Utilities shall furnish to the Chairman of the Committee on Public Utilities a copy of all requests for proposals used to employ consultants pursuant to this ordinance and a copy of the drafts of all printed materials prepared by any consultants employed pursuant to this ordinance for the Chairman's review prior to final production.**

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 58 SF 001 and 54 SF 001, Request No. 23405.

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

Ord. No. 2022-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1468-97, passed September 22, 1997, relating to a requirement contract for the labor and materials necessary to maintain and repair escalators and elevators for the Department of Port Control.

Ord. No. 2100-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed three processing machines, for the Division of Water, Department of Public Utilities.

Ord. No. 2146-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automotive and truck parts and services, including inventory control service, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed three years.

Ord. No. 2147-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to fabricate ring and pinion gears, for the Division of Water, Department of Public Utilities.

Ord. No. 2148-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials to repair one boom truck, for the Division of Water, Department of Public Utilities.

Ord. No. 2149-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for painting roadways, runways, and other paved areas, for the various divisions of the Department of Port Control for a period not to exceed two years.

Ord. No. 2150-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Data General Corporation for the purchase of computer hardware and operating system maintenance services, for the Division of Engineering and Construction, Department of Public Service, for a one year period.

Ord. No. 2180-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed three welders with trailers, for the Division of Water, Department of Public Utilities.

Ord. No. 2181-97.

By Councilmen Patton and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of one concrete rock saw, for the Division of Water, Department of Public Utilities.

Ord. No. 2182-97.

By Councilmen Patton and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of one International Business Machines AS400 computer system, for the Division of Water, Department of Public Utilities.

Ord. No. 2183-97.

By Councilmen Smith and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install, replace or repair airfield signage, for the various divisions of the Department of Port Control, for a period not to exceed two years.

Ord. No. 2197-97.

By Councilmen Coats, Jackson and Westbrook (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into a contract with with Undercar Express, LLC, or their designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for their facility at 323 Eddy Road, Cleveland, Ohio.

Ord. No. 2198-97.

By Councilmen Coats, Jackson, and Westbrook (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into a contract with with Sumina Industries, Inc., or their designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for their facility at 17009 Roseland Avenue, Cleveland, Ohio.

Ord. No. 2200-97.

By Councilmen Patton, Jackson and Westbrook (by departmental request).
An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 550-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.

Ord. No. 2201-97.

By Councilmen Patton, Jackson and Westbrook (by departmental request).
An emergency ordinance to amend Ordinance No. 388-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.

Ord. No. 2202-97.

By Councilmen Patton, Jackson and Westbrook (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to consent to assignment of the Enterprise Zone Agreement entered into with NorthStar Equipment Corp., or its designee, and the City of Cleveland, to provide for tax abatement for its facility to be located in the Cleveland Industrial Park, authorized by Ordinance No. 334-97, passed June 2, 1997.

Ord. No. 65-98.

By Councilman Johnson (by departmental request).
An emergency ordinance to amend various sections of ordinances to include additional funding sources and authorizing the Director of Finance to modify the certificate of funds for contracts entered into pursuant to such ordinances.

BOARD OF CONTROL

January 21, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 21, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Absent: None.
Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.
On motion, the following resolutions were adopted.

Resolution No. 28-98.

By Director Carmody.
Resolved, by the Board of Control of the City of Cleveland that the bid of North Coast Distributing, Inc. for an estimated quantity of Toro Mower Parts (all items) for the Division of various divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on January 9, 1998, pursuant to the authority of Ordinance No. 1737-97, passed November 17, 1997, which on the basis of the estimated quantity would amount to Forty Thousand and 00/100 Dollars (\$40,000.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19392 which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

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 Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 29-98.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 13, 1997 for Truck Washing and Truck and Car Waxing, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the

authority of Ordinance No. 1010-97, passed by the Council of the City of Cleveland on June 16, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 30-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 139.02 of the Codified Ordinances of Cleveland, Ohio 1957, the proposal of Arkwright Mutual Insurance Company is hereby selected upon nomination of the Director of Port Control to provide property damage and earnings insurance for the various divisions of the Department of Port Control.

Be it further resolved that the Directors of Finance and Port Control are hereby authorized to enter into a written contract for such insurance with Arkwright Mutual Insurance Company based on its proposal dated October 1, 1997 for a period of five years commencing February 6, 1998. The fee for such services shall be based on a first year guaranteed annual premium of Ninety One Thousand One Hundred Thirty Four and no/100 (\$91,134.00) for a total of approximately Four Hundred Fifty-Five Thousand Six Hundred Seventy and no/100 (\$455,670.00).

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 31-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland that the following subcontractor to Donley's, Inc. for the public improvement of the Consolidated Rental Car Facility Ready Return Building Interiors Package at Cleveland Hopkins International Airport for the Department of Port Control as authorized by Board of Control Resolution No. 1016-97 adopted December 5, 1997, is hereby approved:

Subcontractor:

North Electric, Inc.
(MBE)

Be it further resolved that Resolution No. 1016-97 adopted December 5, 1997, approving the employment of various other subcontractors to Donley's Inc., is amended by deleting reference to Artisan Electrical Contractor's, Inc. and its services, where appearing.

Be it further resolved that all other terms and provisions of said Resolution No. 1016-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 32-98.

By Director Guzman.
Resolved, by the Board of Control of the City of Cleveland that the bid of Carquest Auto Parts of Tower, Inc. for an estimated quantity of various automotive and truck parts, items 3, 35 and 45 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on December 12, 1997, pursuant to the authority of Ordinance No. 1155-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to approximately Twenty Thousand Five Hundred and no/100 Dollars (\$20,500.00), (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 goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19397 which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars (\$3,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 33-98.

By Director Denihan.
Whereas, pursuant to the authority of Ordinance Nos. 2053-91 and 1578-90, both passed by the Council of the City of Cleveland on February 24, 1992, and Ordinance No. 1333-88, passed by the Council of the City of Cleveland on March 14, 1988, and Resolution Nos. 289-92, 0156-94, 0785-95, 0451-96 and 0699-97 adopted by this Board on March 25, 1992, March 16, 1994, October 18, 1995, July 3, 1996 and August 27, 1997 respectively, the City, through its Director of Public Safety, entered into City Contract No. 49723 with Voinovich/Sgro Architects Inc., ("Architect") to provide professional architectural and engineering services for the interior renovation and rehabilitation of the Third District Police Station/Fire Dispatching Center and first and second modifications thereto; and,
Whereas, the City has decided to re-bid this project for a third time, requiring professional services beyond the scope of Architect's original contract; and,

Whereas, Architect has proposed by its letter dated December 24, 1997 to perform the professional services necessary for this increased scope of work; and,

Whereas, the City finds Architect's proposal acceptable and desires to enter into a third modification to City Contract No. 49723 on the basis of the City's determinations and Architect's proposal letter; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Safety is

hereby authorized to enter into a third modification to City Contract No. 49723 with Voinovich/Sgro Architects Inc., on the basis of Architect's letter dated December 24, 1997 to provide the professional services necessary for the increased scope of work required due to the re-bid of the interior renovation of the Third District Police Station, for an increase in fees of Nineteen Thousand and No/100 Dollars (\$19,000.00), and no increase in reimbursable expenses, for a total contract cost, including existing reimbursable expenses, not to exceed One Million Twenty Five Thousand and no/100 Dollars (\$1,025,000.00).

Be it further resolved, that all other terms and provisions of City Contract No. 49723 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 34-98.

By Director Spellman.
Whereas, pursuant to the authority of Codified Ordinance 133.23, the Commissioner of Parking Facilities has the authority to collect such charges and fees for all City off-street parking facilities as may be established by the Board of Control; and

Whereas, the Commissioner of Parking Facilities desires to establish a fee for customers parking at the Westside Market; and

Whereas, charges and fees for the City's Westside Market Parking lot have not been established by the Board of Control or by City Council; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that, effective February 1, 1998, the Commissioner of Parking Facilities shall cause to be collected fees and charges at the Westside Market Parking lot in accordance with the following schedule:

For the first three (3) hours, or portion thereof, up to Two Dollars (\$2.00)

For each additional hour, or portion thereof, up to One Dollar (\$1.00)

Daily maximum rate from 6:00 a.m. to 6:00 p.m. up to Five Dollars (\$5.00)

General monthly rate up to Sixty Five Dollars (\$65.00)

Special Events (Flat Rate — pay enter) up to Six Dollars (\$6.00) an hour

Late payment charge up to Five Dollars (\$5.00)

Returned check charge up to Fifteen Dollars (\$15.00)

Lost or stolen key card charge up to Fifty Dollars (\$50.00)

Be it further resolved, that, the fees collected from the Westside Market Parking lot are to be credited to the Division of the Convention Center and used for the maintenance and upkeep of the Westside Market.

Yeas: None.
Nays: Mayor White, Directors Summers, Carmody, Konicek, Acting Directors Borokhovich, Ricchiuto, Directors Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.
Absent: None.

Absent: None.

AMY M. WAINRIGHT,
Acting Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 9, 1998

9:30 A.M.

Calendar No. 98-3: 4669 Rocky River Drive

Ronald and Ruth Shipley, owners, to change use to a food warehouse/distribution center for non-profit distribution of food, the 65' x 60' "L" shaped masonry stores building with a two-story frame house attached to the rear, all on a 70' x 217' irregular shaped parcel located in the front approximately 130' in a Local Retail District and the rear in a Two-Family District at 4669 Rocky River Drive; said use being contrary to the Local Retail Business District limitations of Section 343.01 (a) and Section 337.03 of the Codified Ordinances.

Calendar No. 98-4: 8606 Denison Avenue

Dennis Clanton, owner, to change use to a motor vehicle repair garage to repair motorcycles, small engines, lawn mowers etc. along with retail sales of accessories in the 48' x 28' one-story nonconforming building and to erect a 6' high fence in front yard area on the 83' x 100' irregular shaped corner lot located in a Local Retail District on the northwest corner of West 86th Street & Denison Avenue at 8606 Denison Avenue; said use as a motor vehicle repair shop being contrary to the Local Retail use limitations of Section 343.01 and said premises being less than 100' from a Residence District to the north contrary to the requirements of Section 345.03(c) and said premises not conforming to the landscape provisions of Section 352.10 and the off-street parking and fence being within the setback areas on Denison Avenue and West 86th Street contrary to the limitations of Sections 357.07, 357.05 and 357.13, but subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 98-5: 10314 Elk Avenue

Fred Turner & Bessie Turner, owner, to park 5 automobiles on a 50' x 164' vacant lot located in a Multi-Family District at 10314 Elk Avenue; said use being contrary to the Multi-Family District limitations of Section 337.08 and the access and maintenance to off-street parking spaces limitations of Section 337.18 of the Codified Ordinances.

Calendar No. 98-6: 3931 West 21st Street

Richard R. Grabor, owner, to erect a 15' x 30' x 4' deep aboveground swimming pool in the front yard of the 80' x 102' lot located in a Two-Family District at 3931 West 21st Street; said use being contrary to the Residence Limitations of Section 337.23(a) of the Codified Ordinances.

Calendar No. 98-7: 4444 Rocky River Drive

Slane Company, owner and Donna Roberts, tenant, to erect a 50' sq. ft. pole sign and a 32' sq. ft. pole sign, said signs to be less than 500' apart, all on an irregular shaped parcel located in a General Retail District at 4444 Rocky River Drive; at the northwesterly corner of Rocky River Drive & Puritas Avenue, the two pole signs will advertise for CVS/pharmacy, said use being contrary to the sign regulation limitations of Sections 350.14 and 350.20(b) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, JANUARY 26, 1998

At the Meeting of the Board of Zoning Appeals on Tuesday, January 20, 1998, the following appeals were heard by the Board, and, on Monday, January 26, 1998 were decided by the Board.

The following appeal were **Granted**:

Calendar No. 97-251: 1489 East 107th Street

Parry Strickland, owner, appealed, to enclose the 22' x 8' one-story open front porch.

Calendar No. 97-264: 3280 West 105th Street

GMS Investments Incorporated c/o Clyde Gazda, owner, and C. Gazda Heating and Air Conditioning Co. Inc. c/o Clyde Gazda, tenant, appealed, to erect a 24' x 24' one-story frame storage building.

The following appeals were **Postponed**:

Calendar No. 97-240: Appeal of Richard Geig to February 9, 1998.

Calendar No. 97-243: 3912 Archwood Avenue, S.W. to February 9, 1998.

Calendar No. 97-270: 3847 Riveredge Road, S.W. to February 9, 1998.

Calendar No. 97-266: 3561 East 149th Street to March 9, 1998.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of January 21, 1998

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

* * *

Docket A-284-97.

RE: Appeal of Emerald Homes, Inc., Owner of the Residential Property located on the premises known as 1551 East 82nd Street from a NOTICE OF VIOLATION — STOP WORK ORDER of the Commissioner of the Division of Building and Housing dated June 19, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for variance and to REMAND the property at 1551 East 82nd Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-375-97.

RE: Appeal of John T. Zubal, Owner of the Property located on the premises known as 2969 West 25th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated September 24, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, the Docket will be rescheduled in thirty days (30 das.).

* * *

Docket A-376-97.

RE: Appeal of Real Property Enterprises, Owner of the Property located on the premises known as 2048 East 79th Street from a VACATE ORDER of the Commissioner of the Division of Building and Housing dated September 30, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE/VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to fence and board the property within two weeks (2 wks.), and to obtain permits for the required demolition within thirty days (30 das.) and to grant the Appellant three months (3 mos.) in which to obtain permits and abate the violations on the property; the property is to remain boarded and secured and the grounds debris free during

that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by May 4, 1998. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-387-97.

RE: Appeal of Janet Anderson, Owner of the Residential Property located on the premises known as 9117 Easton Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated November 13, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-387-97 has been **POSTPONED**; to be rescheduled for a later date.

* * *

Docket A-392-97.

RE: Appeal of Bennie Hobbs, Owner of the Property located on the premises known as 3438-46 East 72nd Street from a VACATE ORDER of the Commissioner of the Division of Building and Housing dated October 20, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request and to REMAND the property at 3438-46 East 72nd Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-397-97.

RE: Appeal of Royal Foods, Inc., Owner of the Property located on the premises known as 1144 East 105th Street from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated November 18, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the front exit door to be used and properly designated as an exit; and that the rear door and gate be properly set up and that the gate be unlocked and an exit sign be maintained at the rear door to allow for the proper second means of egress. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

Docket A-398-97.

RE: Appeal of Lenders M.D., Inc., Mortgagee of the Residential Property located on the premises known as 13807 Rugby Road from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated August 26, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for a transfer of the permit or extension of the existing permit; but to grant the Appellant three months (3 mos.) in which to obtain permits and abate the violations, the property is to remain boarded and secured during that period of time and to REMAND the property at 13807 Rugby Road to the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

* * *

Docket A-399-97.

RE: Appeal of Jimmie L. Pope Jr., Owner of the Residential Property located on the premises known as 7203 Myron Avenue from a 30 DAY CONDEMNATION NOTICE/MS of the Commissioner of the Division of Building and Housing dated November 4, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-399-97 has been **WITHDRAWN** at the request of the Appellant.

* * *

Docket A-400-97.

RE: Appeal of Paula Moscalink, Owner of the Residential Property located on the premises known as 3941 West 23rd Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated November 19, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-400-97 has been **POSTPONED**; to be rescheduled for a later date.

* * *

Docket A-402-97.

RE: Appeal of Timothy Alan Miller, Owner of the Residential Property located on the premises known as 11813 Erwin Avenue from a NOTICE OF VIOLATION — STOP WORK ORDER of the Commissioner of the Division of Building and Housing dated November 12, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a four month (4 mo.) extension of time, with the requirement that a registered contractor obtain permits and install the footings under the existing slab and obtain the required inspections on all sides; the Appellant is permitted to continue to construct and complete the structure during that period of time. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

Docket A-403-97.

RE: Appeal of Federal Financial Company, Owner of the Property located on the premises known as 5300 Crayton Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated November 20, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-403-97 has been **POSTPONED**; to be rescheduled for a later date.

* * *

Docket A-404-97.

RE: Appeal of Matthew N. Giffels, Owner of the Residential Property located on the premises known as 6921 Park Avenue from a GARAGE CONDEMNATION NOTICE of the Commissioner of the Division of Building and Housing dated November 20, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's GARAGE CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant eight months (8 mos.) in which to obtain permits to erect the new garage; the existing garage is permitted to remain during that period of time provided it is maintained in a safe condition. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 4, 1998. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Docket A-6-98.

RE: Appeal of Rock & Roll Hall Of Fame & Museum, Inc., Owner of the Property located on the premises known as 1 Key Plaza (aka 751 Erieside Avenue) from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated December 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the height of the rail (OBBC Section 1016.5) and to require the rail on both sides of the walkway; the rail height is understood to be approximately 29-30 inches from the bottom of the rail panel side. This is the rail on the panel side of the exit way. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

APPROVAL OF RESOLUTIONS:

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

A-372-97—Harold Stern
A-381-97—Ford Consumer Finance Company, Inc.
A-383-97—Donald J. Weinstein
A-386-97—Robert Menefee
A-388-97—The Mortgage Service Center
A-393-97—Ford Consumer Finance Company, Inc.
A-394-97—Willie Steward Jr.
A-395-97—Paul P. Arnold

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

* * *

APPROVAL OF MINUTES:

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

January 7, 1998

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

* * *

INFORMAL HEARING:

Hirsch Electrical Company
RE: Cleveland Public Library
525 Superior Avenue

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, February 4, 1998
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, February 4, 1998, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1784-97.
By Councilman Patton.
An ordinance to change the Use and Area Districts of lands located approximately 180' south of Seville Road, S.E. and approximately 470' west of East 162 Street. (Map Change No. 1957, Sheet No. 10).

Ord. No. 1868-97.
By Councilman Britt.
An ordinance establishing the Fairhill Village Historic Landmark District. (Map Change No. 19617 Sheet No. 9).

Ord. No. 2079-97.
By Councilman Sweeney.
An ordinance to change the Use and Area Districts of lands east of West 146 Street between Coe Avenue, S.W. and Justin Avenue, S.W. (Map Change No. 1965, Sheet No. 13).

Ord. No. 2106-97.
By Councilman Polensek.
An ordinance to change the Use of lands between South Waterloo Road, N.E. and the New York/Central Railroad and between Neff Road, N.E. and approximately 1240 feet north-westerly (Map Change No. 983, Sheet No. 7).

Ord. No. 2107-97.
By Councilman Rybka.
An ordinance to change the Use Area of lands on the westerly side of East 78 Street between Aetna Road, S.E., and Osage Avenue, S.E. (Map Change No. 1964, Sheet No. 6).

All interested persons are urged to be present or to be represented at the above time and place.

EDWARD W. RYBKA,
Chairman
Committee on City Planning

January 21 and January 28, 1998

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint ven-

ture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, FEBRUARY 5, 1998

Pre-Sort Mail Service, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2225-96, passed by the Council of the City of Cleveland, December 16, 1996.

January 21, 1998 and January 28, 1998

WEDNESDAY, FEBRUARY 11, 1998

New Cleveland Browns NFL Stadium: Bid Package No. 8A, Power Supply and Distribution, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland. **BID DOCUMENTS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF TWO HUNDRED FIFTY DOLLARS (\$250.00). ONLY CERTIFIED OR CASHIER'S CHECKS WILL BE ACCEPTED. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATIONS. THE CHARGE WILL BE WAIVED FOR THOSE HOLDERS OF PLANS PREVIOUSLY PURCHASED FOR BID PACKAGE NO. 8. A PRE-BID MEETING WILL BE HELD ON MONDAY, FEBRUARY 2, 1998 AT 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OH 44114.**

January 21, 1998 and January 28, 1998

THURSDAY, FEBRUARY 12, 1998

Photo Equipment, for the Division of Building and Housing, Department of Community Development, as authorized by Ordinance No. 1303-97, passed by the Council of the City of Cleveland, October 6, 1997.

Animal Trappings and Pest Control Services, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 1647-97, passed by the Council of the City of Cleveland, October 20, 1997.

January 21, 1998 and January 28, 1998

FRIDAY, FEBRUARY 13, 1998

Labor and Materials Necessary to Repair, Maintain and Service MSA Breathing Apparatus, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1933-97, passed by the Council of the City of Cleveland, December 15, 1997.

Shotguns and Ammunition, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of the City of Cleveland, 1976.

January 21, 1998 and January 28, 1998

WEDNESDAY, FEBRUARY 18, 1998

Crown Waterworks Plant Site Improvements and Landscaping — Phase 1, for the Division of Research, Planning and Development and the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

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

A PRE-BID MEETING WILL BE HELD ON FRIDAY, FEBRUARY 6, 1998, 10:00 A.M. IN THE CONFERENCE ROOM OF THE CROWN WATERWORKS PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO 44145.

January 28, 1998, February 4, 1998 and February 11, 1998.

THURSDAY, FEBRUARY 19, 1998

Turnout Clothing, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

Uniform Clothing, for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

January 28, 1998 and February 4, 1998

FRIDAY, FEBRUARY 20, 1998

Various Equipment and Accessories to Outfit Vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

4x4, Cab and Chassis with Dump Body (15,000 GVW), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 666-97, passed by the Council of the City of Cleveland, June 2, 1997.

Printers, for the Department of Public Safety, as authorized by Ordinance No. 2458-92, passed by the Council of the City of Cleveland, January 25, 1993.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, FEBRUARY 10, 1998, 10:00 A.M. IN ROOM 731, POLICE HEADQUARTERS, 1300 ONTARIO AVENUE, CLEVELAND, OHIO.

January 28, 1998 and February 4, 1998

THURSDAY, FEBRUARY 26, 1998

Terminal and Roadway Signage Package, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2102-97, passed by the Council of the City of Cleveland, December 24, 1997.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE **NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK.**

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 11, 1998, 10:00 A.M. IN THE ENGINEERING CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

January 28, 1998 and February 4, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 1655-97.
By Councilmen Jackson, Rybka and Westbrook (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6612 Beaver Avenue to David Coleman and Angela Bruc Coleman.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-18-066, as more fully described in Section 2 below, to David Coleman and Angela Bruc Coleman.

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. 124-18-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sub Lot No. 18 in the John and Mary Robertson Subdivision of Original 100 Acre Lot No. 329 as recorded in Volume 4, Page 25 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Northeasterly corner of said Sublot No. 18, thence Westerly along the Southerly line of Beaver Avenue a distance of 40 feet to the Northeasterly corner of land conveyed to Sergie Kredic and Mary Kredic by deed dated September 8, 1925, and recorded in Volume 3314, Page 634 of Cuyahoga County Records; thence Southerly along the Easterly line of said land conveyed to Sergie Kredic and Mary Kredic to the Northerly line of Bushnell Avenue as established by Ordinance No. 14058, March 22, 1909; thence Easterly along the Northerly line of said Bushnell Avenue to a point in the Easterly line of said Sublot No. 18; thence Northerly along the Easterly line of said Sub Lot No. 18, which is also the Westerly line of land conveyed to Elizabeth Hill by deed dated September 24, 1945, and recorded in Volume 6024-541 of Cuyahoga County Records to the place of

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

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

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

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

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

Passed December 15, 1997.
 Effective December 22, 1997.

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