

# The City Record

Official Publication of the City of Cleveland

September the Second, Nineteen Hundred and Ninety-Eight


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

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	4
Board of Zoning Appeals	4
Board of Building Standards and Building Appeals	4
Public Notices	5
Public Hearings	5
City of Cleveland Bids	5
Adopted Resolutions and Ordinances	5
Committee Meetings	12
Index	13

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones .....	15601 Lotus Drive	44128
2	Robert J. White .....	3760 East 126th Street	44105
3	Odelia V. Robinson .....	3448 East 123rd Street	44120
4	Kenneth L. Johnson .....	2948 Hampton Road	44120
5	Frank G. Jackson .....	2327 East 38th Street	44115
6	Patricia J. Britt .....	12402 Britton Drive	44120
7	Fannie M. Lewis .....	7416 Star Avenue	44103
8	William W. Patmon .....	867 East Boulevard	44108
9	Craig E. Willis .....	11906 Beulah Avenue	44106
10	Roosevelt Coats .....	1775 Cliffview Road	44112
11	Michael D. Polensek .....	17855 Brian Avenue	44119
12	Edward W. Rybka .....	6832 Indiana Avenue	44105
13	Joe Cimperman .....	3053 West 12th Street	44113
14	Nelson Cintron, Jr. ....	3032 Vega Avenue	44113
15	Merle R. Gordon .....	1813 Tampa Avenue	44109
16	Larry Moran .....	3584 West 46th Street	44102
17	Timothy J. Melena .....	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.		
<b>MAYOR—Michael R. White</b>			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
<b>DEPT. OF LAW</b> – Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
<b>DEPT. OF FINANCE</b> – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
<b>DIVISIONS</b> – 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 – Ray C. Wilson, Controller, Room 18			
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.			
<b>DEPT. OF PUBLIC UTILITIES</b> – Michael Konicek, Director, 1201 Lakeside Avenue			
<b>DIVISIONS</b> – 1201 Lakeside Avenue			
Water – Julius Ciaccia, Jr., Commissioner			
Water Pollution Control – Darnell Brown, Commissioner			
Utilities Fiscal Control – Morry Blech, Commissioner			
Cleveland Public Power – James F. Majer, Commissioner			
Street Lighting Bureau – Frank Schilling, Acting Chief.			
<b>DEPT. OF PORT CONTROL</b> – Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
<b>DEPT. OF PUBLIC SERVICE</b> – Henry Guzmán, Director, Room 113			
<b>DIVISIONS</b> – Waste Collection and Disposal – Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets – Randell T. Scott, Commissioner, Room 25			
Engineering and Construction – JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture – Kenneth Nobilio, Commissioner, Room 517			
<b>DEPT. OF PUBLIC HEALTH</b> – Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
<b>DIVISIONS</b> – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment – Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
<b>DEPT. OF PUBLIC SAFETY</b> – William M. Denihan, Director, Room 230.			
<b>DIVISIONS</b> – 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			
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES</b> – Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
<b>DIVISIONS</b> – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management – Vernon Robinson, Commissioner, East 49th & Harvard			

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

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

Recreation – Michael Cox, Acting Commissioner, Room 8

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, SEPTEMBER 2, 1998

No. 4421

## CITY COUNCIL

MONDAY, AUGUST 31, 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

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

August 26, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, August 26, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hamilton, Nolan, Warren, and Axelrod.

Absent: None.

Others: Myrna Branch, Acting Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

#### Resolution No. 600-98.

By Director Carmody.

Be it resolved by the Board of Control of the City of Cleveland, that the employment of the following subconsultant by The Firm Financial Systems Consulting, Inc., for the professional services necessary for the implementation of the Peoplesoft Financials for the Public Sector software for the Department of Finance, as authorized by the Board of Control Resolution No. 596-98, adopted August 19, 1998, is hereby approved: Tal-Cut Company (\$450,000).

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 601-98.

By Director Jackson.

Whereas, pursuant to the authority of Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1996, and Resolutions Nos. 554-96 and 173-97, adopted by this Board of Control on August 14, 1996 and March 19, 1997 respectively, the City, through its Director of Parks, Recreation and Properties, entered into City Contract No. 50111 and a first modification thereto with Huber, Hunt & Nichols, Inc. ("Construction Manager") for professional construction management services for the planning, design and construction of a new Cleveland Browns Stadium; and

Whereas, the City has determined to increase the Construction Manager's scope of work by increasing the number of bid packages necessary for the project; and

Whereas, the Construction Manager has proposed by its letter dated March 3, 1998 to perform the professional construction management services for this increased scope of work; and

Whereas, the City finds the Construction Manager's proposal acceptable and desires to enter into a second modification to City Contract No. 50111 on the basis of the City's determinations and the Construction Manager's proposal; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Parks, Recreation and Properties is hereby authorized to enter into a second modification to City Contract No. 50111 with Huber, Hunt & Nichols, Inc., based upon its proposal dated March 3, 1998, to perform the Construction Manager's services necessary for the increased number of bid packages for the planning, design and construction of the new Cleveland Browns Stadium. The compensation for additional services authorized hereby shall not exceed Six Hundred Thousand Dollars (\$600,000.00), thereby increasing the total contract amount to not exceed \$7,823,000.00.

Be it further resolved that all other terms and provisions of City Contract No. 50111, as previously modified, shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

#### Resolution No. 602-98.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 15, 1998 for

mail inserter machine for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 2100-97, passed by the Council of the City of Cleveland on February 2, 1997 are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

FREDDIE J. FENDERSON,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 14, 1998

9:30 A.M.

**Calendar No. 98-178:** 4430 Storer Avenue, S.W.

Orindo Ventura, owner, appeals to erect a 21' x 8'-6" open wood deck to the front of an existing 21' x 50' two-story frame single family dwelling house on a 33' x 100' irregular shaped lot located in a General Retail District at 4430 Storer Avenue; said deck to project partially into the 10' specific setback building line area contrary to the limitations of Sections 357.07(a) and 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 98-179:** 3257-59 West Boulevard, S.W.

Gail E. Reeder, owner, appeals to change the use of an existing 26' x 44' 2-1/2-story frame, non-conforming, two-family dwelling house into three dwelling units, all located on a 60' x 197' irregular shaped lot and located in a One-Family District

at 3257-59 West Boulevard; said use as three dwelling units being contrary to the one-family use limitation pursuant to Section 337.02(a) and said conversion to be contrary to the expansion of non-conforming use limitation as regulated by Section 359.01(a) of the Codified Ordinances.

**Calendar No. 98-180:** 3106 Woodbridge Avenue, S.W., a.k.a. 3104-3112 Woodbridge Avenue

Circle of Faith Ministries, owner c/o Carliastro Jones, Pastor, appeal to change the of portions of the basement and first floor of an existing 65' x 90' irregular shaped two-story and basement masonry church building into a day care center for 15-20 children from the ages of 3-5 years. Renovations are to occur on the west portion of a 132' x 138' corner parcel located in a Two-Family District on the northeast corner of West 32nd Street and Woodbridge Avenue at 3106 Woodbridge Avenue with a two-story frame dwelling house on the east part of the lot at 3104 Woodbridge Avenue; said day care use being contrary to the use limitations of Sections 337.02 and 337.03 but subject to the approval authority of Section 337.02(f)(3)(C) and the north side yard being 23' instead of 30' in width as required by Section 337.02(f)(3)(C) of the Codified Ordinances.

**Calendar No. 98-181:** 5500 Walworth Avenue, S.W.

Pleasant Valley Associates (an Ohio partnership) owner c/o Ronald Soberay and Mark Soberay, tenants, appeal under Section 76-6 of the Charter of the City of Cleveland and Sections 329.01(e) and 329.02(d) of the Codified Ordinances from the Notice of Violation of Building Ordinances dated July 16, 1998 and issued by the Department of Community Development, Division of Building and Housing with respect to the subject property located in a General Industry District at the northwest corner of West 55nd Street and Walworth Avenue and occupied by a building known as 5500 Walworth Avenue; said appeal relating to items #5, #12, #13, #14, #15, #16 and #21 of said notice and the citations from Sections 302.02, 327.02(B), 327.02(C), 349.07(A), 349.07(B), 349.08 and 629.02 of the Codified Ordinances.

**Calendar No. 98-182:** 6422 Detroit Avenue, N.W., a.k.a. 6424 Detroit Avenue, N.W.

6501 Detroit Corporation, owner c/o Thano Pasolis and Gordon Square Restaurant Inc., tenants c/o Doug Berg, appeal to change the use of the existing westerly store-room of an existing masonry store-and-suites building located on a 35' x 100' irregular shaped corner lot into a cafe/bar located in a General Retail District on the northeast corner of West 65th Street and Detroit Avenue at 6424 Detroit Avenue; said conversion to the cafe/bar requires 13 parking spaces with none provided contrary to the requirements of Sections 349.03 and 349.04 and said use not conforming to the 8' screen strip required along the rear property line by Section 352.10 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, AUGUST 31, 1998

At the Meeting of the Board of Zoning Appeals on Monday, August 24, 1998, the following appeals were heard by the Board, and, on Monday, August 31, 1998 were decided by the Board.

The following appeals were **Granted**:

**Calendar No. 98-150:** 13207 Bellaire Road, S.W.

Patrick R. Roach, owner, to enclose and extend the existing 20' x 6'-10" open front porch.

**Calendar No. 98-151:** 11115-11315 Harvard Avenue

Eller Media Company, owner c/o Scott Rowland, appealed, to erect and relocate four 25' x 12' billboard advertising signs. (Conditional grant).

**Calendar No. 98-161:** 16402 Tarkington Avenue, S.E.

Cecil N. Newell Jr. and Adrienne Newell, owners, appealed, to remove an existing 11' x 24' private attached garage and construct an 11' x 24' living space to the west side of the 32' x 35' one and two-story frame one-family dwelling house. (Conditional grant).

**Calendar No. 98-165:** 12204 Euclid Avenue, a.k.a. 1822-1838 East 123rd Street

David E. Davis, owner, appealed, to erect an 82' x 98' one-story masonry storage building. (Conditional grant).

**Calendar No. 98-166:** 4661 Broadview Road

Ralston's Auto Care Incorporated owner, c/o Don Ralston, appealed to erect 24' x 30' x 17'-4" high canopy over existing gas pumps.

The following appeal was **Withdrawn**:

**Calendar No. 98-168:** 1001 Fairfield Avenue, S.W.

The following appeals were **Postponed**:

**Calendar No. 98-177:** 9815 Madison Avenue, N.W. to September 14, 1998.

**Calendar No. 97-145:** 3870 West 14th Street to September 14, 1998.

**Calendar No. 98-156:** 6400 Memphis Avenue to September 14, 1998.

**Calendar No. 98-169:** 6605 Clark Avenue to September 21, 1998.

**Calendar No. 98-171:** 10510-40 Wilbur Avenue, S.E. to September 21, 1998.

EUGENE CRANFORD, JR.,  
Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS****For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**WEDNESDAY, SEPTEMBER 9, 1998**

**Famis Software Package Replacement Servers and Peripherals**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1471-97, passed by the Council of the City of Cleveland.

August 26, 1998 and September 2, 1998

**FRIDAY, SEPTEMBER 11, 1998**

**Residential Sound Insulation Program 1998 — Groups R, S, T, U, and V**, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland, June 19, 1995 and May 18, 1998.

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

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 3, 1998, AT 11:00 A.M. LOCAL TIME IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION, CLEVELAND HOPKINS PASSENGER TERMINAL BUILDING.**

August 26, 1998 and September 2, 1998

**WEDNESDAY, SEPTEMBER 16, 1998****Continental Airlines, Bid Package 9**

**— Concourse D — Signage**, for the Department of Port Control. PLANS AND SPECIFICATIONS ARE AVAILABLE FROM MORSE DIESEL INTERNATIONAL INC., 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44115 FOR THE REFUNDABLE FEE OF ONE HUNDRED DOLLARS. CONTACT MORSE DIESEL AT (216) 265-4880.

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, SEPTEMBER 2, 1998, AT 10:00 A.M. IN THE CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135. BIDS WILL BE ACCEPTED UNTIL WEDNESDAY, SEPTEMBER 16, 1998, 3:00 P.M.**

August 26, 1998 and September 2, 1998

**THURSDAY, SEPTEMBER 17, 1998**

**Traffic Signal Material**, for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 683-98, passed by the Council of the City of Cleveland, June 1, 1998.

**Standard Wire**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 291-98, passed by the Council of the City of Cleveland, March 23, 1998.

August 26, 1998 and September 2, 1998

**WEDNESDAY, SEPTEMBER 16, 1998**

**Forest Hills Park Court Improvements and Grdina Playground Fence Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 619-98 and 1264-97, passed by the Council of the City of Cleveland, June 15, 1998 and July 16, 1997, respectively.

**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 FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

**Two (2) Portable Lead Analyzers**, for the Division of Environment, Department of Public Health, as authorized by Ordinance No. 819-98, passed by the Council of the City of Cleveland, June 1, 1998.

September 2, 1998 and September 9, 1998

**WEDNESDAY, SEPTEMBER 23, 1998**

**Deicing Agents**, for the various divisions of City Government, Department of Port Control, as authorized by Ordinance No. 990-98, passed by the Council of the City of Cleveland, June 15, 1998.

**Disposal of Construction and Demolition Debris**, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 2184-97, passed by the Council of the City of Cleveland, February 9, 1998.

September 2, 1998 and September 9, 1998

**ADOPTED RESOLUTIONS AND ORDINANCES****Ord. No. 751-98.**

**By Councilman Cintron.**

**An emergency ordinance to vacate portion of West 44th Place, first alley north of Detroit Avenue and east of West 44th Place, and the first alley north of Detroit Avenue and west of West 44th Place hereinafter described.**

Whereas, on the 15th day of December, 1997 the Council of the City of Cleveland adopted Resolution No. 1662-97 declaring its intention to vacate a portion of West 44th Place, First Alley North of Detroit Avenue and East of West 44th Place, and the First Alley North of Detroit Avenue and West of West 44th Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1662-97 has been served upon the owners of all the property abutting West 44th Place, the First Alley North of Detroit Avenue and East of West 44th Place, and the First Alley North of Detroit Avenue and West of West 44th 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 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of West 44th Place, the First Alley North of Detroit Avenue and East of West 44th Place, and the First Alley North of Detroit Avenue and West of West 44th 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 West 44th Place, the First Alley North of Detroit Avenue and East of West 44th Place, and the First Alley North of Detroit Avenue and West of West 44th Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of WEST 44TH PLACE (38.00 feet wide) extending Northerly from the Northerly line of Detroit Avenue N.W. (66.00 feet wide) to that portion of West 44th Place vacated by the Council of the City of Cleveland by Ordinance Number 531-40, passed April 22, 1940.

That all that portion of the FIRST ALLEY NORTH OF DETROIT AVENUE AND EAST OF WEST 44TH PLACE The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Easterly from the Easterly line of West 44th Place (38.00 feet wide) to its Easterly terminus.

That all that portion of the FIRST ALLEY NORTH OF DETROIT AVENUE AND WEST OF WEST 44TH PLACE The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Westerly from the Westerly line of West 44th Place (38.00 feet wide) to its Westerly terminus, be and the same is hereby vacated.

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

The description of easement is as follows:

That all that portion of WEST 44TH PLACE (38.00 feet wide) extending Northerly from the Northerly line of Detroit Avenue N.W. (66.00 feet wide) to that portion of West 44th Place vacated by the Council of the City of Cleveland by Ordinance Number 531-40, passed April 22, 1940.

That all that portion of the FIRST ALLEY NORTH OF DETROIT AVENUE AND EAST OF WEST 44TH PLACE The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Easterly from the Easterly line of West 44th Place (38.00 feet wide) to its Easterly terminus.

That all that portion of the FIRST ALLEY NORTH OF DETROIT AVENUE AND WEST OF WEST 44TH PLACE The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Westerly from the Westerly line of West 44th Place (38.00 feet wide) to its Westerly terminus, be and the same is hereby vacated.

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 44th Place, First Alley North of Detroit Avenue and East of West 44th Place, and the First Alley North of Detroit Avenue and West of West 44th Place, here provided by sending him a copy of this ordinance.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1010-98.**

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

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

Whereas, by Ordinance No. 2606-81, passed December 14, 1981, as amended by Ordinance No. 1766-87, passed November 16, 1987, and as further amended by Ordinance No. 2317-92, passed December 14, 1992, this Council designated the Euclid/Prospect Area ("Area") and approved the Euclid/Prospect Area Community Development Plan ("Plan"); 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 to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 925-98, passed \_\_\_\_\_, 1998, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), 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, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; 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 Colonial Market Place, LLC ("Redeveloper"), as more fully described in the plans contained in File No. 1010-98-A ("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

**Section 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 the exemption period extend beyond December 31, 2021.

**Section 3.** That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of twenty (20) years, or such other period necessary to redeem the bonds described in Section 6 of this Ordinance, 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 not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

**Section 4.** That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established an Arcades Urban Redevelopment Tax Increment Equivalent Fund.

**Section 5.** 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 6.** That the balance of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Arcades Urban Redevelopment Tax Increment Equivalent Fund created by Section 4 hereof to pay the principal (whether at maturity or by prior redemption) of, and interest on revenue bonds issued by the City, pursuant to additional, appropriate legislation of this Council, or other appropriate governmental issuer to finance a portion of the costs of the Improvements, and the costs attributable to the sale of the Bonds, inclusive of attorneys' fees, appraisals and other similar fees.

**Section 7.** That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest; and to enter into such other agreement or agreements with such other appropriate governmental issuer, necessary and appropriate to issue and redeem the bonds described in Section 6 of this Ordinance, which agreement(s) shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

**Section 8.** The hotel operators in the Project shall recognize the union's right to organize their employees. Recognizing a union's right to organize employees of the hotel shall include providing union organizers reasonable access to the premises of the hotel, and the Redeveloper and the hotel operator shall not interfere with a union's right to organize. Said organizing activities shall be carried out under provisions of law and the National Labor Relations Board. Proven violation of this provision would mean an event of default under the \$500,000 SBRLF loan.

**Section 9.** The relevant project agreements shall include the following terms:

1. That in the event any part of the project is transferred or sold during the term of the Tax Increment Financing authorized by Ordinance No. 1010-98 ("TIF"), purchaser or transferee shall assume repayment obligations under CDBG Float/HUD Section 108 loans.

2. That in the event either the parking garage portion or retail portion is transferred or sold during the term of the TIF, Redeveloper shall immediately retire all outstanding obligations due the City under the \$500,000 SBRLF loan, and Redeveloper shall pay to the City an amount equal to all taxes the City would have received from the time of execution of relevant documents to the transfer or sale of these portions of the project, but for the TIF.

3. In the event the hotel portion of the Project is transferred or sold during the term of the TIF, Redeveloper shall repay to the City all outstanding obligations due the City under the \$500,000 SBRLF loan.

4. Failure by Redeveloper or the operator of the hotel to substantially comply with the following economic development objectives of the Project shall be an event of default and Redeveloper shall pay to the City an amount equal to the taxes the City would have received but for the TIF.

a. The investment of \$29 million in the Project within three (3) years of passage of this ordinance;

b. The creation of 118 jobs at the Project within three (3) years from the passage of this ordinance and the maintenance of these 118 jobs throughout the duration of the TIF;

c. Compliance with Section 8 of this ordinance; and

d. Renovation of the public open space of the arcades and maintaining same as open space for the public use.

**Section 10.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

Passed August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1068-98.**  
By Councilmen Patmon and Johnson (by departmental request).

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

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

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

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

Provided that the Director of Public Utilities has furnished a copy of the request for proposals to each of the members of the Committee on Public Utilities prior to solicitation of proposals and provided further that the Director has made a presentation to said Committee which identifies the consultants recommended by the Department of Public Utilities to perform such services and includes a written summary of all of the proposals received as a result of the Department's canvass, 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 means of a request for proposals by the Director of Public Utilities for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

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

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

Passed August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1110-98.**  
By Councilmen Sweeney, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with American Handling, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new manufacturing and office facility located in Cleveland Business Park in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland

and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

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

Whereas, American Handling, Inc. (the "Enterprise") has proposed to construct a new manufacturing and office facility in the Cleveland Business Park; and

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

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

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with American Handling, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new manufacturing and office facility in Cleveland Business Park; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1110-98-A. The terms of File No. 1110-98-A notwithstanding, the tax abatement shall not be assignable or transferable by American Handling, Inc. to any entity without the prior legislative authorization by Cleveland City Council.

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

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest. Said agreement shall prohibit the assignment or transfer of the tax abatement by American Handling, Inc. to any entity without the prior legislative authorization by Cleveland City Council.

**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 August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1246-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1998-1999 Federal Child Lead Poison Prevention Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the estimated amount of \$350,000.00, and such other funds as may become available during the grant period, from the Ohio Department of Public Health, to conduct the 1998-1999 Federal Child Lead Poison Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the Director of Health shall provide a detailed written report to the Chairperson of the Public Health Committee of Cleveland City Council no later than December 1, 1998 itemizing the amount of grant funds received, the amount of grant funds expended, and the item or service provided by the grant funds.

**Section 3.** That the application for said grant, File No. 1246-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1416-98.**

**By Councilman Dolan.**

**An emergency ordinance authorizing the Mayor to release the covenants, conditions and restrictions contained in a covenant as to real estate recorded in volume 7665, page 139, of the Cuyahoga County records and a covenant as to real estate recorded at volume 13862, page 409 of the Cuyahoga County records.**

Whereas, on December 12, 1952, the City of Cleveland entered into a certain Covenant As To Real Estate affecting certain property located at 17201-11 Lorain Avenue, in the City of Cleveland, with Ceylon Trading Company, recorded in volume 7665, page 139, of the Cuyahoga County records; and

Whereas, on August 12, 1975, the City of Cleveland entered into a certain Covenant As To Real Estate affecting certain property located at 17209-11 Lorain Avenue, in the City of Cleveland, with George Zuk and Tamara Uhera Demer, recorded in volume 13862, page 409, of the Cuyahoga County records; and

Whereas, this Council is satisfied that there is good cause to release the covenants, conditions and restrictions contained in the above-described documents; and

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

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

**Section 1.** That the Mayor is authorized to release the covenants, conditions and restrictions contained in a Covenant As To Real Estate with Ceylon Trading Company, recorded in volume 7665, page 139 of the Cuyahoga County records and contained in a Covenant As To Real Estate with George Zuk and Tamara Uhera Demer, recorded in volume 13862, page 409 of the Cuyahoga County records.

**Section 2.** That the Mayor, the Director of Law and other appropriate officials are hereby authorized to execute and deliver such certifications, documents and recordable instruments and take such other actions as may be necessary or appropriate to effect the release described in Section 1.

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

Passed August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1426-98.**

**By Councilman Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Otis Moss, Jr./University Hospitals of Cleveland to stretch one (1) banner on utility poles (by separate permission), on the Southeast and Southwest corners of Quincy Avenue at East 89th Street, for the period of August 6, 1998, to August 16, 1998, inclusive, publicizing their service to the community.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Otis Moss, Jr./University Hospitals of Cleveland, 819 Quincy Avenue, Cleveland, Ohio 44106 to install, maintain and remove one (1) banner on the Southwesterly and South-easterly corners of Quincy Avenue at East 89th Street, using utility pole numbers E2-25-19-8 and E2-25-16-7 (by separate permission), for the period from August 6, 1998 to August 16, 1998, inclusive, publicizing their service to the community. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed August 19, 1998.

Effective August 27, 1998.

**Ord. No. 1427-98.**

**By Councilman Britt.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2205 East 100th Street to Fairfax Renaissance Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-18-148, as more fully described in Section 2 below, to Fairfax Renaissance Development Corporation or designee.

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



P.P. No. 121-18-148

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 71 in Jane Sayle and others' Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat in Volume 14 of Maps, Page 5 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 100th Street, and extending back between parallel lines 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 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 August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1428-98.**

**By Councilman Coats.**

**An emergency ordinance to amend Section 350.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 3076-A-89, passed December 10, 1990 relating to the prohibition on certain types of signs.**

Whereas, condemned buildings are an eyesore to our neighborhoods and present a danger to the safety of the citizens of the City of Cleveland; and

Whereas, owners of condemned buildings should not be permitted to generate revenue from affixing signs, advertisements and billboards to condemned buildings; and

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

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

**Section 1.** That Section 350.06 of the Codified Ordinances of Cleve-

land, Ohio, 1976, as enacted by Ordinance No. 3076-A-89, passed December 10, 1990, is hereby amended to read as follows:

**Section 350.06 Prohibited Signs**

The following types of signs are prohibited in all zoning districts:

(a) Strips of pennants, propellers, pinwheels, streamers, balloons and similar small objects except as temporary displays specifically authorized for carnivals and open-air festivals under Section 329.07 and for new businesses under division (c) of Section 350.20.

(b) Signs imitating or resembling official traffic or government signs and signals.

(c) Signs attached to trees, rocks or natural formations or public property including but not limited to utility poles, benches, trash containers and parking meters, except as specifically authorized by the City.

(d) Moving, revolving or flashing signs except as provided in Section 350.16.

(e) Signs attached to any condemned structure, as defined in Section 363.29 or any structure condemned or declared a nuisance structure pursuant to Section 3103.09.

**Section 2.** That existing Section 350.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 3076-A-89, passed December 10, 1990, is hereby repealed.

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

Passed August 19, 1998.  
Effective August 28, 1998, without the signature of the Mayor.

**Ord. No. 1429-98.**

**By Councilman Jones.**

**An emergency ordinance to accept the dedication of a portion of Sunny Glen Avenue S.E.**

Whereas, that a portion of Critchfield Avenue, now known as Sunny Glen Avenue S.E. (50.00 feet wide), is open and used as a public street, and is necessary for the general public's access in the G. F. Realty Co.'s Lee Road Subdivision; now therefore

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

**Section 1.** That the dedication of Critchfield Avenue, now known as Sunny Glen Avenue S.E., (50.00 feet wide), extending from the Westerly line of Lee Road S.E. (80.00 feet wide), Westerly to the Easterly line of Homestead Drive, now known as East 162nd Street, as shown by the recorded plat in Volume 95, Page 40 of Cuyahoga County Records, be and the same is hereby accepted as dedicated.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1430-98.**

**By Councilman Lewis.**

**An emergency ordinance authorizing and directing the Director of Community Development to secure title, appraisal and environmental assessment work on property located at 1513 and 1516 East 66th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized and directed to secure title, appraisal and environmental assessment work for the real property located at 1513 East 66th Street (Permanent Parcel No. 106-12-047) and 1516 East 66th Street (Permanent Parcel No. 106-08-032), Cleveland, Ohio.

**Section 2.** That the costs of such services shall be charged against the proper appropriation account as designated by the Director of Community Development.

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

Passed August 19, 1998.  
Effective August 27, 1998, without the signature of the Mayor.

**Ord. No. 1438-98.**

**By Councilman Polensek.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to OsAir, Inc. to encroach into the public right-of-way of London Road and Wayside Road with two, four-inch nitrogen pipelines to provide service to their customer, The General Electric Plant at Ivanhoe Road.**

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 OsAir, Inc., 7001 Center Street, P.O. Box 1020, Mentor, Ohio 44061-1020; its successors and assigns; for the construction, use and maintenance of two (2), four (4) inch nitrogen pipelines to provide service to their customer, The General Electric Plant at Ivanhoe Road, and which aforesaid pipelines will encroach into the right-of-way of London Road and Wayside Road at the locations more fully described herein.

**FOUR-INCH NITROGEN PIPELINE AT NORTH SIDE OF THE INTERSECTION OF WAYSIDE ROAD AND THE NORFOLK SOUTHERN RAILROAD TRACKS:**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original Euclid Township Lot Numbers 9 and 42 and further being bounded and described as follows:

Beginning at a stone monument found at an angle point in the centerline of Wayside Road (60.00 feet wide) as shown on the Crawford Realty Co.'s London Road-Wayside Subdivision as recorded in Volume 54, Page 30 of Cuyahoga County Records; thence South 06°-17'-49" West along the centerline of Wayside Road, 1358.03' to its point of intersection with the most northerly edge of the north rail of Norfolk and Southern's westbound track; thence North 76°-16'-47" East, along the north rail, 31.93 feet to its intersection with the easterly line of Wayside Road; thence North 06°-17'-49" East along the easterly line of Wayside Road, 26.61 feet to a point, said point being the intersection of the centerline of a proposed four-inch nitrogen pipeline with the easterly line of Wayside Road and the principal place of beginning; thence South 76°-16'-47" West along the centerline of the proposed four-inch nitrogen pipeline, 63.86 feet to the westerly line of Wayside Road and the point of terminus.

**FOUR-INCH NITROGEN PIPELINE AT THE NORTH SIDE OF THE INTERSECTION OF LONDON ROAD AND THE NORFOLK SOUTHERN RAILROAD TRACKS:**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Lot Numbers 9 and 42 further being bounded and described as follows:

Beginning at a stone monument found on the centerline of Kipling Avenue (40.00 feet wide) at its point of intersection with the easterly line of London Road (60.00 feet wide); thence South 00°-19'-09" East along the easterly line of London Road 1331.28 feet to its point of intersection with the most northerly edge of the north rail of Norfolk and Southern's Westbound Track; thence South 76°-34'-50" West along the north rail 61.60 feet to its point of intersection with the westerly line of London Road; 25.67 feet to a point, said point being the intersection of the centerline of a proposed four-inch nitrogen pipeline with the westerly line of London Road and the principal place of beginning; thence North 76°-34'-50" East along the centerline of a proposed four-inch nitrogen pipeline 61.60 feet to the easterly line of London Road and the point of terminus.

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

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

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1442-98.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of contract with Brothers Printing Company, City Contract No. 52446 for a period not to exceed one year.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to extend the term of the contract with Brothers Printing Company, City Contract No. 52446 for a period not to exceed one year. All other provisions of City Contract No. 52446, except for the term, shall remain the same.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1443-98.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of contract with Cleveland Letter Service Company, City Contract No. 52509 for a period not to exceed one year.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to extend the term of the contract with Cleveland Letter Service Company, City Contract No. 52509 for a period not to exceed one year. All other provisions of City Contract No. 52509, except for the term, shall remain the same.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1444-98.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of contract with Legal News Publishing Company, City Contract No. 52710 for a period not to exceed one year.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to extend the term of the contract with Legal News Publishing Company, City Contract No. 52710 for a period not to exceed one year. All other provisions of City Contract No. 52710, except for the term, shall remain the same.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1449-98.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The MetroHealth System to stretch banners on West 25th Street on the west side of the street from Sackett Avenue to I-71 exit ramp, (just north of I-71 and the east side of the street from Sackett Avenue to I-71 exit ramp, (just north of I-71) and on Scranton Road on the west side of the street from I-71 to Sackett Avenue and on the east side of the street from I-71 to Valentine Avenue, for the period from September 13, 1998 to October 12, 1998, inclusive, publicizing the National Rehabilitation Awareness Celebration.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The MetroHealth System to install, maintain and remove banners on West 25th Street on the west side of the street from Sackett Avenue to I-71 exit ramp, (just north of I-71 and the east side of the street from Sackett Avenue to I-71 exit ramp, (just north of I-71) and on Scranton Road on the west side of the street from I-71 to Sackett Avenue and on the east side of the street from I-71 to Valentine Avenue for the period from September 13, 1998 to October 12, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in conjunction with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1451-98.**

**By Councilman White.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4221 East 98th Street and 4169 East 95th Street to Union Miles Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 136-22-032 and 136-14-093, as more fully described in Section 2 below, to Union Miles Development Corporation or designee.

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

P. P. No. 136-22-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in Ashley Ames Allotment of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 9 of Maps, Page 19 of Cuyahoga County Records and part of Original One Hundred Acre Lot No. 465, bounded and described as follows:

Beginning on the Easterly line of East 98th Street at the Northwest corner of said Sublot No. 2; thence Easterly along the Northerly line of said Sublot No. 2 and along the Easterly prolongation thereof, to the Easterly line of land conveyed to M.D. Wiggins by Deed dated October 19, 1874, and recorded in Volume 238, Page 482 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to M.D. Wiggins, 40 feet to a point; thence Westerly parallel with the Easterly prolongation of the Northerly line of said Sublot No. 2 and said Northerly line about 146 feet to the Easterly line of East 98th Street; thence Northerly along the Easterly line of said East 98th Street, 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 136-14-093

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being Sublot No. 24 in P.S. Ruggles Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 7 of Maps, Page 11 of Cuyahoga County Records, and being 50 feet front on the Easterly side of East 95th Street, and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**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 August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1453-98.**

**By Councilman Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the YMCA Cleveland Corporate Challenge Bike Race on August 23, 1998, sponsored by the YMCA and Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the YMCA Cleveland Corporate Challenge Bike Race on August 23, 1998, sponsored by the YMCA and Hermes Race System, on August 23, 1998, beginning at Muny Parking Lot to South Marginal east to AAA turn around and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief or Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1516-98.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to The Spanish American Committee of Cleveland, Ohio to stretch one (1) banner on utility poles (by separate permission), on Lorain Avenue for the period of September 7, 1998 to September 12, 1998, inclusive, publicizing The 2nd Annual Ohio City Career Fair.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to The Spanish-American Committee of Cleveland, Ohio to install, maintain and remove one (1) banner on utility poles (by separate permission); across Lorain Avenue in front of St. Ignatius High School by the bus stop, pole number W-691 and in front of Wendy's Restaurant, pole number 621-118, for the period from September 7, 1998 to September 12, 1998, inclusive, publicizing The 2nd Annual Ohio City Career Fair. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed August 19, 1998.  
Effective August 27, 1998.

**Ord. No. 1551-98.**

**By Councilman Cintron.**

**An emergency ordinance consenting and approving the issuance of a permit for a One Mile Fun Walk/Jog Run, a 5K Run and a 10K Relay Race on August 16, 1998, sponsored by YMCA and Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a One Mile Fun Walk/Jog Run, a 5K Run and a 10K Relay Race, sponsored by YMCA and Hermes Race Systems, on August 16, 1998, with the One Mile Fun Walk/Jog Run beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica; the 5K Run beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Columbus, turn around at Columbus and continue on Riverbed to Elm, continue on Elm and finish back at Nautica; and the 10K Relay Race beginning with the Lead Runner at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica, and the other Runners beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Spruce, Spruce to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the event and in form satisfactory to the Director of Law.

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

Passed August 19, 1998.  
Effective August 27, 1998.

#### REPRINT

**Res. No. 1515-98.  
By Councilmen Coats, Rybka,  
Westbrook and White.**

**An emergency resolution urging the Ohio Department of Transportation to use existing railroad tracks to create passenger rail service between Cleveland and Columbus, and opposing the construction of a third lane in each direction on Interstate 71 between Columbus and the service area of the Northeast Ohio Area-wide Coordinating Agency.**

Whereas, ODOT hopes to reconstruct a 140-mile section of I-71 between Cleveland and Columbus, involving 10 years of work and \$302 million of taxpayers' dollars; and

Whereas, ODOT proposes to add passenger rail service between Cleveland and Columbus, costing initially more than \$32 million, on existing tracks; and

Whereas, ODOT recommends that the existing Amtrak station in downtown Cleveland be the northern terminus for I-71 passenger rail; and

Whereas, the proposal to provide passenger rail service between Cleveland and Columbus has been greeted by many, including local and regional governments and newspaper editorial boards, as a most welcome concept; and

Whereas, ODOT nonetheless also plans to widen I-71 by one permanent lane in each direction for most of the distance between Cleveland and Columbus as a means of accommodating traffic during the reconstruction period; and

Whereas, the 30-year cost of building and maintaining the additional highway capacity provided by the third lane in each direction is estimated at \$500 million; and

Whereas, once I-71 is reconstructed, ODOT planners believe the right-of-way may not permit further widening without extremely high additional acquisition and construction costs; and

Whereas, ODOT planners note that additional travel capacity can be expanded in a cost-effective manner simply by adding rail cars to fast, modern passenger trains; and

Whereas, expanding passenger rail service into downtown Cleveland from other cities in the Great Lakes region and Midwest would improve the City's travel, meeting and convention and tourism economy by providing a convenient, cost-effective and time-efficient, all-weather transportation link to downtown attractions at the North Coast, Tower City, Gateway and University Circle, and in particular to the newly planned Transportation Center at a new Cleveland Convention Center; and

Whereas, a balanced transportation system for Ohio, which coordinates links between highways, passenger rail lines, airports and other modes of travel, will increase mobility of all citizens and expand economic development opportunities for large and small communities alike along the I-71 corridor;

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

**Section 1.** That the Cleveland City Council hereby strongly supports the introduction of passenger rail

service linking Cleveland, Galion and Columbus; and

**Section 2.** That the Cleveland City Council hereby supports the possible expansion of said passenger rail line to Dayton and Cincinnati; and

**Section 3.** That the Cleveland City Council hereby encourages the Ohio Department of Transportation, the Ohio Rail Development Commission, CSX, Norfolk Southern, Amtrak and others to work together to start passenger rail service between Cleveland and Columbus as soon as possible; and

**Section 4.** That the Cleveland City Council hereby encourages coordinated connections to permit travelers to transfer easily to Greater Cleveland Regional Transit Authority services and to Cleveland Hopkins International Airport to improve mobility for all travelers; and

**Section 5.** That the Cleveland City Council hereby supports all efforts aimed at guaranteeing that passenger rail service be provided, without the need for transfer, the complete distance to the planned Transportation Center in downtown Cleveland; and

**Section 6.** That the Cleveland City Council hereby opposes the construction of a permanent third lane in each direction of I-71 for the distance between the limits of the cities of Medina and Columbus except when a merge lane is deemed by the local Metropolitan Planning Organization imperative to safety and Level of Service in conjunction with high-volume interchanges, and except as deemed necessary for truck-climbing in steep incline areas; and

**Section 7.** That the Cleveland City Council hereby supports the planning and implementation of Intelligent Traffic Systems concurrent with reconstruction as a means of enhancing Level of Service and safety without permanent additional highway capacity.

**Section 8.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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.

Passed August 19, 1998.  
Effective August 28, 1998.

#### COUNCIL COMMITTEE MEETINGS

NO MEETINGS

# Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
 Bold type in sections indicates amendments

**Banners**

- MetroHealth System — permit to stretch banners on West 25th Street on west side from Sackett Avenue to I-71 exit ramp (O 1449-98) ..... **1526**
- Otis Moss, Jr. / University Hospitals of Cleveland — permit to stretch banners on southeast and southwest corners of Quincy Avenue at East 89th Street for the period of August 6, 1998 to August 16, 1998. (O 1426-98) ..... **1524**
- Spanish American Committee — permit to stretch banners on Lorain Avenue from September 7, to September 12, 1998 publicizing 2nd Annual Ohio City Career Fair (O 1516-98) ..... **1527**

**Child Lead Poison Prevention Program**

- 1998-1999 Federal Child Lead Poison Prevention Program — apply for and accept grant — \$350,000. 00 — Health Department (O 1246-98) ..... **1524**

**City Clerk's Office**

- Brothers Printing Company — extend Contract No. 52446 — City Clerk's Office (O 1442-98)..... **1526**
- Cleveland Letter Service Company — extend Contract No. 52509 — City Clerk's Office (O 1443-98)..... **1526**
- Legal News Publishing Company — extend Contract No. 52710 — City Clerk's Office (O 1444-98)..... **1526**

**Codified Ordinances**

- Amend Section 350.06 of Codified Ordinances, relating to prohibition of certain types of signs (O 1428-98)..... **1525**

**Colonial Arcade**

- Colonial Market Place, LLC — rehabilitation and redevelopment — Colonial and Euclid Arcades — Economic Development Department (O 1010-98) ..... **1522**

**Colonial Market Place**

- Colonial Market Place, LLC — rehabilitation and redevelopment — Colonial and Euclid Arcades — Economic Development Department (O 1010-98) ..... **1522**

**Community Development**

- East 66th Street, 1513 and 1516 (Ward 7) — secure title, appraisal and environmental assessment work — Community Development (O 1430-98)..... **1525**

**Department of Transportation**

- Rail service, passenger — create between Cleveland and Columbus — oppose third lane on Interstate 71 between Columbus — Northeast Ohio Areawide Coordinating Agency (R 1515-98) ..... **1528-R**

**Economic Development Department**

- American Handling, Inc. — provide ten year tax abatement — construct new manufacturing and office facility in Cleveland Business Park (O 1110-98) ..... **1523**
- Colonial Market Place, LLC — rehabilitation and redevelopment — Colonial and Euclid Arcades — Economic Development Department (O 1010-98) ..... **1522**

**Encroachments**

- OsAir, Inc. — permit — encroach into the public right-of-way of London Road and Wayside Road with two, four-inch nitrogen pipelines to provide service to their customer, The Electric Plant at Ivanhoe Road (O 1438-98) ..... **1525**

**Euclid Arcade**

- Colonial Market Place, LLC — rehabilitation and redevelopment — Colonial and Euclid Arcades — Economic Development Department (O 1010-98) ..... **1522**

**Grants**

- 1998-1999 Federal Child Lead Poison Prevention Program — apply for and accept grant — \$350,000. 00 — Health Department (O 1246-98) ..... **1524**

**Health Division**

- 1998-1999 Federal Child Lead Poison Prevention Program — apply for and accept grant — \$350,000. 00 — Health Department (O 1246-98) ..... **1524**

**Land Reutilization Program**

- East 100th, 2205 (Ward 6) — sell to Fairfax Renaissance Development Corporation or designee (O 1427-98)..... **1524**  
 East 98th Street, 4221 and East 95th Street, 4169 (Ward 7) — sell to Miles Development Corporation or designee (O 1451-98) ..... **1527**

**Northeast Ohio Areawide Coordinating Agency (NOACA)**

- Rail service, passenger — create between Cleveland and Columbus — oppose third lane on Interstate 71 between Columbus — Northeast Ohio Areawide Coordinating Agency (R 1515-98) ..... **1528-R**

**Permits**

- Corporate Challenge Bike Race — approve issuance for permit — YMCA and Hermes Race Systems on August 23, 1998 (O 1453-98)..... **1527**  
 MetroHealth System — permit to stretch banners on West 25th Street on west side from Sackett Avenue to I-71 exit ramp (O 1449-98) ..... **1526**  
 One Mile Fun Walk/Jog Run — YMCA and Hermes Race Systems — 5K Run and 10K Relay Race on August 16, 1998 (O 1551-98) ..... **1527**  
 OsAir, Inc. — permit — encroach into the public right-of-way of London Road and Wayside Road with two, four-inch nitrogen pipelines to provide service to their customer, The Electric Plant at Ivanhoe Road (O 1438-98) ..... **1525**  
 Otis Moss, Jr. / University Hospitals of Cleveland — permit to stretch banners on southeast and southwest corners of Quincy Avenue at East 89th Street for the period of August 6, 1998 to August 16, 1998. (O 1426-98) ..... **1524**  
 Spanish American Committee — permit to stretch banners on Lorain Avenue from September 7, to September 12, 1998 publicizing 2nd Annual Ohio City Career Fair (O 1516-98) ..... **1527**

**Purchases/Contracts**

- Brothers Printing Company — extend Contract No. 52446 — City Clerk's Office (O 1442-98)..... **1526**  
 Cleveland Letter Service Company — extend Contract No. 52509 — City Clerk's Office (O 1443-98)..... **1526**  
 Information management systems — implement — Water Division (O 1068-98)..... **1523**  
 Legal News Publishing Company — extend Contract No. 52710 — City Clerk's Office (O 1444-98)..... **1526**

**Real Estate**

- Lorain Avenue, 17201-11 (Ward 21) — authorize Mayor to release the covenants, conditions and restrictions in a covenant (O 1416-98) ..... **1524**

**Resolutions — Miscellaneous**

Rail service, passenger — create between Cleveland and Columbus — oppose third lane on Interstate 71 between Columbus — Northeast Ohio Areawide Coordinating Agency (R 1515-98) ..... **1528-R**

**Signs**

Amend Section 350.06 of Codified Ordinances, relating to prohibition of certain types of signs (O 1428-98).....**1525**

**Streets - Dedication**

Glen Avenue, S. E. (Ward 1) — accept dedication of a portion (O 1429-98).....**1525**

**Streets - Vacation**

West 44th Place, first alley north of Detroit Avenue and east of West 44th Place, First alley north of Detroit Avenue and West 44th Place — vacate a portion of (O 751-98) ..... **1521**

**Utilities Department**

Information management systems — implement — Water Division (O 1068-98)..... **1523**

**Water Division**

Information management systems — implement — Water Division (O 1068-98)..... **1523**