

The City Record

Official Publication of the City of Cleveland

February the Fourth, Nineteen Hundred and Ninety-Eight

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council-Artha Woods, 216 City Hall, 664-2840.
First Assistant Clerk-Sandra Franklin.

MAYOR-Michael R. White

LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Susan E. Axelrod, Executive Assistant for Communications and Support
Services
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106

Carolyn Watts-Allen, Chief Asst. Prosecutor; Criminal Branch - Justice
Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martinez, Law Librarian, Room 100

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit

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

DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue

DIVISIONS - 1201 Lakeside Avenue
Water - Julius Ciaccia, Jr., Commissioner
Water Pollution Control - Darnell Brown, Commissioner
Utilities Fiscal Control - Morry Blech, Commissioner
Cleveland Public Power - James F. Majer, Commissioner
Street Lighting Bureau - Frank Schilling, Acting Chief.

DEPT. OF PORT CONTROL - LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113

DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner,
5600 Carnegie Avenue.
Streets - Randell T. Scott, Commissioner, Room 25
Engineering and Construction - JoMarie Wasik, Acting Commissioner,
Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner,
Harvard Yards
Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.

DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building,
1925 St. Clair Avenue
Environment - Joseph W. Jasper, Jr., Commissioner, Mural Building, 1925
St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
field Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.

DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300
Ontario Street
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South
Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES - Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.

DIVISIONS - Convention Center & Stadium - James Glending,
Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Property Management - Vernon Robinson, Commissioner,
E. 49th & Harvard

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

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

Recreation - Michael Cox, Acting Commissioner, Room 8

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

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

DIVISIONS - Administrative Services - Terrence Ross, Commissioner.

Neighborhood Services - Louise V. Jackson, Commissioner.

Neighborhood Development - Terri Hamilton, Commissioner.

Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

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

COMMUNITY RELATIONS BOARD - Room 11, Cornell P. Carter, Acting
Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele
Springman, Vice-Chairman; Councilmen Michael Polensek and Edward
Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie,
Charles E. 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.

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	12D
Judge Robert J. Triozzi	13D

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, FEBRUARY 4, 1998

No. 4391

CITY COUNCIL

MONDAY, FEBRUARY 2, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio February 2, 1998.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

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

Absent: Directors Axelrod, Guzman.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Blanton Harper, Pastor of Liberty Hill Baptist Church. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 188-98.
From the Department of Public Utilities re: Contract No. 49347A has been completed and accepted on June 6, 1997 for the Division of Water Pollution Control. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 189-98.

Re: Transfer of Ownership Application - 8421320 - Speedy Superette, Inc., 4025 East 131st Street. (Ward 3). Received.

File No. 190-98.

Re: Transfer of Location Application - 9115381 - 2255 Hamilton Corp., 2255 Hamilton Avenue. (Ward 13). Received.

File No. 191-98.

Re: Transfer of Location Application - 1164400 - CAC Acquisitions, Ltd., Floors 6, 7, 8, & 15, 1118 Euclid Avenue. (Ward 13). Received.

File No. 192-98.

Re: New Application - 9115381 - 2255 Hamilton Corp., 2255 Hamilton Avenue. (Ward 13). Received.

File No. 193-98.

Re: Transfer of Ownership Application - 8827376 - Tamara Taylor & Mary Lou McMahan, A Partnership dba Near West Tavern, 2102 Freeman Avenue, 1st Floor. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 211-98. Joseph Mosinski.
Res. No. 212-98. Etta Mae Jones-Ash.

Res. No. 213-98. Hattie Lou Thomas.
Res. No. 214-98. Mike LaRosa.

CONGRATULATORY RESOLUTIONS

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

Res. No. 215-98. Albert Pursel.
Res. No. 216-98. Corlista Hardman.
Res. No. 217-98. Frank Gibson.
Res. No. 218-98. Vietnamese New Year (Tet).

RESOLUTIONS OF RECOGNITION

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

Res. No. 219-98. Rico Pallotta, Ph.D.

Res. No. 220-98. "I Could Stop on a Dime and Get Ten Cents Change".

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 194-98.**By Councilman Johnson (by departmental request).****An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1998.**

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 1998, the following sums be and they are hereby appropriated viz:

The sum of Four hundred eleven million six hundred thirty four thousand four hundred fifty five dollars (\$411,634,455) from the General Fund;

The sum of Fifty three million six hundred sixteen thousand eight hundred thirty one dollars (\$53,616,831) from the Special Revenue Funds;

The sum of Twenty three million four hundred three thousand four hundred seventy two dollars (\$23,403,472) from the Internal Service Funds;

The sum of Four hundred forty one million seven hundred thirteen thousand four hundred eighty three dollars (\$441,713,483) from the Enterprise Funds;

The sum of Six million four hundred sixty two thousand three hundred seventy four dollars (\$6,462,374) from the Trust and Agency Funds;

The sum of Forty two million nine hundred thirty six thousand six hundred ninety nine dollars (\$42,936,699) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 194-98-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1998

GENERAL FUND

Legislative Branch		\$4,134,046
Municipal Court		21,607,163
Executive Branch		
Office of the Mayor		1,536,065
Department of Public Safety		240,462,396
Community Relations Board		904,861
Department of Public Service		31,506,175
Department of Parks, Recreation & Properties		35,493,790
Boxing & Wrestling Commission		8,242
Urban Planning & Development		10,391,730
Department of Public Health		10,871,050
Department of Aging		276,133
Support Functions		29,518,326
Transfers to Other Funds		24,924,478
TOTAL EXECUTIVE BRANCH		\$385,893,246
TOTAL GENERAL FUND		\$411,634,455
Special Revenue Funds		\$53,616,831
Internal Service Funds		23,403,472
Enterprise Funds		441,713,483
Trust and Agency Funds		6,462,374
Debt Service Funds		42,936,699
TOTAL APPROPRIATIONS FOR 1998		\$979,767,314

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$4,134,046
I. Personnel and Related Expenses	\$2,791,219	
II. Other Expenses	1,342,827	
TOTAL LEGISLATIVE BRANCH	\$4,134,046	\$4,134,046

MUNICIPAL COURT

Municipal Court - Judicial Division		\$12,730,744
I. Personnel and Related Expenses	\$11,156,356	
II. Other Expenses	1,574,388	
Municipal Court - Housing Division		\$1,694,170
I. Personnel and Related Expenses	\$1,610,300	
II. Other Expenses	83,870	

Municipal Court - Clerk's Division		\$7,182,249
I. Personnel and Related Expenses	\$ 5,260,921	
II. Other Expenses	1,921,328	
TOTAL MUNICIPAL COURT	\$21,607,163	\$21,607,163
EXECUTIVE BRANCH		
Office of the Mayor		\$1,536,065
I. Personnel and Related Expenses	\$1,260,706	
II. Other Expenses	275,359	
TOTAL EXECUTIVE BRANCH	\$1,536,065	\$1,536,065
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$10,085,984
I. Personnel and Related Expenses	\$9,268,767	
II. Other Expenses	817,217	
Division of Police		\$145,599,571
I. Personnel and Related Expenses	\$134,455,901	
II. Other Expenses	11,143,670	
Division of Fire		\$65,820,884
I. Personnel and Related Expenses	\$63,220,859	
II. Other Expenses	2,600,025	
Division of Emergency Medical Services		\$14,933,960
I. Personnel and Related Expenses	\$13,815,383	
II. Other Expenses	1,118,577	
Division of Traffic Engineering		\$3,356,181
I. Personnel and Related Expenses	\$2,589,237	
II. Other Expenses	766,944	
Division of Dog Pound		\$665,816
I. Personnel and Related Expenses	\$524,382	
II. Other Expenses	141,434	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$240,462,396	\$240,462,396
COMMUNITY RELATIONS BOARD		
Community Relations Board		\$904,861
I. Personnel and Related Expenses	\$799,940	
II. Other Expenses	104,921	
TOTAL COMMUNITY RELATIONS BOARD	\$904,861	\$904,861
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		\$334,035
I. Personnel and Related Expenses	\$315,799	
II. Other Expenses	18,236	
Division of Architecture		\$557,287
I. Personnel and Related Expenses	\$521,073	
II. Other Expenses	36,214	
Division of Waste Collection and Disposal		\$25,987,826
I. Personnel and Related Expenses	\$14,431,453	
II. Other Expenses	11,556,373	
Division of Engineering and Construction		\$4,627,027
I. Personnel and Related Expenses	\$4,158,673	
II. Other Expenses	468,354	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$31,506,175	\$31,506,175
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Parks, Recreation, and Properties Administration		\$764,323
I. Personnel and Related Expenses	\$578,415	
II. Other Expenses	185,908	

Division of Research, Planning, and Development		\$673,683
I. Personnel and Related Expenses	\$595,450	
II. Other Expenses	78,233	
Division of Recreation		\$9,976,278
I. Personnel and Related Expenses	\$7,183,414	
II. Other Expenses	2,792,864	
Division of Parking Facilities-On Street		\$881,054
I. Personnel and Related Expenses	\$838,790	
II. Other Expenses	42,264	
Division of Property Management		\$10,851,094
I. Personnel and Related Expenses	\$8,307,581	
II. Other Expenses	2,543,513	
Division of Park Maintenance and Properties		\$12,347,358
I. Personnel and Related Expenses	\$8,370,513	
II. Other Expenses	3,976,845	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$35,493,790	\$35,493,790
BOXING AND WRESTLING COMMISSION		
Boxing and Wrestling Commission		\$8,242
I. Personnel and Related Expenses	\$8,242	
II. Other Expenses	0	
TOTAL BOXING AND WRESTLING COMMISSION	\$8,242	\$8,242
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$85,933
I. Personnel and Related Expenses	\$85,933	
Division of Building and Housing		\$5,994,327
I. Personnel and Related Expenses	\$5,460,905	
II. Other Expenses	533,422	
Director's Office		\$104,740
I. Personnel and Related Expenses	\$104,740	
Division of Neighborhood Development		\$404,267
I. Personnel and Related Expenses	\$212,267	
II. Other Expenses	192,000	
Division of Neighborhood Services		\$69,529
I. Personnel and Related Expenses	\$69,529	
TOTAL COMMUNITY DEVELOPMENT	\$6,658,796	\$6,658,796
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$90,936
I. Personnel and Related Expenses	\$81,920	
II. Other Expenses	9,016	
Board of Building Standards and Appeals		\$87,624
I. Personnel and Related Expenses	\$74,391	
II. Other Expenses	13,233	
Board of Zoning Appeals		\$246,194
I. Personnel and Related Expenses	\$225,210	
II. Other Expenses	20,984	
Board of Examiners of Plumbers and Electricians		\$89,709
I. Personnel and Related Expenses	\$85,541	
II. Other Expenses	4,168	
Fair Campaign Finance Commission		\$9,519
II. Other Expenses	9,519	
Total Regulatory Boards	\$523,982	\$523,982

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,306,632
I. Personnel and Related Expenses	\$1,164,353	
II. Other Expenses	142,279	
Total Department of Economic Development	\$1,306,632	\$1,306,632
Office of Equal Opportunity		\$624,490
I. Personnel and Related Expenses	\$542,464	
II. Other Expenses	82,026	
City Planning Commission		\$1,218,684
I. Personnel and Related Expenses	1,155,593	
II. Other Expenses	63,091	
Division of Harbors		\$59,146
I. Personnel and Related Expenses	59,146	
II. Other Expenses	0	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$10,391,730	\$10,391,730

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$257,520
I. Personnel and Related Expenses	\$148,687	
II. Other Expenses	108,833	
Division of Correction		\$5,249,769
I. Personnel and Related Expenses	\$4,256,886	
II. Other Expenses	992,883	
Division of Health		\$3,071,014
I. Personnel and Related Expenses	\$2,405,526	
II. Other Expenses	665,488	
Division of Environment		\$2,292,747
I. Personnel and Related Expenses	\$2,039,348	
II. Other Expenses	253,399	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$10,871,050	\$10,871,050

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$276,133
I. Personnel and Related Expenses	\$203,494	
II. Other Expenses	72,639	
TOTAL DEPARTMENT OF AGING	\$276,133	\$276,133

SUPPORT FUNCTIONS

FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$303,269
I. Personnel and Related Expenses	\$254,710	
II. Other Expenses	48,559	
Division of Accounts		\$1,177,632
I. Personnel and Related Expenses	\$791,219	
II. Other Expenses	386,413	
Division of Assessments and Licenses		\$1,001,796
I. Personnel and Related Expenses	\$846,880	
II. Other Expenses	154,916	
Division of Treasury		\$419,180
I. Personnel and Related Expenses	\$345,987	
II. Other Expenses	73,193	
Division of Purchases and Supplies		\$659,562
I. Personnel and Related Expenses	\$542,817	
II. Other Expenses	116,745	

Bureau of Internal Audit		\$515,588
I. Personnel and Related Expenses	\$182,466	
II. Other Expenses	333,122	
Division of Financial Reporting and Control		\$943,719
I. Personnel and Related Expenses	\$877,222	
II. Other Expenses	66,497	
TOTAL DEPARTMENT OF FINANCE	\$5,020,746	\$5,020,746
Office of Budget & Management-Budget Admin.		\$510,004
I. Personnel and Related Expenses	\$449,819	
II. Other Expenses	60,185	
Department Law		\$7,542,862
I. Personnel and Related Expenses	\$5,046,399	
II. Other Expenses	2,496,463	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$13,073,612	\$13,073,612
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,307,975
I. Personnel and Related Expenses	\$951,998	
II. Other Expenses	355,977	
Civil Service Commission		\$1,083,943
I. Personnel and Related Expenses	\$610,229	
II. Other Expenses	473,714	
TOTAL PERSONNEL ADMINISTRATION	\$2,391,918	\$2,391,918
NONDEPARTMENTAL		
County Auditor Deductions		\$906,000
II. Other Expenses	\$906,000	
OTHER ADMINISTRATIVE		\$13,146,796
II. Other Expenses	\$13,146,796	
TOTAL NONDEPARTMENTAL	\$14,052,796	\$14,052,796
TOTAL SUPPORT FUNCTIONS	\$29,518,326	\$29,518,326
TRANSFERS TO OTHER FUNDS		\$24,924,478
II. Other Expenses	\$24,924,478	
TOTAL GENERAL FUND	\$411,634,455	\$411,634,455
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$28,688,442
I. Capital	\$16,938,442	
II. Debt Service	11,750,000	
Street Construction, Maintenance & Repair Fund		\$22,928,389
I. Personnel and Related Expenses	\$13,048,389	
II. Other Expenses	9,880,000	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$53,616,831	\$53,616,831
INTERNAL SERVICE FUND		
Information Systems Services-Telephone Exchange		\$3,717,850
I. Personnel and Related Expenses	\$313,142	
II. Other Expenses	3,404,708	
Information Systems Services		\$2,619,342
I. Personnel and Related Expenses	\$1,365,704	
II. Other Expenses	1,253,638	
Division of Motor Vehicle Maintenance		\$15,204,870
I. Personnel and Related Expenses	\$4,381,216	
II. Other Expenses	10,823,654	

Division of Printing and Reproduction		\$1,073,837
I. Personnel and Related Expenses	\$541,942	
II. Other Expenses	531,895	
City Storeroom and Central Warehouse		\$787,573
I. Personnel and Related Expenses	\$49,228	
II. Other Expenses	738,345	
TOTAL INTERNAL SERVICE FUNDS	\$23,403,472	\$23,403,472

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,040,474
I. Personnel and Related Expenses	\$770,586	
II. Other Expenses	269,888	
Radio		\$1,709,491
I. Personnel and Related Expenses	\$87,795	
II. Other Expenses	1,621,696	
Division of Fiscal Control		\$1,722,900
I. Personnel and Related Expenses	\$1,601,446	
II. Other Expenses	121,454	
Division of Water		\$216,201,000
I. Personnel and Related Expenses	\$62,436,299	
II. Other Expenses	153,764,701	
Division of Water Pollution Control		\$19,803,522
I. Personnel and Related Expenses	\$7,272,063	
II. Other Expenses	12,531,459	
Division of Cleveland Public Power		\$112,991,900
I. Personnel and Related Expenses	\$23,026,017	
II. Other Expenses	89,965,883	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$353,469,287	\$353,469,287

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront		
Airports - Operations		\$68,769,909
I. Personnel and Related Expenses	19,013,553	
II. Other Expenses	\$49,756,356	
Airport Development Fund		\$60,000
II. Other Expenses	60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$68,829,909	\$68,829,909

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,058,079
I. Personnel and Related Expenses	\$1,463,864	
II. Other Expenses	594,215	
Golf Course Fund		\$2,565,857
I. Personnel and Related Expenses	\$918,373	
II. Other Expenses	1,647,484	
Division of Parking Facilities-Off Street Parking		\$6,803,578
I. Personnel and Related Expenses	\$826,738	
II. Other Expenses	5,976,840	
Division of Convention Center & Stadium-Convention Center		\$6,583,398
I. Personnel and Related Expenses	\$1,953,059	
II. Other Expenses	4,630,339	
Division of Convention Center & Stadium-Market		\$1,185,876
I. Personnel and Related Expenses	\$330,558	
II. Other Expenses	855,318	

Division of Property Management - East Side Market		\$217,499
I. Personnel and Related Expenses	\$43,901	
II. Other Expenses	173,598	
TOTAL PARKS, RECREATION, & PROPERTIES	\$19,414,287	\$19,414,287
TOTAL ENTERPRISE FUNDS	\$441,713,483	\$441,713,483
AGENCY FUND		
Central Collection Agency		\$6,462,374
I. Personnel and Related Expenses	\$3,835,997	
II. Other Expenses	2,626,377	
TOTAL AGENCY FUND	\$6,462,374	\$6,462,374
DEBT SERVICE FUND		
Sinking Fund Commission		\$42,036,699
I. Personnel and Related Expenses	\$110,646	
II. Other Expenses	382,309	
III. Debt Service	41,543,744	
Stadium Bond Fund		\$900,000
III. Debt Service	\$900,000	
TOTAL DEBT SERVICE FUNDS	\$42,936,699	\$42,936,699

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 194-98-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1997 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1998 or prior years. The Mayor's Estimate File No. 194-98-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1998 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

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

Ord. No. 195-98.
By Councilmen Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXIV year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the 1998 Federal HOME Grant Program, and 1998 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

Whereas, pursuant to Title I of the Housing and Community Development Act of 1974 (hereinafter referred to as the "Act"), the City of Cleveland may apply for and be granted approximately Thirty Million Two Hundred Forty Eight Thousand Dollars (\$30,248,000) from the United States Department of Housing and Urban Development (hereinafter referred to as "HUD"); and

Whereas, under the Act, the City of Cleveland is defined as the entitlement City; and

Whereas, in accordance with Section 104(a) of the Act, the City of Cleveland has held public hearings

to inform the public concerning the nature of the Act to obtain the public's views on Community Development and housing needs; and

Whereas, the application requires that the Mayor and the Director of Law sign certain assurances that the City will comply with the Civil Rights Act of 1964 and 1968 and Executive Order 11063 on Equal Opportunity Housing, as well as assurances set forth in the Housing Act of 1974; and

Whereas, under the Act, the Chief Executive Officer assumes the stature of the responsible Federal official under the National Environmental Policy Act of 1969 for projects to be carried out pursuant to the application and grant; and

Whereas, the Community Development Plan and Program as set forth in the application gives maximum feasible priority to activities which benefit low and moderate income families to aid in the prevention or elimination of slum and blight; and

Whereas, the City of Cleveland may also apply for and accept approximately Nine Million Two Hundred Thirty-Nine Thousand Dollars (\$9,239,000) from the United States Department of HUD to implement the Federal Home Grant Program, the Emergency Shelter Grant

Program and the Housing Opportunities for Persons with AIDS Program; and

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

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

Section 1. That the Mayor is hereby authorized to submit an application to HUD on behalf of the City of Cleveland for a XXIV year grant the Act for the fullest extent of funding allowed and determined under said Act. That the Mayor is hereby authorized to act as the authorized representative of the City of Cleveland for purposes of said Act, and to provide such further information as may be necessary to obtain a grant under the Act.

Section 2. That the application, Community Development Plan and Program as set forth in File No. 195-98-A, copies of which are also in said file are hereby approved.

Section 3. That the Director of Community Development is hereby authorized to accept the XXIV year grant, pursuant to The Act.

Section 4. That the Mayor, the Directors of Community Development and Law and such other offi-

cers of the City of Cleveland as may be necessary, are hereby authorized to execute such assurances and certifications as may be required under the Community Development Block Grant Rules and Regulations.

Section 5. That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of Seven Million Four Hundred Thirteen Thousand Dollars (\$7,413,000) from the United States Department of Housing and Urban Development to conduct the Federal Home Grant Program; a grant in the amount of One Million Two Hundred Eight Thousand Dollars (\$1,208,000) to conduct the Emergency Shelter Grant Program; and a grant in the amount of Six Hundred Eighteen Thousand Dollars (\$618,000) to conduct the Housing Opportunities for Persons with AIDS Program, for the purposes set forth in the application and according thereto; that the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grants.

Section 6. That the applications for the grants authorized in Section 5 of this ordinance, placed in the file specified in Section 2 above, are

made a part hereof as if fully rewritten herein, are hereby approved in all respects.

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

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

Ord. No. 196-98.

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Health is hereby authorized and directed to enter into contract with one or more entities for the

development, implementation and operation of the Housing Opportunities for Persons with AIDS Program ("HOWPA") in an approximate amount of \$464,498.00.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 13 SF 482, Request No. 24508.

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

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

Ord. No. 197-98.

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

An emergency ordinance authorizing the Director of Public Health to amend Contract Nos. 51609, 51610, 51611, and 51612 with various entities to provide housing related services in connection with the Housing Opportunities for People with AIDS Program; and to amend Memorandum of Understanding No. 51634 between the Departments of Public Health and Community Development.

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 authorized to amend Contract Nos. 51609, 51610, 51611, and 51612 with various entities to provide additional housing related services in connection with the Housing Opportunities for People with AIDS Program and to increase the amount of the contracts as follows:

Contract No.	Organization	Increase	Total
51609	AIDS Housing Council	\$18,710.00	\$ 97,547.00
51610	AIDS Task Force	\$31,550.00	\$157,750.00
51611	AIDS Housing Council	\$37,678.00	\$188,387.00
51612	AIDS Housing Council	\$22,564.00	\$112,818.00

Said increases shall be paid from Fund No. 13 SF 482, Request Nos. 24506 and 24507.

Section 2. That the additional responsibilities of the Department of Public Health for administering this Program shall be memorialized in an amendment to Memorandum of Understanding No. 51634 between it and the Department 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.

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

Ord. No. 198-98.

By Councilman Jackson.

An emergency ordinance designating the Esmond Manor Apartments as a Cleveland Landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Esmond Manor Apartments as a landmark; and

Whereas, the owner of the Esmond Manor Apartments has been properly notified of the proposed

designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Esmond Manor Apartments as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark

is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That the Esmond Manor Apartments, whose street address in the City of Cleveland is 4806 Euclid Avenue, S.E., also known as Cuyahoga County Auditor's Permanent Parcel Number 103-09-019 and the land embracing the site thereof, which in its entirety is a property having special character or special

historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 199-98.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1941-97, passed October 13, 1997, relating to the vacation of a portion of Iliad Court S.W. and West 22nd.

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

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

Section 1. That Section 1 of Ordinance No. 1941-97, passed October 13, 1997, is hereby amended to read as follows:

Section 1. That all that portion of Iliad Ct. S.W., (12 feet wide), extending Southerly and Southwesterly from the Southerly line of Eglindale Avenue S.W. Vacation by the Council of the City of Cleveland by Ordinance No. 1122-87, passed on June 16, 1987 AND a portion of West 22nd Place (12 feet wide) extending Northerly from the Northerly line of Titus Avenue S.W. (50 feet wide) to the Southerly line of Eglindale Avenue S.W. (50 feet wide) **is hereby vacated.**

Section 2. That existing Section 1 of Ordinance No. 1941-97, passed October 13, 1997, is hereby vacated.

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

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

Ord. No. 200-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing a Revolving Credit Agreement and the issuance of Special Revenue Notes to evidence any advances thereunder in an amount not to exceed \$10,000,000 for the purpose of paying costs of acquiring residential properties and relocating residents to mitigate the impact of airport noise and paying costs of other projects approved by the Federal Aviation Administration for funding from passenger facility charges, authorizing the pledge of the Pledged Revenues to secure those notes, and authorizing and approving related matters.

Whereas, the Aviation Safety and Capacity Expansion Act of 1990 authorized the U.S. Secretary of Transportation to approve locally imposed passenger facility charges ("PFCs") at airports to finance eligible capital projects; and

Whereas, pursuant to the Act (as defined in Section 1), the City of Cleveland, Ohio (the "City") has received approval from the U.S. Department of Transportation, Federal Aviation Administration (the "FAA"), to impose and use PFCs to fund certain projects at or in the vicinity of Cleveland Hopkins International Airport (the "Airport"), including acquiring residential properties and relocating residents to mitigate the impact of Airport noise, and intends to seek further such approvals; and

Whereas, this Council has determined that, to maximize the benefits of the Approved Projects (as defined in Section 1), it may be necessary that certain costs of the Approved Projects be incurred and paid in advance of the collection of PFC revenue for the purpose; and

Whereas, to provide funds timely to pay such costs, this Council has determined it to be in the best interest of the City to provide for a revolving credit arrangement with a bank or other financial institution, under which the City may obtain advances, from time to time, in anticipation of the collection of PFC revenue to repay those advances (the "Revolving Credit Agreement"); and

Whereas, this Council has further determined that it is necessary for the City to issue obligations (the "Revenue Notes") to evidence any advances under the Revolving Credit Agreement, payable from and secured by the Pledged Revenues (as defined in Section 1) on the terms and subject to the conditions set forth herein; and

Whereas, the prompt and immediate completion of the Approved Projects is necessary to maximize the benefits thereof, including the benefit of reducing the impact of Airport noise, and requires providing for a Revolving Credit Agreement, issuing Revenue Notes to evidence any advances made thereunder, and undertaking the other transactions contemplated herein and, consequently, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions.

As used in this ordinance, the following capitalized words and terms shall have the following meanings. Words importing singular numbers shall include the plural number in each case, and vice versa.

"Act" means, collectively, Section 9110 of the Aviation Safety and Capacity Expansion Act of 1990, which amended Section 1113 of the Federal Aviation Act of 1958 (49 U.S.C. App. § 1513(e)), and the related U.S. Department of Transportation FAA regulations (14 C.F.R. Part 158 — the "PFC Regulations"), as such provisions may be amended or supplemented from time to time.

"Approved Projects" means Airport projects for which the imposition and use of PFCs has been or may be approved by the FAA pursuant to the Act, including, without limitation, acquiring residential properties and relocating residents to mitigate the impact of Airport noise, as any such projects may be amended or otherwise changed pursuant to applicable law.

"Bank" means the bank or other financial institution selected by the Director of Finance pursuant to this ordinance to provide the Revolving Credit Agreement.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations (whether proposed, temporary or final) thereunder.

"Net PFC Revenue" means that PFC revenue which is remitted to the City by collecting air carriers, after they retain their compensation — currently \$0.08 of each PFC remitted — for collecting, handling and remitting PFC revenue, for the purpose of paying allowable costs of the Approved Projects, and includes interest earned after such revenue has been remitted to the City.

"Pledged Revenues" means Net PFC Revenue less any PFC revenue that has been pledged or assigned to, or is otherwise committed to be used for, the repayment of City obligations other than the applicable Revenue Notes. If determined by the Director of Finance, following consultation with the City's Financial Advisor (as defined in Section 4), that it is necessary to provide additional security or sources of payment for the Revenue Notes in order to obtain the Revolving Credit Agreement on commercially reasonable terms, Pledged Revenues may also include such Airport revenues as are available for the purpose, subject to the prior lien of the Trust Indenture dated as of November 1, 1976, between the City and Chase Manhattan Trust Company, National Association, as successor Trustee, as supplemented and amended by the First Supplemental Trust Indenture, dated as of April 1, 1990, the Second Supplemental Trust Indenture, dated as of August 1, 1994, and the Third Supplemental Trust Indenture, dated as of November 1, 1997, all between the City and the Trustee (as defined in the Indenture; collectively, and as the same may be further amended, supplemented or restated, the "Indenture"), and to any applicable restrictions under the Use Agreements (as defined in the Indenture).

"Revenue Notes" means the note or notes evidencing advances made under the Revolving Credit Agreement, as provided in Section 3.

Section 2. Determinations by Council.

(a) **Public Purpose.** This Council finds and determines that providing for a Revolving Credit Agreement and issuing Revenue Notes to evidence advances thereunder serve proper, public, municipal purposes by facilitating the prompt initiation and completion of the Approved Projects, including the acquisition of residential properties and the relocation of residents to mitigate the impact of Airport noise, and thereby improve the health, safety and welfare of the people of the City and enable the City to undertake the expansion of its Airport facilities.

ties to provide air travel facilities needed by the people of the City and to increase and promote commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio.

(b) Authorization of the Revolving Credit Agreement and Revenue Notes. This Council finds and determines that it is necessary, proper, and in the best interest of the City to provide for a Revolving Credit Agreement and, for the public purpose so stated, (i) the Director of Finance is authorized to enter into the Revolving Credit Agreement, and (ii) the City shall issue Revenue Notes to evidence any advances under the Revolving Credit Agreement.

Section 3. Terms and Conditions.

(a) Amount. The amount available to the City under the Revolving Credit Agreement, and thus the aggregate amount of Revenue Notes outstanding at any time, shall be determined by the Director of Finance, shall be set forth in the Revolving Credit Agreement, and shall not exceed \$10,000,000.

(b) Form. The Revenue Notes shall be issued only in registered form, registered in the name of the Bank or its nominee, as registered owner, shall be payable in lawful money of the United States of America to the registered owner, and shall not be transferable or assignable, in whole or in part, without the prior written approval of the Director of Finance of the City. Each advance obtained by the City under the Revolving Credit Agreement shall be evidenced by the delivery of a Revenue Note in the principal amount of the advance, or the entry on the grid of a master Revenue Note of the principal amount of the advance. In the event that each advance under the Revolving Credit Agreement is evidenced by a separate Revenue Note, that Revenue Note shall be dated the date of the advance. In the event that one master Revenue Note is issued bearing a grid for the entry of multiple advances, that master Revenue Note shall be dated as of the date of the first advance under the Revolving Credit Agreement, and the date and amount of any subsequent advance shall be entered on the grid. The Revenue Notes shall be signed on behalf of the City by the Mayor and the Director of Finance and approved as to legal form and correctness and signed by the Director of Law or his or her designee, provided that any or all of such signatures may be facsimiles, and shall bear the corporate seal of the City or a facsimile thereof.

(c) Terms. The principal amount of each advance under the Revolving Credit Agreement shall bear interest from the date of the advance or the most recent date to which interest has been paid or duly provided for, in accordance with the Revenue Note evidencing the advance. The Director of Finance shall negotiate with the Bank to obtain such interest rate or rates as are determined by the Director of Finance to be in the best financial interest of the City, given prevailing market considerations. The interest rate or rates may be variable, determined by reference to one or more market indices or the Bank's prime lending rate, or may

be fixed; provided such rate or rates shall not in any event exceed twelve percent (12%) per annum.

Revenue Notes shall mature on the date or dates approved by the Director of Finance, provided that any such date shall be no later than the expiration of the City's authorization from the FAA to collect PFCs in the normal course. Revenue Notes shall be subject to redemption at the option of the City in whole or in part prior to stated maturity on the dates and terms approved by the Director of Finance and provided in the Revolving Credit Agreement, provided that the optional redemption premium shall not exceed 2% of the principal amount of the Revenue Note to be redeemed.

(d) Source of Repayment; Security. Revenue Notes shall be special, limited obligations of the City the principal of and interest and any premium (collectively, "debt service") on which shall be payable solely from, and secured solely by, the Pledged Revenues as provided in the Revolving Credit Agreement. Revenue Notes shall not constitute a general obligation of the City and shall not constitute a debt, or a pledge of the faith and credit of the City. No holder or owner of Revenue Notes shall ever have the right to compel the exercise of the City's taxing power or to compel the City to pay debt service on the Revenue Notes or to make any other payments contemplated under the Revolving Credit Agreement from any moneys of the City other than the Pledged Revenues. Revenue Notes shall contain on the face thereof a statement to that effect. Neither the Revenue Notes nor the interest thereon shall constitute a lien upon the Approved Projects or any other property interest other than the Pledged Revenues in the manner provided for in this ordinance, the Revenue Notes, and the Revolving Credit Agreement.

(e) PFC Program. The terms and conditions of the Revolving Credit Agreement and the Revenue Notes, including those of all related documents, and the carrying out of the obligations imposed thereunder, shall not be such as to induce the FAA to initiate procedures for the termination of the City's PFC program under the PFC Regulations (at 14 C.F.R. Part 158, Subpart E) and applicable law.

Section 4. Delivery of Documents.

(a) Revolving Credit Agreement. The Director of Finance may enter into a Revolving Credit Agreement with the Bank which the Director of Finance may select, after consultation with the City's financial advisor, Carmona Motley Hoffmann, Inc., or other such advisor selected by the Director of Finance (the "Financial Advisor"), and subject to approval of the legal form and correctness of the Revolving Credit Agreement by the Director of Law or his or her designee. The Mayor, the Director of Finance, the Director of Port Control and other appropriate City officials are hereby authorized to furnish, complete, sign and deliver, such other documents, certificates and instruments, after approval thereof as to legal form and correctness by the Director of Law or his or her designee, necessary to carry out the purposes of the Revolving Credit Agreement in accordance with and subject to the limitations set forth in this ordinance.

The Director of Finance is authorized to obtain advances under the Revolving Credit Agreement on behalf of the City after due consideration of the cash flow needs and status of the Approved Projects, and the certification of the Director of Finance authorizing such advances shall constitute conclusive proof that such due consideration was made.

(b) PFC Revenue Notes. In accordance with and subject to the limitations set forth in this ordinance, the Director of Finance, in order to evidence any advance under the Revolving Credit Agreement, is hereby authorized to designate the terms of Revenue Notes, including, without limitation: (i) the date or dates of the Revenue Notes and each advance thereunder; (ii) principal amounts available, from time to time, under the Revolving Credit Agreement, and the principal amount of each advance; (iii) number of series and series designations; (iv) interest rates and payment dates; (v) purchase prices and yields; (vi) optional redemption provisions; (vii) maturity dates; and (viii) whether any Revenue Notes of any series are to be secured by or payable from a municipal bond insurance policy, bank letter of credit, or other form of credit or liquidity facility. It is hereby determined that the purchase price, the interest rates, and the other terms and conditions of the Revenue Notes as so specified and determined within the limitations set forth in this ordinance will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance is hereby appointed to act as the note registrar to maintain the official records with respect to, and as the paying agent for, the Revenue Notes; provided, however, that the Director of Finance is authorized to appoint a bank (including the Bank) or other institution, or other person or entity, for such purposes.

The Mayor, the Director of Finance, the Clerk of Council and other City officials, as appropriate, are directed to take all actions necessary to effect due signing, authentication and delivery of Revenue Notes under the terms of this ordinance and the Revolving Credit Agreement.

All costs, fees and expenses relating to the establishment of the Revolving Credit Agreement, the issuance of the Revenue Notes and the securing of the Revenue Notes by the Pledged Revenues, including without limitation, the fees of the Bank and the fees and expenses of legal counsel and the Financial Advisor, shall be paid by the Director of Finance from the Pledged Revenues (to the extent not paid by the Bank).

Section 5. Application of Proceeds.

The proceeds from any advances under the Revolving Credit Agreement, evidenced by the issuance of Revenue Notes, shall be applied solely to the payment of allowable costs of the Approved Projects pursuant to the PFC Regulations.

Section 6. Tax Covenants.

In the event that Revenue Notes are to be issued as obligations bearing interest to be excluded from gross income for federal income tax purposes ("Tax-Exempt Notes"), the Director of Finance, or any other officer of the City having responsi-

bility for issuance of the Tax-Exempt Notes, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Notes.

Section 7. Related Authorizations.

To the extent permitted under the Revolving Credit Agreement, the City is authorized, from time to time, to enter into one or more agreements in connection with or subsequent to the issuance of Revenue Notes, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on the Revenue Notes or to hedge the exposure of the City against fluctuations in prevailing interest rates (a "Rate Exchange Agreement"). The Director of Finance is authorized, on behalf of the City, to execute and deliver one or more Rate Exchange Agreements that he determines, based upon the advice of the City's Financial Advisor, will reduce the net debt service charges payable on the Revenue Notes or otherwise enhance the timing and amount of the payments thereof for the City's purposes to an extent that justifies the cost of the City's entering into such Rate Exchange Agreements.

The Mayor, the Director of Finance, the Director of Port Control, the Director of Law, the Clerk of Council and such other officers of the City, as may be appropriate, are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may be necessary or appropriate to obtain and maintain the Revolving Credit Agreement, issue Revenue Notes, and consummate the transactions contemplated

in the Revolving Credit Agreement, Revenue Notes and any Rate Exchange Agreement, including, without limitation, any amendments of FAA-approved PFC applications of the City that may be necessary to impose and use PFCs to pay costs of Approved Projects, including debt service and financing costs pertaining to Approved Projects. The Clerk of Council or other appropriate official of the City shall, upon the Bank's request, furnish the Bank a true transcript of proceedings certified by the Clerk or other appropriate official, of all proceedings had with reference to the issuance of any Revenue Notes along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Revenue Notes.

Section 8. Open Meeting Determination.

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

Section 9. Severability.

Each section of this ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this ordinance.

Section 10. Recitals.

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Revenue Notes and the entering into the Revolving Credit Agreement in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Revolving Credit Agreement and the issuance of Revenue Notes.

Section 11. Miscellaneous.

References in this Ordinance to any director or other official of the City shall include such person who may be acting as such director or official in the absence or temporary vacancy from office of such director or official.

Section 12. Emergency; Effective Date.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 201-98.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1527, 1533, 1529 East 80th Place and 1541 Everet Avenue to Willie Starkey.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-19-063, 106-19-064, 106-19-065, and 106-19-090, as more fully described in Section 2 below, to Willie Starkey.

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

P.P. No. 106-19-063

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 30 in Dinceman Decker's Allotment of part of Original One Hundred Acre Lots Nos. 342 and 391, as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 80th Street (formerly Aumer Court) and the Northwesterly corner of Sublot No. 30; thence Southerly along the Easterly line of East 80th Street, 40 feet to the Southwesterly corner of said Sublot; thence Easterly along the Southerly line of Sublot No. 30, 82.71 feet to the Southwesterly corner of land conveyed to Pearlle Young and Augustine Young, by deed dated May 10, 1948, and recorded in Volume 6484, Page 580 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed, 40 feet to the Northerly line of Sublot No. 30; thence Westerly along said Northerly line, 82.85 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Further subject to Restrictions appearing of record in Volume 600, Page 452 of Cuyahoga County Records.

P.P. No. 106-19-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in Dinceman Decker's Allotment of part of Original One Hundred Acre Lots Nos. 342 and 391, as shown

by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 80th Place (formerly Aumer Court) and extending back 112.71 feet deep on the Northerly line, 112.57 feet deep on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject or Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Easement recorded in Volume 2955, Page 229 of Cuyahoga County Records. Zoning Ordinances, if any.

P.P. No. 106-19-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in Dinceman Decker's proposed Re-Allotment of Sublots Nos. 27 and 28 in Dinceman Decker's Subdivision of part of Original East Cleveland Township Lots Nos. 342 and 391 now in said City, the plat of said Subdivision being recorded in Volume 14 of Maps, Page 4 of Cuyahoga County Records, said Sublot No. 2 is bounded and described as follows:

Beginning at a point in the Southerly line of East 80th Street Place (formerly Aumer Court) 16 feet West from the Northeast corner of said Sublot No. 27; thence Southerly and parallel with the Easterly line of said Sublot No. 27, 34.39 feet; thence Easterly along the Southerly line of Sublots Nos. 27 and 28, 41 feet thence Northerly and parallel with the first described line, 34.43 feet; Westerly along the Southerly line of East 80th Place, 41 feet to the place of beginning, 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.

P.P. No. 106-19-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 30 in Dinceman Decker's Allotment of part of Original One Hundred Acre Lots Nos. 342 and 391, as shown by the recorded plat in Volume 14 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Easterly line of East 80th place at a point distant Northerly measured along said Easterly line, 8 feet from the Southeast corner of said Sublot No. 30; thence Southerly along the Easterly line of said East 80th Place, 8 feet to the Southwest corner of said Sublot No. 30; thence Easterly along the Southerly line of said Sublot No. 30, 82.71 feet to a point distant Westerly, measured along said Southerly line 30 feet from the Southeast corner of said Sublot No. 30; thence Northerly parallel with the Easterly line of said Sublot No. 30 about 8 feet to a point that will intersect a line drawn Easterly from the place of beginning, and parallel with the Southerly line of said Sublot No. 30; thence Westerly along said parallel line about 82.74 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Appurtenant Easement contained in the Deed from Mattie Owens Hassen, unmarried, (formerly Mattie Owens Sarthar, divorced) to Pearl Young and Augustine Young, dated May 10, 1948 and recorded in Volume

6484, Page 580 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

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

Ord. No. 202-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 1998 Walk for Hunger on May 9, 1998, sponsored by the Hunger Network.

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 1998 Walk for Hunger, sponsored by the Hunger Network, on May 9, 1998, beginning at Burke Lakefront Airport and progresses to E. 9th St., south on E. 9th to Lakeside, West on Lakeside to W. 3rd, south on W. 3rd to St. Clair, west on St. Clair to W. 9th, south on W. 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Huron to Erie, east on Erie to E. 9th, north on E. 9th to Huron, east on Huron to Euclid, west on Euclid back to E. 9th, north on E. 9th to Superior, west on Superior to Mall, cross through mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th to North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of

Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 203-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the 1998 MS Walk for Multiple Sclerosis on March 22, 1998, sponsored by the National Multiple Sclerosis Society Northeast Ohio Chapter.

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 1998 MS Walk for Multiple Sclerosis, sponsored by the National Multiple Sclerosis Society Northeast Ohio Chapter, on March 29, 1998, beginning at Nautica Entertainment Complex in the Flats, exit the complex via Washington Avenue, continue west on Washington (south side) to Center Street, turn left on Center Street and continue south on Center (east side), over Center Street Bridge to Merwin Avenue. Turn left on Merwin and continue east on Merwin (north side), past Heritage Park to Old River Road. Cross from west to east side of Old River Road. Continue north on Old River Road (east side) to North Coast RTA Station. Participants will board RTA Waterfront Line at the station and ride to Municipal Lot Station. Exit train. Continue east on South Marginal to Conrail Bridge. Turn left and cross bridge to North Marginal Road. Turn left on North Marginal and continue west on North Marginal (north side) to East 9th Street. Continue north on East 9th Street (east side) to North Coast Parking Lot. Follow circular lot (thereby turning around) and proceed south on East 9th (west side) to Erieside Avenue. Turn right on Erieside Avenue and continue west on Erieside (north side) to Lakeside Avenue. At light, cross from north to south side of Lakeside Avenue. Turn right and proceed west on Lakeside Avenue (south side) to West 9th Street. Turn left on West 9th Street and continue south on West 9th (east side) to Superior Avenue. Turn left on Superior Avenue. Continue east on Superior Avenue (north side) to East 21st Street. Turn right on East 21st Street and continue south on East 21st Street (west side) to

Prospect Avenue. Turn right on Prospect Avenue. Continue west on Prospect Avenue (north side) to East 14th Street. Turn right on East 14th Street. Continue north on East 14th Street (east side) to Euclid Avenue. At light, turn left and cross from east to west side of East 14th Street. Continue west on Euclid Avenue (south side) to East 9th Street. At light, cross from east to west side of East 9th Street. Turn left and continue south on East 9th (west side) to Carnegie Avenue. Turn right on Carnegie Avenue. Continue west on Carnegie Avenue (north side) to Ontario. Turn right on Ontario. Continue north on Ontario (east side) to Prospect. Cross from south to north side of Prospect Avenue. Turn right on Prospect Avenue. Continue east on Prospect Avenue (north side) to East 4th Street. Turn left on East 4th Street. Continue north on East 4th Street (west side) to Euclid Avenue. Turn left on Euclid Avenue. Continue east on Euclid Avenue (south side) to the intersection of Euclid Avenue and Public Square. Turn right at traffic light and cross from the south to the north side of Euclid Avenue. Continue north on Public Square, crossing Superior Avenue to Rockwell Avenue. Cross from the south to the north side of Rockwell Avenue. Turn left and continue west on Rockwell Avenue to Public Square. Cross from east to west side of Public Square. Turn left and continue south on Public Square, crossing Superior Avenue, to the front entrance of Tower City Centre. Enter Tower City Centre. Upon entering, proceed down the right hand corridor to the RTA Station Entrance. Proceed down escalators to RTA Train Station. Participants will board RTA Waterfront Line and ride to Old River Road Station. Depart train. Turn left and continue west on Merwin Avenue (north side), past Heritage Park, to Center Street. Turn right and proceed across Center Street Bridge (east side) to Riverbed Street. Turn right and continue east on Riverbed (south side) to Elm Street. Turn left on Elm Street and continue north (east side) to Washington. Turn right on Washington and proceed east on Washington into the Nautica Complex, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 204-98.
By Councilman Johnson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (Walter Goddard, III.)

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 4: Walter Goddard, III.

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

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

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

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

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

Ord. No. 205-98.
By Councilman White.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 2. (Walter Goddard, III.)

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 2; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 2: Walter Goddard, III.

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 206-98.
By Councilman Polensek.
An emergency resolution urging Governor Voinovich to increase security personnel and resources at the Cleveland Lakefront State Park System.

Whereas, at approximately 10:30 a.m. on the morning of January 25, 1998, a 70-year old woman was accosted and raped at Euclid Beach State Park; and

Whereas, the current security arrangements at the state park system is totally inadequate and consists of only 16 park officers for five (5) state parks located in the city of Cleveland; and

Whereas, the present security system must be revamped to provide that each of the five (5) state parks located within the boundaries of the city of Cleveland be assigned at least 2 full-time officers, 24 hours each day, seven days per week and that there be adequate backup for these officers at each location; and

Whereas, while the State of Ohio is investing millions of dollars worth of improvements in the Cleveland Lakefront State Park System, it must increase security at these facilities so that people will freely come and feel safe.

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

Section 1. That this Council urges Governor Voinovich and the Ohio Department of Natural Resources to increase security at the Cleveland Lakefront State Park system by providing additional park officers, assigning full-time park officers to each of the state parks located within the city of Cleveland, and by providing adequate back-up for all of the park officers.

Section 2. That the Clerk of Council transmit copies of this resolution to Governor Voinovich, State Senator Jeffrey Johnson, State Representative CJ Prentiss, and the Director of the Ohio Department of Natural Resources.

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

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

The Rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 207-98.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3100 W. 14th St. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 79912660185, Service Station Holdings Inc., 3100 W. 14th St. & Gas Pumps, Cleveland, Ohio 44109, to Permit No. 84910450185, The Standard Oil Co., DBA BP Food Mart 4181, 3100 W. 14th St. & Gas Pumps, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 79912660185, Service Station Holdings Inc., 3100 W. 14th St. & Gas Pumps, Cleveland, Ohio 44109, to Permit No. 84910450185, The Standard Oil Co., DBA BP Food Mart 4181, 3100 W. 14th St. & Gas Pumps, Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The Rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 208-98.

By Councilman Robinson.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4025 E. 131st St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0012160, AAAM Food Corp., DBA Speedy Superette, 4025 E. 131st St., Cleveland, Ohio 44105, to Permit No. 8421320, Speedy Superette Inc., 4025 E. 131st St., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0012160, AAAM Food Corp., DBA Speedy Superette, 4025 E. 131st St., Cleveland, Ohio 44105, to Permit No. 8421320, Speedy Superette Inc., 4025 E. 131st St., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with pro-

visions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The Rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 209-98.

By Councilman Robinson.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 11612 Kinsman Avenue, and repealing Res. No. 1557-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a Liquor Permit to 11612 Kinsman Avenue, by Res. No. 1557-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the renewal of a Liquor Permit to 11612 Kinsman Avenue, be and the same is hereby withdrawn and Res. No. 1557-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The Rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 210-98.

By Councilman Rybka.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 6206 Broadway Avenue, and repealing Res. No. 1516-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a Liquor Permit to 6206 Broadway Avenue N/END, by Res. No. 1516-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the renewal Liquor Permit to 6206 Broadway Avenue, N/END, be and the same is hereby withdrawn and Res. No. 1516-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The Rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 999-97.

By Councilmen Jackson and Westbrook (by departmental request).

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

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

Ord. No. 1473-97.

By Councilman Westbrook (by departmental request)

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

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

Ord. No. 1638-97.

By Councilmen Smith and Westbrook (by departmental request).

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

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

Ord. No. 2012-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, layout and produce 1997 and 1998 annual report and consumer information materials for the various divisions of the Department of Public Utilities.

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

Ord. No. 2022-97.

By Councilmen Smith and Westbrook (by departmental request).

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

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

Ord. No. 2100-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2146-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2147-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2148-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2149-97.

By Councilmen Smith and Westbrook (by departmental request).

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

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

Ord. No. 2150-97.

By Councilmen Coats and Westbrook (by departmental request).

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

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

Ord. No. 2180-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2181-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

Ord. No. 2182-97.

By Councilmen Patton and Westbrook (by departmental request).

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

Read third time. Passed. Yeas 18. Nays 1.

Those voting Yea were Councilmen: Westbrook, Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Moran, Patton, Polensek, Robinson, Sweeney, White, Willis, Zone.

Those voting Nay: Councilman Dolan.

Absent: Councilmen Melena and Rybka.

Ord. No. 2183-97.

By Councilmen Smith and Westbrook (by departmental request).

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

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

Ord. No. 2197-97.

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

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

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

Ord. No. 2198-97.

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

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

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

Ord. No. 2200-97.
By Councilmen Patton, Jackson and Westbrook (by departmental request).

An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 550-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.
Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 2201-97.
By Councilmen Patton, Jackson and Westbrook (by departmental request).

An emergency ordinance to amend Ordinance No. 388-97, passed June 2, 1997, relating to the NorthStar Equipment Corp. project in the Cleveland Industrial Parkway.
Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 2202-97.
By Councilmen Patton, Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to consent to assignment of the Enterprise Zone Agreement entered into with NorthStar Equipment Corp., or its designee, and the City of Cleveland, to provide for tax abatement for its facility to be located in the Cleveland Industrial Park, authorized by Ordinance No. 334-97, passed June 2, 1997.
Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 65-98.
By Councilman Johnson (by departmental request).

An emergency ordinance to amend various sections of ordinances to include additional funding sources and authorizing the Director of Finance to modify the certificate of funds for contracts entered into pursuant to such ordinances.
Read third time. Passed. Yeas 19. Nays 0.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Timothy Melena and Councilman Edward Rybka be and is hereby authorized.

The Council adjourned at 7:50 p.m. to meet on Monday, February 9, 1998 at 7:00 p.m.


Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 28, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 28, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Absent: None.
Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 35-98.

By Director Carmody.
Resolved by the Board of Control of the City of Cleveland, that all bids received on January 8, 1998 for Pre-Sort Mail Service (all items) for the Division of Various Division of City Government, Department of Finance pursuant to the authority of Ordinance No. 2225-96, passed by the Council of the City of Cleveland on December 16, 1996 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan and Axelrod.

Nays: None.
Absent: Director Warren.

Resolution No. 36-98.

By Director Carmody.
Resolved by the Board of Control of the City of Cleveland, that all bids received on January 7, 1998 for Computer Horizontal Wiring (all items) for the Division of Information Systems Services, Department of Finance, pursuant to the authority of Ordinance No. 100-95, passed by the Council of the City of Cleveland on February 13, 1995 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan and Axelrod.

Nays: None.
Absent: Director Warren.

Resolution No. 37-98.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Markie Construction Co., Inc. for the public improvement of Pawnee Avenue Storm Sewer Replacement by the Division of Water Pollution Control, Department of Public Utilities, received on December 11, 1997, pursuant to the authority of Ordinance No. 2199-96 passed February 10, 1997, for a unit basis for the improvement in the aggregate amount of Two Hundred Forty-Two Thousand One Hundred Ninety-Four and 70/100 (\$242,194.70) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors to Markie Construction Co., Inc. for the above-mentioned public improvement hereby is approved:

Subcontractor	Work	MBE/FBE
Thompson Ground Development	Material supply	MBE
Steward Supply	Material supply	MBE
Midtown Trucking	Trucking	MBE
Cook Paving	Paving	MBE
Collinwood Shale & Brick	Material supply	FBE

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 38-98.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 8, 1998 for Inductively Coupled Plasma Mass Spectrometer and Accessories for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.28 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 485-96, passed by the Council of the City of Cleveland on May 6, 1996 are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 39-98.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R.P. Carbone Construction Co. for the public improvement of Renovation of Carl B. Stokes Public Utilities Building — General Construction including alternate no. 1 for \$58,000.00, alternate no. 2 for \$67,000.00, a contingency allowance of \$800,000.00, a work allowance of \$325,000.00 for the Division of Water, Department of Public Utilities, received on January 7, 1998, pursuant to the authority of Ordinance No. 1254-92, passed by the Council of the City of Cleveland on June 15, 1992, and Ordinance No. 2096-92 passed by the Council of the City of Cleveland on December 14, 1992, upon a unit basis in the aggregate amount of Eleven Million Five Hundred Fifteen Thousand Dollars (\$11,515,000.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by R.P. Carbone Construction Co. for the above-mentioned public improvement are hereby approved:

NAME	MBE/FBE
Commsteel	5% (MBE)
Gateway Electric	23% (MBE)
A & L. Sewer	2% (MBE)
Choice Construction	10% (FBE)
Mac Mechanical	1% (FBE)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 40-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Herbst Electric Company for the public improvement of the rearrangement of Feeder "P" and removal of Feeder "R" for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on January 7, 1998, pursuant to the authority of Ordinance No. 1286-97, passed December 15, 1997 upon a unit basis for the improvement in the aggregate amount of Eighty-Seven Thousand One Hundred Eighty-Four and 90/100 (\$87,184.90) Dollars, is hereby affirmed and approved as the lowest responsible bid, and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Herbst Electric Company for the rearrangement of feeder "P" and removal of feeder "R" for Cleveland Hopkins International Airport, Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE & SUPPLIES

Leader Electric Supply
(FBE - \$26,000 (30%))
Kearny Switch

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 41-98.

By Director Guzman.

Whereas, Resolution No. 9-98, adopted January 7, 1998, the City through its Director of Public Service approved the bid of American Merchandising Service, as the lowest and best bid for diesel fuel (item 1A and B, 2A and B), for the Division of Motor Vehicle Maintenance, Department of Public Service, incorrectly stated the requisition number; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 9-98, adopted January 7, 1998, hereby is amended by changing the requisition number to "16783".

Be it further resolved that all other provisions of said Resolution 9-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 42-98.

By Director Guzman.

Whereas, Resolution No. 8-98, adopted January 7, 1998, the City through its Director of Public Service approved the bid of Universal Oil, Inc., as the lowest and best bid for diesel fuel (item 2C), for the Division of Motor Vehicle Maintenance, Department of Public Service, incorrectly stated the requisition number; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 8-98, adopted January 7, 1998, hereby is amended by changing the requisition number to "16784".

Be it further resolved that all other provisions of said Resolution 8-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 43-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Brom Truck, Inc. for an estimated quantity of one (1) cab and chassis with vac-all type body (all items) for various divisions of City Government, for the period of one (1) year beginning with the date of execution of a contract received on December 5, 1997, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Two Hundred Seventy Six Thousand Two Hundred Seventy Nine and no/100 Dollars (\$276,279.00) (5% 31 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19403 which shall be certified against such contract in the sum of Two Hundred Seventy Six Thousand Two Hundred Seventy Nine and no/100 Dollars (\$276,279.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Brom Truck, Inc. for one (1) cab and chassis with vac-all type body, (all items), are hereby approved:

Independent Brokers
MBE - \$1,000.00

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 44-98.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Brom Truck, Inc. for the following: one (1) cab and chassis with vac-all type body (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, received on the 5th day of December 1997, pursuant to the authority of Ordinance Nos. 918-96, 1476-96, 323-97 and 799-97, passed June 18, 1996, August 14, 1996, March 24, 1997 and June 2, 1997, which on the basis of the order quantity would amount to \$273,729.00 is hereby approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into contract for such items.

Be it further resolved that by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Brom Truck, Inc. for one (1) cab and chassis with vac-all type body, (all items), are hereby approved:

Independent Brokers
MBE - \$1,000.00

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.
Nays: None.
Absent: None.

Resolution No. 45-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of ODB for an estimated quantity of one (1) leaf vac (all items) for various divisions of City Government, for the period of one (1) year beginning with the date of execution of a contract, received on December 19, 1997, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Twenty Seven Thousand Two Hundred and no/100 Dollars (\$27,200.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19408 which shall be certified against such contract in the sum of Twenty Seven Thousand Two Hundred and no/100 Dollars (\$27,200.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman,

Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 46-98.
By Director Denihan.

Be it resolved by the Board of Control of the City of Cleveland that the bid of National Patent Analytical Systems Inc. for an estimated quantity of Breath Alcohol Content Machines, (all items), for the various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on November 26, 1997, pursuant to the authority of Ordinance No. 1167-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to Eighteen Thousand, Six Hundred and no/100 Dollars (\$18,600.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107992

4 Breath Alcohol Content Machines, as specified

which shall be certified against such contract in the sum of Eighteen thousand, six hundred and no/100 Dollars (\$18,600.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 47-98.
By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Co. for an estimated quantity of meals for prisoners, all items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on December 31, 1997, pursuant to the authority of Ordinance No. 1936-96, passed December 2, 1996, which on the basis of the estimated quantity would amount to Five Hundred Fourteen Thousand, Eight Hundred Eleven and 64/100 Dollars (\$514,811.64), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107993

Prisoner meals, per specifications, which shall be certified against such contract in the sum of Forty Thousand and no/100 Dollars (\$40,000.00)

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the

City's requirement for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 48-98.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Mine Safety Appliance Corp. for an estimated quantity of various safety equipment (Breathing Apparatus), items 3 and 13, for the various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 8, 1998, pursuant to the authority of Ordinance No. No. 1167-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to Sixty Eight Thousand, Two Hundred and no/100 Dollars (\$68,200.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108389

200 Item-#3 MSA Black Rhino — Carrier/Harness Assemblies, complete as specified

6 Item #13 — Self-Contained Breathing Equipment-Facepiece and Breathing Tube, complete as specified which shall be certified against such contract in the sum of Sixty Eight Thousand, Two Hundred and no/100 Dollars (\$68,200.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 49-98.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Fire Safety Services, Inc. for an estimated quantity of various safety equipment (Breathing Apparatus), items 1, 2, 4 and 5, for the various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 8, 1998, pursuant to the authority of Ordinance No. No. 1167-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to Seventy Six Thousand, Five Hundred Eighty and 12/100 Dollars (\$76,580.12), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for

such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108388

45 of Item-#1 Air Cylinders, complete as specified

80 of Item #2 — Facepieces and breathing tubes, complete as specified

1 of Item #4 — Pro-Check Portable Regulator Tester, complete as specified

8 of Item #4 ASME Storage Bottles, complete as specified

which shall be certified against such contract in the sum of Seventy Six Thousand, Five Hundred Eighty and 12/100 Dollars (\$76,580.12).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 50-98.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Norco Equipment Company, Inc. for an estimated quantity of various safety equipment (Breathing Apparatus), items 6, 7, 8, 9, 10, 11, and 12, for the various divisions of the Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on January 8, 1998, pursuant to the authority of Ordinance No. 1167-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to Forty Thousand, Six Hundred Fourteen and no/100 Dollars (\$40,614.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108390

5 of Item-#6 — Haskell Breathing Air Booster pumps, complete as specified

1 of Item #7 — Furon Swedger Tool, complete as specified

1 of Item #8 — Roll of Sinflex 6000 SPI #52FL250 Breathing Air Hose, complete as specified

100 of Item #9 — Coupling Ends for Sinflex Hose, complete as specified

2 of Item #10 — Cadet Fill Stations, complete as specified

8 of Item #11 — High Pressure Regulators, complete as specified

6 of Item #12 — Relief Valves, complete as specified

which shall be certified against such contract in the sum of Forty Thousand, Six Hundred Fourteen and no/100 Dollars (\$40,614.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement for such goods and/or services, whether more or less than said estimated quantity, as

may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 51-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 007-01-060 located at 2046 West 42nd Street in Ward 14; and

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

Whereas, James E. and Julia Cupp, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with James E. and Julia Cupp for the sale and development of Permanent Parcel No. 007-01-060 located at 2046 West 42nd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 52-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 109-15-097 located at 10832 Massie Avenue in in Ward 8; and

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

Whereas, Michael Becoat, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Michael Becoat for the sale and development of Permanent Parcel No. 109-15-097 located at 10832 Massie Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 53-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 120-14-068 located at 1515 East 123rd Street in Ward 9; and

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

Whereas, Russell P. and Gladys M. Miller, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Russell P. and Gladys M. Miller for the sale and development of Permanent Parcel No. 120-14-068 located at 1515 East 123rd Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 54-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 109-07-043 under said Land Reutilization Program; and

Whereas, Ordinance No. 1312-97 passed December 15, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Arthur Lee Young has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1312-97, passed December 15, 1997 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Arthur Lee Young for the sale and development of Permanent Parcel No. 109-07-043, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 55-98.

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

Whereas, City has acquired Permanent Parcel Nos. 125-17-048 and 125-17-051 under said Land Reutilization Program; and

Whereas, Ordinance No. 1653-97 passed December 15, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Casell Moore has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance Nos. 1653-97 passed December 15, 1997 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Casell Moore for the sale and development of Permanent Parcel Nos. 125-17-048 and 125-17-051, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$400 (each), which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 56-98.

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

Whereas, City has acquired Permanent Parcel No. 127-12-017 under said Land Reutilization Program; and

Whereas, Ordinance No. 1654-97 passed December 15, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Clentana Y. Stewart has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1654-97 passed December 15, 1997 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Clentana Y. Stewart for the sale and development of Permanent Parcel No. 127-12-017, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 57-98.

By Director Hamilton.
Whereas, the City acquired Permanent Parcel No. 005-25-070 pursuant to Ordinance No. 2076-76 passed by the Council of the City of Cleveland on October 25, 1976, under the Land Reutilization Program in accordance with Chapter 5722 of the Ohio Revised Code; and

Whereas, Ordinance No. 568-97, passed June 25, 1997, authorized the sale of said parcel to James E. Wright and Sheila Wright for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, by Resolution No. 484-97, adopted on June 25, 1997, this Board authorized the Mayor to execute a deed for the sale of Permanent Parcel No. 005-25-070 and determined the consideration for said parcel to be \$500.00; and

Whereas, by Resolution No. 925-97, adopted on November 5, 1997, this Board similarly authorized the Mayor to execute a deed for said parcel except that it determined the consideration to be \$1.00, and omitted rescission of Resolution No. 484-97; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 484-97, adopted June 25, 1997, is hereby rescinded.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 58-98.

By Director Warren.
Whereas, pursuant to Ordinance No. 1329-97, passed December 15, 1997 by the Council of the City of Cleveland, the Director of Economic Development is authorized to accept from Third Federal Savings and Loan Association of Cleveland ("Third Federal") delivery of deeds to certain real property in the Broadway Urban Redevelopment Area, known as Permanent Parcels Nos. 132-05-003 through 132-05-021, for purposes of compliance with Ohio Revised Code Sections 5709.41 and 5709.42; and

Whereas, pursuant to said Ordinance, the Commission of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to reconvey said real property to Third Federal for purposes of private redevelopment, in accordance with said sections of the Ohio Revised Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Ordinance No. 1329-97, passed December 15, 1997 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned real property, described therein as Permanent Parcels Nos. 132-05-003 through 132-05-021, to Third Federal Savings for purposes of private redevelopment. The conveyance described herein is for purposes of

compliance with Ohio Revised Code Sections 5709.41 and 5709.42; therefore, the consideration to be paid for said real property is hereby fixed at One Dollar (\$1.00).

Be it further resolved, that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official quit claim deed of the City of Cleveland conveying said real property; said deed shall contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

AMY M. WAINRIGHT,
Acting Secretary

CIVIL SERVICE NOTICES**General Information**

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 17, 1998

9:30 A.M.

Calendar No. 98-23: 13107 Miles Avenue

Rite Aid Corporation, owner and tenant c/o Greg Hopkins, appeal to erect a 84' x 128' one and one half story masonry retail store building and construct a 45 car accessory off street parking lot all on a corner parcel located in a General Retail Business District on the northeast corner of East 131st and Miles Road to be known as 13107 Miles Road; said proposal not being in conformance with yard encroachment of 10' setback along E. 131st and 8' setback along Miles as per Section 357.14.

Calendar No. 98-8: 4261 Fulton Parkway

Charter One Bank F.S.B. owner, c/o Jim Zeller, appeals to construct an additional parking area to increase parking lot from 168 to 195 spaces, as per plans submitted and to enclose the south and east side of the 85' x 80' additional parking area with fencing to match existing, the irregular shaped corner parcel located in a Local Retail, Multi-Family, and Two-Family District on the northeast corner of Fulton Parkway and Memphis Avenue and occupied by one and two story bank operations center building at 4261 Fulton Parkway; said additional parking area to be within the residence districts portion of the property contrary to the residence limitations of Sections 337.03 and 337.08 but subject to the off-street parking provisions of Section 349.13(c) of the Codified Ordinances.

Calendar No. 98-9: 3344 East 80th Street

General Steel Corporation owner, c/o Jim Lamantia, appeals to erect a 60' x 108' prefabricated metal building and 62' x 4" prefabricated metal storage building addition to an existing steel fabrication facility in the front and in the rear of an 394' x 272' lot located in a General Industry District at 3344 East 80th Street; said use being contrary to the landscaping and screening requirements of Sections 352.10, 352.11 and 352.12 of the Codified Ordinances.

Calendar No. 98-10: 12914 Union Avenue

Reginald C. Fields, owner, c/o Gail Fields, appeals to erect a 17' x 61' one-story masonry building between an existing 75' x 38' masonry building and an existing two-story masonry building all on a 80' x 203' lot located in a Local Retail District at 12914 Union Avenue; said use being contrary to the off-street parking and loading limitations of Section 349.04 and nonconforming uses of Section 359.01 of the Codified Ordinances.

Calendar No. 98-11: 2100 West 95th Street

Ed Walker, owner, appeals to change use from a two-family dwelling to a three-family dwelling use, on a 40' x 130' lot located in a Two-Family District on the southwest corner of Laird and West 95th Street, at 2100 West 95th Street; said use being contrary to the residence limitations of Sections 337.03(a), 355.04(a) and the south side yard being 8' in width as required by Section 357.09(b)(2)(c) of the Codified Ordinances.

POSTPONED FROM FEBRUARY 2, 1998 TO FEBRUARY 17, 1998 FOR AMENDMENT

10:30 A.M.

Calendar No. 97-272: 5400 Broadway Ave.

Theopolis Williams Sr. dba Theo's Lounge & Diner, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 688.06 of the Codified Ordinances from the refusal to issue a Pool Table license for the premises at 5400 Broadway Ave.; said refusal being by Robert J. Schneider, Commissioner of Assessments & Licenses, upon the recommendation of William M. Denihan, Director of Public Safety (Division of Police).

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 2, 1998

At the Meeting of the Board of Zoning Appeals on Monday, January 26, 1998, the following appeals were heard by the Board, and, on Monday, February 2, 1998 were decided by the Board.

The following appeal were **Granted:**

Calendar No. 97-252: 12205 Forest Avenue, S.E.

Willie Mae Johnson, owner, appealed, to change use to a contractor's business office and a barber shop on the first floor of the 26' x 46' two-story masonry nonconforming stores-and-dwelling unit building. (conditional grant)

Calendar No. 97-256: 10011 Euclid Avenue

Cleveland Clinic Foundation, owner, c/o Brian Smith and United Cerebral Palsy Association of Greater Cleveland Inc. c/o Susan Dean, tenant, appealed, to erect a 235' x 239' one-and-two-story masonry learning center and administrative office building. (conditional grant)

Calendar No. 97-269: 3382 West 44th Street

Heriberto Colon dba Tropical Lounge, appealed under Section 76-6 of the Charter of the City of Cleveland and Section 688.06 of the Codified Ordinances from the refusal to issue a Pool Table License.

The following appeals were **Postponed:**

The following appeal was **Postponed** to March 9, 1998.

Calendar No. 97-257: 2215 East 89th Street.

The following appeals were **Postponed** to February 17, 1998.

Calendar No. 97-260: 1266 Parkwood Drive, N.E.**Calendar No. 97-272:** 5400 Broadway Avenue.**Calendar No. 98-1:** Appeal of Clyde W. Garner.**Calendar No. 97-265:** 15408 Holmes Avenue, N.E.

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, FEBRUARY 18, 1998

Crown Waterworks Plant Site Improvements and Landscaping — Phase 1,

for the Division of Research, Planning and Development and the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

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

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

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

THURSDAY, FEBRUARY 19, 1998

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

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

January 28, 1998 and February 4, 1998

FRIDAY, FEBRUARY 20, 1998

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

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

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

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

January 28, 1998 and February 4, 1998

THURSDAY, FEBRUARY 26, 1998

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

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK. A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 12, 1998, 1:00 P.M. IN THE ENGINEERING CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

January 28, 1998 and February 4, 1998

WEDNESDAY, FEBRUARY 18, 1998

Signage Package, for the Consolidated Rental Car Facility, Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE OBTAINED IN THE DIVISION OF PURCHASES AND SUPPLIES, CITY HALL, 601 LAKESIDE AVENUE, ROOM 128,

FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 12, 1998, 11:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

Site Structures, for the Consolidated Rental Car Facility, Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE OBTAINED IN THE DIVISION OF PURCHASES AND SUPPLIES, CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 12, 1998, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

Inductively Coupled Plasma Mass Spectrometer and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

February 4, 1998 and February 11, 1998

THURSDAY, FEBRUARY 19, 1998

Fire Station 21 Plumbing Improvements, for the Department of Public Safety, as authorized by Ordinance No. 1028-93, passed by the Council of the City of Cleveland, June 7, 1993.

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

A PRE-BID MEETING WILL BE HELD ON MONDAY, FEBRUARY 9, 1998, 10:00 A.M. AT FIRE STATION 21, 1801 CARTER ROAD, CLEVELAND, OHIO.

Life Safety Rope Upgrade, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1167-97, passed by the Council of the City of Cleveland, August 13, 1997.

February 4, 1998 and February 11, 1998

WEDNESDAY, FEBRUARY 25, 1998

Solid Waste Disposal Services, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 256-97, passed by the Council of the City of Cleveland, May 5, 1997.

A PRE-BID CONFERENCE WILL BE HELD ON WEDNESDAY, FEBRUARY 18, 1998, 1:00 P.M. IN

ROOM 514, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

Metering Equipment — Sheet Metal Fabrication, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

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

February 4, 1998 and February 11, 1998

THURSDAY, FEBRUARY 26, 1998

Sewer Test Tee Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-90, passed by the Council of the City of Cleveland, June 11, 1990.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 18, 1998, 9:30 A.M. AT THE OFFICES OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

February 4, 1998 and February 11, 1998

THURSDAY, FEBRUARY 26, 1998

Roof Replacement and Masonry Restoration for the Fairfax Recreation Center, for the Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1284-94 and 1455-94, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, FEBRUARY 17, 1998, 10:00 A.M. AT THE FAIRFAX RECREATION CENTER, 2335 EAST 82ND STREET, CLEVELAND, OHIO 44104.

February 4, 1998, February 11, 1998 and February 18, 1998

THURSDAY, FEBRUARY 26, 1998

Phase I — Cable Distribution System, for the Department of Port Control, as authorized by Ordinance No. 1275-97, passed by the Council of the City of Cleveland.

A PRE-BID MEETING IS SCHEDULED FOR TUESDAY, FEBRUARY 17, 1998, 1:00 P.M. IN THE DEPARTMENT OF PORT CONTROL'S SECOND FLOOR CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

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

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 18, 1998, 1:00 P.M. IN THE DEPARTMENT OF PORT CONTROL'S SECOND FLOOR CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

February 4, 1998 and February 11, 1998

FRIDAY, FEBRUARY 27, 1998

One (1) Triplex Greensmower and One (1) Sand Pro, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 666-97, passed by the Council of the City of Cleveland, June 2, 1997.

February 4, 1998 and February 11, 1998

WEDNESDAY, MARCH 4, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. SB — Re-Bid — Building Power and Lights, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BID DOCUMENTS CAN BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE **NON-REFUNDABLE** COST OF TWO HUNDRED FIFTY DOLLARS (\$250.00) CERTIFIED OR CASHIER'S CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATION. THIS CHARGE WILL BE WAIVED FOR THOSE HOLDERS OF PLANS PREVIOUSLY PURCHASED FOR BID PACKAGE NO. 8.

A PRE-BID MEETING WILL BE HELD ON MONDAY, FEBRUARY 23, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKE SIDE AVENUE, CLEVELAND, OHIO.

February 4, 1998 and February 11, 1998

WEDNESDAY, MARCH 18, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 10 — Sitework, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BID DOCUMENTS CAN BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE **NON-REFUNDABLE** COST OF TWO HUNDRED FIFTY DOLLARS (\$250.00) CERTIFIED OR CASHIER'S CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 18, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKE SIDE AVENUE, CLEVELAND, OHIO.

February 4, 1998 and February 11, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 164-98.

By Councilman Coats.

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

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

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

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

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

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

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

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

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

Adopted January 26, 1998.

Effective February 2, 1998.

Res. No. 165-98.

By Councilman Polensek.

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

Whereas, this Council objected to the transfer of ownership of a C2 & C2X Liquor Permit to 15208 Lakeshore Blvd., by Res. No. 1576-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 15208 Lakeshore Blvd., be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between the permit holder and Councilman Polensek, and Res. No. 1576-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 26, 1998.

Effective February 2, 1998.

Res. No. 166-98.

By Councilman Polensek.

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

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

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit

must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770455, Emro Marketing Co. 320, DBA Speedway #3320, 1805 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119, to Permit No. 84189840330, Speedway Superamerica LLC, DBA Speedway #3320, 18501 Nottingham Rd. & Gas Pumps, Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 26, 1998.

Effective February 2, 1998.

Res. No. 167-98.
By Councilman Sweeney.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St.

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 4410229, Julien Inc., DBA Dons One Stop, 4200 W. 130th St., Cleveland, Ohio 44111, to Permit No. 9807902, Yahya Inc., 4200 W. 130th St., Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 26, 1998.

Effective February 2, 1998.

Res. No. 168-98.
By Councilman Sweeney.
An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 4611 W. 130th St. & Gas Pumps.

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

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

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

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 25091770645, Emro Marketing Co., DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135, to Permit No. 84189840500, Speedway Superamerica LLC, DBA Gastown Division #3371, 4611 W. 130th St. & Gas Pumps, Cleveland, Ohio 44135 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 26, 1998.

Effective February 2, 1998.

Res. No. 169-98.
By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A & D6 Liquor Permit to 397 E. 156th St. 1st Fl.

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

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

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

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

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

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

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

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

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

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

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

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

Adopted January 26, 1998.
Effective February 2, 1998.

Res. No. 170-98.

By Councilman Patmon.

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

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 9021 St. Clair Ave., 1st Fl. & Bsmt., by Res. No. 1506-97, adopted August 31, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 9021 St. Clair

Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1506-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 26, 1998.
Effective February 2, 1998.

Res. No. 171-98.

By Councilman Johnson.

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

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C1 & C2 Liquor Permit from Permit No. 0412303, Loretta M. Ballout, DBA Quality Food Market, 2122 W. 32nd St. 1st Fl., Cleveland, Ohio 44113, to Permit No. 7987615, Serhan Inc., DBA Buckeye Sunoco, 8805 Buckeye Rd., Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C1 & C2 Liquor Permit from Permit No. 0412303, Loretta M. Ballout, DBA Quality Food Market, 2122 W. 32nd St. 1st Fl., Cleveland, Ohio 44113, to Permit No. 7987615, Serhan Inc., DBA Buckeye Sunoco, 8805 Buckeye Rd., Cleveland, Ohio 44104 and requests

the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 26, 1998.
Effective February 2, 1998.

Ord. No. 1637-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pitney Bowes. Therefore, the Director of Public Utilities is hereby authorized and directed to make a written contract with said Pitney Bowes upon the basis of its proposal dated June 20, 1997, for maintenance on one Pitney Bowes mail inserter system, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 23403.

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 January 26, 1998.
Effective February 2, 1998.

Ord. No. 1937-97.

By Councilmen Patton and Westbrook (by departmental request).

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of cleaning and cement mortar lining of distribution water mains, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 23411.

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 January 26, 1998.
Effective February 2, 1998.

Ord. No. 2014-97.
By Councilmen Patton and Westbrook (by departmental request).

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

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and replace various roofs in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall

determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22187)

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 January 26, 1998.
Effective February 2, 1998.

Ord. No. 2016-97.
By Councilmen Patton and Westbrook (by departmental request).

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

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of

the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23016)

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 January 26, 1998.
Effective February 2, 1998.

Ord. No. 2017-97.
By Councilmen Patton and Westbrook (by departmental request).

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

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23418)

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 January 26, 1998.
Effective February 2, 1998.

Ord. No. 2023-97.**By Councilmen Britt and Johnson (by request).**

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

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 Health Hill Hospital for Children, 2801 Martin Luther King, Jr. Drive, Cleveland, Ohio 44104-3865, its successors and assigns, for the construction, maintenance and use of approximately eleven (11) hospital identification banners, to be hung on Cleveland Electrical Illuminating Company utility poles (by separate permission), which banners will encroach into the public right-of-way of Martin Luther King, Jr., Boulevard and Shaker Boulevard, and are more fully described as follows:

<u>POLE LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER / POLE TYPE:</u>
Five (5) Poles on the north side of the eastbound lanes of Shaker Blvd. beginning at the corner of Shaker & MLK & extending east on Shaker Blvd.	No tag or #	C.E.I. / Streetlight
	No tag or #	C.E.I. / Streetlight
	No tag or #	C.E.I. / Streetlight
	No tag or #	C.E.I. / Streetlight
	#548839	C.E.I. / Streetlight
One (1) pole on the extreme southeast corner of MLK & Shaker Blvd.	No tag or #	City of Cleveland/ Traffic Signal
Two (2) poles on the easterly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539752	C.E.I. / Streetlight
	#539560	C.E.I. / Streetlight
One (1) pole on the extreme southwest corner of MLK & Shaker Blvd.	#701856	C.E.I. / Streetlight
Two (2) poles on the westerly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539753	C.E.I. / Streetlight
	#45259	C.E.I. / Streetlight

Section 2. That said banners will be located within the public right-of-way of Martin Luther King, Jr. Boulevard and Shaker Boulevard and shall be constructed in accordance with plans and specifications approved by the City 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 January 26, 1998.

Effective February 2, 1998.

Ord. No. 2044-97.**By Councilman Westbrook (by departmental request).**

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

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio, owns and operates Cleveland Hopkins International Airport (the "Airport") and is authorized and empowered by virtue of the laws of the State, including without limitation, the Article XVIII of the Constitution of the State and the City's Charter, (i) to make improvements to and enlarge the Airport to provide air travel facilities to the public; and (ii) to issue revenue bonds for the purpose of paying the costs thereof and for refunding outstanding revenue bonds issued for that purpose; and

Whereas, by Ordinance No. 561-97 passed on June 2, 1997, this Council authorized the expansion and

improvement of the airport facilities at the Airport, to be undertaken by the City in cooperation with Continental Airlines, Inc. (the "Airline"), including: construction of a new regional jet concourse, currently denominated as Concourse D; construction of a connector tunnel with moving walkways between existing Concourse C and new Concourse D; expansion of aircraft ramp area; improvements to existing Concourse C, including but not limited to, a new President's Club, holdroom expansion, jet bridge reconfiguration, reconfigurations and improvements of ramp level operations areas, vertical access to the connector tunnel and utility work; interim and permanent rental car facilities for the relocation of airport rental car operations; a new employee

parking lot; a deicing pad; a hydrant fueling system for Concourses C and D; the establishment and operation by the Airline of a regional jet line maintenance base at the Airport; and other related improvements (the "Expansion Program"); and

Whereas, by Ordinance No. 561-97 this Council approved a plan of finance for the Expansion Program and expressed its intention to provide by subsequent ordinances for the issuance of special revenue bonds, payable solely from lease payments by the Airline, and general airport revenue bonds, payable from airport revenues, to pay costs of the Expansion Program; and

Whereas, by Ordinance No. 923-97 passed June 9, 1997, this Council authorized the issuance of general airport revenue bonds of the City to fund improvements to the Airport, including funding costs of certain of the facilities of the Expansion Program not paid from special revenue bonds; and

Whereas, the Airline has requested the City to authorize the issuance of special revenue bonds to fund those Expansion Program facilities to be leased to the Airline and to refund the City's \$76,320,000 Airport Special Revenue Bonds, Series 1990 (Continental Airlines, Inc. Project) (the "Series 1990 Bonds"), the entire principal amount of which is presently outstanding; and

Whereas, the Council has determined that it will further the public purpose for the City to issue and sell special revenue bonds on the terms and subject to the conditions set forth herein to finance the costs of the Continental Special Facilities and, if it is advantageous to do so, to refund the Series 1990 Bonds; and

Whereas, the Continental Special Facilities (as defined below) will provide needed facilities for the provision of air services to the public, and the prompt commencement of the acquisition, construction, and equipping of the improvements requires the issuance of the Bonds and the undertaking of the transactions contemplated herein and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions.

In addition to the words and terms defined elsewhere in this Ordinance, the following words and terms shall have the following meanings, unless the context or use indicates clearly another meaning or intention:

"1989 Special Facilities Lease" means the Special Facilities Lease Agreement dated as of December 1, 1989 between the City and the Airline relating to the improvements constructed from the proceeds of the Series 1990 Bonds, as heretofore amended and supplemented pursuant to Ordinance No. 3005-90, passed by the Council of the City on February 11, 1991.

"1997 Special Facilities Lease" means the Special Facilities Lease between the City and the Airline for the construction, operation, maintenance

and use by the Airline of the Continental Special Facilities, the execution and delivery of which was authorized by this Council pursuant to Ordinance No. 561-97, passed June 2, 1997.

"Bonds" means, collectively, the Series 1998 Bonds and the Series 1999 Bonds, provided that if the Series 1999 Bonds are not delivered on the Delayed Delivery Closing Date, "Bonds" shall mean the Series 1998 Bonds.

"Bond Service Charges" means, for any period of or payable at any time, the principal of and premium, if any, and interest on the applicable Bonds for that period or payable at that time whether due at maturity or upon redemption or acceleration.

"Book Entry Form" or "Book Entry System" means, with respect to each series of Bonds, a form or system, as applicable, under which (i) physical Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner, with the physical Bond certificates deposited and retained in the custody of the Depository and (ii) the ownership of book entry interests in Bonds and Bond Service Charges thereon may be transferred only through a book entry made by others than the City or the Trustee. The records maintained by others than the City or the Trustee constitute the written record that identifies the owners, and records the transfer, of book entry interests in those Bonds and Bond Service Charges thereon.

"Certificate of Award" means the certificate or certificates authorized by Section 4 of this Ordinance to be completed and executed by the Executive or Fiscal Officer, determining such terms, details or other matters pertaining to each series of Bonds and their issuance, sale and delivery, as are directed hereby to be determined in the Certificate of Award.

"City Documents" means this Ordinance, the Indentures, the 1997 Special Facilities Lease, the 1989 Special Facilities Lease as supplemented and amended pursuant to Ordinance No. 3005-90, passed by the Council of the City on February 11, 1991 and by the First Supplemental Lease and the Second Supplemental Lease, and the Purchase Contracts; provided that when reference is made to the execution and delivery of the City Documents, the reference with respect to this Ordinance means instead its passage.

"Clerk" means the Clerk of the Council of the City.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations under that Code and the statutory predecessor of the Code, and any official rulings and judicial determinations under the foregoing applicable to the Bonds.

"Continental Special Facilities" when used with respect to the Project and the Series 1998 Bonds, shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Delayed Delivery Closing Date" means the date on which the Series 1999 Bonds are issued and delivered to the registered owners, subject to

the terms and conditions of the Series 1999 Purchase Contract.

"Depository" means, with respect to the Bonds, The Depository Trust Company (a limited purpose trust company), New York, New York, until a successor Depository shall have become such pursuant to the applicable provisions of an Indenture, and thereafter, Depository shall mean the successor Depository. Any Depository shall be a securities Depository that is a clearing agency under a federal law operating and maintaining, with its participants or otherwise, a Book Entry System to record ownership of book entry interests in Bonds or Bond Service Charges thereon, and to effect transfers of book entry interest in Bonds.

"Executive" means the Mayor or Acting Mayor of the City.

"Expiration Date" shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Financial Advisor" means, with respect to the Bonds, Carmona, Motley & Co., Inc.

"First Supplemental Lease" means the First Supplemental Special Facilities Lease dated as of January 1, 1998 between the City and the Airline, supplementing and amending the 1989 Special Facilities Lease.

"Fiscal Officer" means the Director of Finance or Acting Director of Finance of the City.

"Holder" means the Person in whose name a Bond is registered on the Register.

"Indenture" or "Indentures" means, collectively, the Series 1998 Indenture and the Series 1999 Indenture, as each may be amended or supplemented from time to time.

"Interest Payment Date" or "Interest Payment Dates" means, as to either series of Bonds, the dates specified as such in the Certificate of Award, provided that the first such date shall be no later than one year after the date of such Bonds.

"Official Statement" means the Official Statement relating to the original issuance and sale of the Bonds.

"Original Purchaser" means, as to the Bonds, the Person or Persons identified as the purchaser or purchasers in Section 4 of this Ordinance and in the Certificate of Award and the Purchase Contracts, and their respective lawful successors and assigns.

"Paying Agent" means any bank or trust company designated as a Paying Agent by or in accordance with an Indenture.

"Person" or words importing persons mean firms, associations, partnerships (including without limitation, general and limited partnerships), joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities and natural persons.

"Principal Payment Date" or "Principal Payment Dates" means, as to either series of the Bonds, the dates specified in the Certificate of Award on which the principal of such Bonds will be retired, whether at maturity or by mandatory sinking fund redemption.

"Project" means the construction, furnishing, equipping and improving of the Continental Special Facilities by (i) constructing Concourse D, as described in Exhibit B-1 to the 1997 Special Facilities

Lease, (ii) making certain improvements to Concourse C, as described in Exhibit B-2 to the 1997 Special Facilities Lease, (iii) constructing a deicing pad, as described in Exhibit B-3 to the 1997 Special Facilities Lease, (iv) acquiring, constructing and installing a hydrant fueling system, as described in Exhibit B-4 to the 1997 Special Facilities Lease, (v) making improvements to the Related Facilities as set forth in the 1997 Special Facilities Lease and (vi) making such of the additional improvements to the Airport facilities in connection with the Expansion Program that are described in File No. 2044-97-A, and that are approved by the Director of Port Control in a written certificate delivered to the Clerk of Council and the Director of Finance prior to the sale of the Series 1998 Bonds.

"Purchase Contracts" means, collectively, the Series 1998 Purchase Contract and the Series 1999 Purchase Contract.

"Register" means the books kept and maintained by the Registrar for registration and transfer of Bonds pursuant to either Indenture.

"Registrar" means, (i) as to the Series 1998 Bonds, the Series 1998 Trustee, until a successor Registrar shall have become such pursuant to applicable provisions of the Series 1998 Indenture and (ii) as to the Series 1999 Bonds, the Series 1999 Trustee, until a successor Registrar shall have become such pursuant to the applicable provision of the Series 1999 Indenture; each Registrar shall be a transfer agent registered in accordance with Section 17A(c) of the Securities Exchange Act of 1934.

"Related Facilities" shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Representations Letters" means, collectively, the Series 1998 Representations Letter and the Series 1999 Representations Letter.

"Second Supplemental Lease" means the Second Supplemental Special Facilities Lease between the City and the Airline, supplementing and amending the 1989 Special Facilities Lease and executed in connection with the issuance of the Series 1999 Bonds.

"Series 1990 Indenture" means the Trust Indenture dated as of December 1, 1989 between the City and The Huntington National Bank, as Trustee, pursuant to which the Series 1990 Bonds were issued.

"Series 1998 Bond Fund" means the Bond Fund created under the Series 1998 Indenture, including the accounts therein.

"Series 1998 Bond Rent" means the rent payable by the Airline under Section 7.05 of the 1997 Special Facilities Lease.

"Series 1998 Bonds" means the City's Airport Special Revenue Bonds, Series 1998 (Continental Airlines, Inc. Project) authorized in this Ordinance in the maximum aggregate principal amount of \$150,000,000.

"Series 1998 Construction Fund" means the Construction Fund created under the Series 1998 Indenture.

"Series 1998 Guaranty" means the Guaranty Agreement dated as of even date with the Series 1998 Bonds

between the Airline and the Trustee, securing repayment of the Series 1998 Bonds.

"Series 1998 Indenture" means the Trust Indenture, dated as of even date with the Series 1998 Bonds between the City and the Series 1998 Trustee.

"Series 1998 Purchase Contract" means the Purchase Contract between the City and the Original Purchaser of the Series 1998 Bonds approved pursuant to Section 9 of this Ordinance.

"Series 1998 Rebate Fund" means the Rebate Fund created in the Series 1998 Indenture.

"Series 1998 Representations Letter" means the Letter of Representations from the Airline to the Original Purchaser and the City delivered pursuant to the Series 1998 Purchase Contract.

"Series 1998 Revenues" means, with respect to the Series 1998 Bonds, (a) the Series 1998 Bond Rent, (b) all other moneys received or to be received by the Issuer or the Series 1998 Trustee in respect of repayment of the Series 1998 Bonds, including without limitation, all moneys in the Series 1998 Bond Fund and any moneys in any other funds or accounts pledged to the Series 1998 Bonds, including unexpended moneys in the Series 1998 Construction Fund to the extent permitted by and under the conditions set forth in the Series 1998 Indenture, and (c) all income and profit from the investment of the foregoing moneys.

"Series 1998 Trustee" means the party designated as the Series 1998 Trustee in the applicable Certificate of Award in accordance with the applicable provisions of the Series 1998 Indenture, until a successor Series 1998 Trustee shall have become such pursuant to the applicable provisions of the Series 1998 Indenture, and thereafter, "Series 1998 Trustee" shall mean the successor Series 1998 Trustee.

"Series 1999 Bond Fund" means the Bond Fund created under the Series 1999 Indenture.

"Series 1999 Purchase Contract" means the Purchase Contract between the City and the Original Purchaser of the Series 1999 Bonds approved pursuant to Section 9 of this Ordinance.

"Series 1999 Bond Rent" means the rent payable by the Airline under the 1989 Special Facilities Lease, as supplemented and amended by the First Supplemental Lease, with respect to the Series 1999 Bonds.

"Series 1999 Bonds" means the City's Airport Special Revenue Refunding Bonds, Series 1999 (Continental Airlines, Inc. Project) authorized in this Ordinance in the maximum aggregate principal amount of \$80,000,000.

"Series 1999 Guaranty" means the Guaranty Agreement between the Airline and the Trustee, securing repayment of the Series 1999 Bonds.

"Series 1999 Indenture" means the Trust Indenture between the City and the Series 1999 Trustee.

"Series 1999 Rebate Fund" means the Rebate Fund created in the Series 1999 Indenture.

"Series 1999 Representations Letter" means the Letter of Representations from the Airline to the Original Purchaser and the City deliv-

ered pursuant to the Series 1999 Purchase Contract.

"Series 1999 Revenues" means, with respect to the Series 1999 Bonds, (a) the Series 1999 Bond Rent, (b) all other moneys received or to be received by the Series 1999 Trustee in respect of repayment of the Series 1999 Bonds, including without limitation, all moneys in the Series 1999 Bond Fund, and (c) all income and profit from the investment of the foregoing moneys.

"Series 1999 Trustee" means the party designated as the Series 1999 Trustee in the applicable Certificate of Award in accordance with the applicable provisions of the Series 1999 Indenture, until a successor Series 1999 Trustee shall have become such pursuant to the applicable provisions of the Series 1999 Indenture, and thereafter, "Series 1999 Trustee" shall mean the successor Series 1999 Trustee.

"Special Revenues" means, collectively, the Series 1998 Revenues and the Series 1999 Revenues.

Unless the context indicates otherwise, words importing the singular number include the plural number, and vice versa. The terms "hereof", "hereby", "herein", "hereto", "hereunder", "hereinafter" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the date of passage of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

Section 2. Authorization of the Bonds.

This Council finds and determines that (A) it is necessary to, and the City shall, issue, sell and deliver, as provided and authorized herein the Series 1998 Bonds in an aggregate principal amount not to exceed \$150,000,000, as determined in the Certificate of Award relating to the Series 1998 Bonds, for the purpose of paying costs of acquiring, financing, constructing, furnishing, equipping and otherwise improving the Project, including interest to accrue on the Series 1998 Bonds during the estimated construction period of the Project and certain expenses incurred in connection with the issuance of the Series 1998 Bonds, (B) if the Fiscal Officer so determines, based on the advice of the City's Financial Advisor, that it is advantageous to do so, the City shall issue, sell and deliver, as provided and authorized herein and in the Series 1999 Purchase Contract the Series 1999 Bonds in an aggregate amount not to exceed \$80,000,000, as determined in the Certificate of Award relating to the Series 1999 Bonds, for the purpose of refunding the Series 1990 Bonds and paying certain expenses in connection with the issuance of the Series 1999 Bonds and the refunding of the Series 1990 Bonds, and (C) the Project and the financing thereof by the issuance of the Series 1998 Bonds serves proper, public, municipal purposes by providing air trav-

el facilities needed by the people of the City of Cleveland. The Project also advances the economic welfare of the City by increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and the Project thereby creates and preserves jobs and employment opportunities in the City of Cleveland and improves the economic welfare of the City.

Section 3. Terms and Provisions of the Bonds.

(a) **General.** (i) The Series 1998 Bonds shall (A) be issuable only in fully registered form and initially in Book Entry Form and substantially as set forth in Exhibit A to the Series 1998 Indenture with appropriate deletions if not in Book Entry Form, (B) be exchangeable only for Series 1998 Bonds of the same maturity and authorized denominations, as provided in the Indenture, subject to the limitations with respect to Series 1998 Bonds in Book Entry Form set forth in the Indenture, (C) be numbered in a manner determined by the Series 1998 Trustee which will distinguish each Series 1998 Bond from each other Series 1998 Bond and each Series 1999 Bond, (D) be in denominations of \$100,000 and any integral multiple of \$5,000 in excess thereof, (E) bear interest, payable on each Interest Payment Date, from the most recent date to which interest has been paid or duly provided for, if no interest has been paid or duly provided for, from their date, and (F) be dated as of the first day or fifteenth day of a month as established by the Certificate of Award, which date shall be prior to or the date of the Series 1998 Purchase Contract and shall be selected to minimize the amount of accrued interest without adversely affecting the available market for the Series 1998 Bonds. The Series 1998 Bonds shall be issued with fixed interest rates. Bond Service Charges on the Series 1998 Bonds shall be payable as provided in the Series 1998 Indenture without deduction for the services of any Paying Agent. Initially, the Series 1998 Trustee shall be the Paying Agent for the Series 1998 Bonds, and the Series 1998 Trustee may designate additional Paying Agents as provided in the Series 1998 Indenture.

(ii) The Series 1999 Bonds shall (A) be issuable only in fully registered form and initially in Book Entry Form and substantially as set forth in Exhibit A to the Series 1999 Indenture with appropriate deletions if not in Book Entry Form, (B) be exchangeable only for Series 1999 Bonds of the same maturity and authorized denominations, as provided in the Series 1999 Indenture, subject to the limitations with respect to Series 1999 Bonds in Book Entry Form set forth in the Series 1999 Indenture, (C) be numbered in a manner determined by the Series 1999 Trustee which will distinguish each Series 1999 Bond from each other Series 1998 Bond and each Series 1998 Bond, (D) be in denominations of \$100,000 and any integral multiple of \$5,000 in excess thereof, (E) bear interest, payable on each Interest Payment Date, from the most recent date to which interest

has been paid or duly provided for, if no interest has been paid or duly provided for, from their date, and (F) be dated as of September 1, 1999 or such other date as may be provided in the Certificate of Award. The Series 1999 Bonds shall be issued with fixed interest rates. Bond Service Charges on the Series 1999 Bonds shall be payable as provided in the Series 1999 Indenture without deduction for the services of any Paying Agent. Initially, the Series 1999 Trustee shall be the Paying Agent for the Series 1999 Bonds, and the Series 1999 Trustee may designate additional Paying Agents as provided in the Series 1999 Indenture.

The Bonds shall be signed by the Executive and the Fiscal Officer in their official capacities (provided that one or both of those signatures may be facsimiles).

(b) **Maturities, Interest Rates and Redemption Terms.** (i) The Series 1998 Bonds shall mature on the dates and in the principal amounts and shall bear interest at the rates per year determined in the Certificate of Award; provided that (A) the average net interest rate shall not exceed 8% per year, (B) the first Principal Payment Date shall not be earlier than June 1, 1998, and (C) the last Principal Payment Date shall not be later than the Expiration Date of the 1997 Special Facilities Lease.

The Series 1998 Bonds may be subject to mandatory sinking fund redemption on the dates, in the years and in the principal amounts set forth in the Certificate of Award and may be subject to optional redemption prior to maturity on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount redeemed, plus accrued interest to the redemption date) determined in the Certificate of Award; provided that the earliest optional redemption date shall be not later than December 1, 2015 and the redemption price for the earliest optional redemption date shall be not greater than 103% plus accrued interest to the redemption date. The Series 1998 Bonds may be subject to extraordinary redemption prior to maturity as provided in the Series 1998 Indenture and the Certificate of Award.

(ii) The Series 1999 Bonds shall mature on the dates and in the principal amounts and shall bear interest at the rates per year determined in the Certificate of Award; provided that (A) the average net interest rate shall not exceed 8% per year, (B) the first Principal Payment Date shall not be earlier than December 1, 1999 and (C) the last Principal Payment Date shall not be later than December 1, 2019.

The Series 1999 Bonds may be subject to redemption prior to maturity as provided in the Series 1999 Indenture and the Certificate of Award, including without limitation, mandatory sinking fund redemption on the dates, in the years and in the principal amounts set forth therein and extraordinary redemption upon any termination of the 1989 Special Facilities Lease, as amended pursuant to Ordinance No. 3005-90, and by the First Supplemental Lease and the Second Supplemental Lease, and the determination that the interest on the Series 1999 Bonds is includ-

ed in the gross income of the owners for federal income tax purposes. The Series 1999 Bonds may be subject to optional redemption prior to maturity on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount redeemed, plus accrued interest to the redemption date) determined in the Certificate of Award; provided that the earliest optional redemption date shall be not later than December 1, 2015 and the redemption price for the earliest optional redemption date shall be not greater than 103% plus accrued interest to the redemption date.

(c) **Book Entry System.** The Bonds shall initially be issued solely in Book Entry Form to a Depository to be held in a Book Entry System as provided in the Indentures. The Bonds shall be registered in the name of the Depository or its nominee, as Holder, and immobilized in the custody of the Depository. The Bonds in Book Entry Form shall not be transferable or exchangeable, except for (i) transfer to a successor Depository or its nominee, (ii) withdrawal of the Bonds in Book Entry Form from the Depository as provided in the Indentures, and (iii) exchange of a Bond in Book Entry Form for a Bond in Book Entry Form in the amount equal to the unmatured and unredeemed principal amount of, and bearing interest at the same rate and maturing on the same date as, the Bond being exchanged. The owners of book entry interests in the Bonds shall not have any right to receive Bonds in the form of physical certificates except in the circumstances described in the Indentures.

Section 4. Sale of the Bonds.

The Bonds of each series are sold and awarded to Lehman Brothers and such other entities as are designated in the applicable Certificate of Award as the Original Purchaser in accordance with the terms of this Ordinance, the applicable Indenture, the applicable Purchase Contract and the applicable Representations Letter, at the purchase prices specified in the applicable Certificate of Award. The purchase price for the Series 1998 Bonds shall equal the sum of (i) an amount which, when added to the amount of any original issue discount on the Series 1998 Bonds is equal to or greater than 98% of the aggregate principal amount of the Series 1998 Bonds plus (ii) accrued interest on the aggregate principal amount of the Series 1998 Bonds from their date to the date of their delivery and payment therefor by the Original Purchaser. The purchase price for the Series 1999 Bonds shall equal the sum of (i) an amount which, when added to the amount of any original issue discount on the Series 1999 Bonds is equal to or greater than 98% of the aggregate principal amount of the Series 1999 Bonds plus (ii) accrued interest on the aggregate principal amount of the Series 1999 Bonds from their date to the date of their delivery and payment therefor by the Original Purchaser. It is determined hereby that the purchase prices and the manner of sale and the terms of the Bonds, as provided in this Ordinance, the Purchase Contracts, the Representations Letters and the Indentures, are consistent with all legal require-

ments and will carry out the public purposes described in Section 2 of this Ordinance.

That award shall be further evidenced for each series by a Certificate of Award, which shall set forth the following terms of the applicable series of Bonds all as determined in accordance with the provisions of this Ordinance: the aggregate principal amounts, the purchase price (identifying the amount of underwriter's discount and the amount of original issue discount or premium, if any), the dated date of the Bonds, the interest rates, the maturities, any optional and mandatory sinking fund redemption dates and prices, any additional entities as the Original Purchaser, whether there will be a municipal bond insurance policy, bank letter or line of credit, or other form of credit enhancement facility enhancing the security for either series of the Bonds or any maturities thereof, and such other terms as are provided in this Ordinance. The Certificate of Award shall be signed by the Fiscal Officer and shall also contain such other data or provisions as such officer determines are appropriate or necessary, consistent with City Documents. The Fiscal Officer is authorized and directed to execute, acknowledge and deliver the Purchase Contracts and to accept the Representation Letters for, and in the name and on behalf of the City, in substantially the respective forms thereof submitted to this Council.

The Executive, the Fiscal Officer, the Director of Port Control and other City officials as appropriate are authorized and directed to take all steps necessary to effect due execution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Ordinance and to make the necessary arrangements with the Original Purchaser to establish the date or dates, location, procedures and conditions for the delivery of the Bonds to the Original Purchaser, including without limitation any conditions relating to the obtaining of an insurance policy, bank letter or line of credit, or other form of credit or liquidity facility to enhance the security or marketability of either series of Bonds or any maturities thereof, the obtaining of which credit or liquidity facility the Fiscal Officer determines serves the best interest of the City by achieving a net reduction in the Bond service charges on the applicable Bonds.

The Executive Officer, the Fiscal Officer and other City officials as deemed appropriate, each are authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of a preliminary official statement for each series of Bonds or a single statement for both series (collectively, a "preliminary official statement") and (ii) determine, and certify or otherwise represent, when a preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of SEC Rule 15c2-12(b)(1). The dis-

tribution and use of such a preliminary official statement is hereby authorized and approved.

Those officers and each of them are also authorized and directed, on behalf of the City and in their official capacities, to complete a preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that an official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, a final official statement and supplements thereto in connection with the original issuance of each series of the Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, a final official statement and such certificates in connection with the accuracy of a preliminary official statement and a final official statement and any amendment thereto as may, in their judgment, also be necessary or appropriate.

Except to the extent described in an official statement, the City has not confirmed, and assumes no responsibility for, the accuracy, sufficiency or fairness of any statements in any preliminary official statement or official statement or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Project, the Airline or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Airline or the Project or contained otherwise in an official statement.

All costs, fees and expenses relating to the issuance and sale of the Bonds and the refunding of the Series 1990 Bonds (other than those paid by the Original Purchaser pursuant to the Purchase Contracts) shall be paid by the Airline, including without limitation, the costs of preparation and printing the Bonds, the preliminary and final official statements and the agreements securing the Bonds, the fees and disbursements of the Series 1998 Trustee, the Series 1999 Trustee, the Financial Advisor, bond counsel, counsel to the Airline, and rating agency fees. To the extent permitted under the Code, the Airline may be reimbursed from the proceeds of the Bonds for all such costs, fees and expenses.

Section 5. Allocation of Proceeds of Bonds and Transfer of Funds.

The proceeds of the sale of the Series 1998 Bonds (including, without limitation, interest accrued thereon) shall be allocated and deposited (i) to the interest account in the Series 1998 Bond Fund, any amount received as accrued interest and (ii) to the Series 1998 Construction Fund, the balance of the proceeds of the Series 1998 Bonds, including amounts to be used to pay interest on the Series 1998 Bonds during construction of the Project

and amounts to be used to pay costs of issuance of the Series 1998 Bonds.

The proceeds of the sale of the Series 1999 Bonds (including, without limitation, interest accrued thereon) shall be allocated and deposited (i) to the interest account in the Series 1999 Bond Fund, any amount received as accrued interest and (ii) the remaining proceeds to a separate account or accounts established in the Series 1999 Bond Fund for the purpose of refunding the Series 1990 Bonds and paying, or reimbursing the Airline for, costs of issuance of the Series 1999 Bonds and refunding the Series 1990 Bonds. The funds held under the Series 1990 Indenture as security for the Series 1990 Bonds, including the Reserve Account, shall be applied to the refunding of the Series 1990 Bonds to the extent required by the Code and otherwise shall be disbursed as provided in the Certificate of Award.

All funds, accounts and subaccounts contemplated in the Indentures to be created are authorized and directed to be created and shall be used without further legislative action for the purposes specified in the Indentures.

Section 6. Security for the Bonds.

To the extent and except as otherwise provided under the Indenture, the Series 1998 Bonds shall be special obligations of the City and (a) the Bond Service Charges on the Series 1998 Bonds shall be equally and ratably payable solely from the Series 1998 Revenues, and (b) the payment of Bond Service Charges on the Series 1998 Bonds shall be secured by (i) a pledge of and lien on and an assignment of the Series 1998 Revenues on a parity with any additional parity bonds issued pursuant to the Series 1998 Indenture, (ii) the Series 1998 Guaranty and (iii) the Series 1998 Indenture. All Series 1998 Bond Rent payments shall be paid by the Airline directly to the Series 1998 Trustee.

To the extent and except as otherwise provided under the Series 1999 Indenture, the Series 1999 Bonds shall be special obligations of the City and (a) the Bond Service Charges on the Series 1999 Bonds shall be equally and ratably payable solely from the Series 1999 Revenues, and (b) the payment of Bond Service Charges on the Series 1999 Bonds shall be secured by (i) a pledge of and lien on and an assignment of the Series 1999 Revenues on a parity with any additional parity bonds issued pursuant to the Series 1999 Indenture, (ii) the Series 1999 Guaranty and (iii) the Series 1999 Indenture. All Series 1999 Bond Rent payments shall be paid by the Airline directly to the Series 1999 Trustee.

Anything in this Ordinance, the Bonds or the Indentures to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness of the City, and further, nothing in this Ordinance, the Bonds or the Indentures shall give the Holders of the Bonds, and they do not and shall not have, the right to have excises, ad valorem taxes or other taxes levied by the City, or by the State or the taxing authority of any other political subdivision, for the payment of Bond Service Charges on the Bonds. The

Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources identified herein and from any other moneys obtained by the respective Trustee upon the exercise of rights and remedies under the City Documents. Nothing in the Bonds or the City Documents, however, shall be deemed to prohibit the City from using, of its own volition, to the extent that it is permitted by law to do so, any other resources for the fulfillment of any of the terms or conditions of or its obligations under the City Documents or the Bonds.

Section 7. Refunding of Outstanding Series 1990 Bonds.

If the Series 1999 Bonds are issued, then the Executive Officer, the Fiscal Officer and the Director of Port Control or any two of them are authorized and directed to sign and deliver, in the name and on behalf of the City, an escrow agreement (which may be included within the Series 1999 Indenture) between the City and the Trustee, as escrow trustee, providing for the investment and holding in escrow of the proceeds of the Series 1999 Bonds to be applied to the refunding of the Series 1990 Bonds. Any one or more of the Executive Officer, the Fiscal Officer, the Director of Port Control or other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Series 1990 Indenture.

Section 8. Covenants of the City.

The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. Any member of this Council, the Fiscal Officer, the Executive or any other officer of the City having responsibility for the issuance of a series of the Bonds, alone or in conjunction with the Airline or any officer, employee, agent or consultant to the Airline, shall give an appropriate certificate of the City for inclusion in the transcript of proceedings for such Bonds setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of such Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on such Bonds.

The City covenants that it (i) will take, or require to be taken, all actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes under the Code, and (ii) will not take or authorize to be taken any actions that would adversely affect that exclusion. The appropriate officers of the City are hereby authorized and directed to take any and all actions and make or give such reports and certifications as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the City pertaining to federal

income tax laws, the City may rely upon the written advice of bond counsel which is provided to the Airline and to the Trustee.

The Clerk shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds, together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

The City shall do all things and take all actions on its part necessary to comply with obligations, duties and responsibilities on its part under the City Documents. Nothing herein or in the City Documents shall be construed as requiring the City to operate the Project or to use any moneys from any source other than Special Revenues or the Bond Funds and the Series 1998 Construction Fund.

Section 9. City Documents.

In addition to the authorizations set forth in Section 4 of this Ordinance, to provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the Executive, the Fiscal Officer and the Director of Port Control or any one of them, are authorized and directed to execute, acknowledge and deliver each City Document not heretofore executed, for and in the name and on behalf of the City, in substantially the respective forms thereof submitted to this Council.

The City Documents and the Representations Letters are approved with changes which are not inconsistent with this Ordinance which are not substantially adverse to the City, which are permitted by law, and which are approved by the officers executing the respective City Documents and the Representations Letters. The approval of those changes by the officers and the character of those changes, as not being substantially adverse to the City, shall be evidenced conclusively by the execution of the respective City Documents by the officers. The City Documents heretofore executed and delivered by the City are hereby ratified, and the City's continuing performance thereunder is hereby approved.

To the extent directions with respect to any matter are not given in this Ordinance then the matter shall be controlled by the respective Indentures.

Section 10. Other Documents.

The Executive, the Director of Port Control, the Fiscal Officer, the Clerk and any other appropriate officer of the City, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable file, for and in the name and on behalf of the City, any certifications, financing statements, assignments and other instruments and documents, including a letter of representations to the Depository, which are necessary or appropriate to perfect the assignments contemplated in the Indenture and to consummate the transactions contemplated in the City Documents and the Bonds. Those certifications and other instruments and documents include, without limitation, appropriate certificates under Sections 103 and 148

of the Code, reports on Form 8038, any other certifications and forms necessary or advisable under the Code and certifications by the Clerk of the transcript of proceedings relating to the issuance of the Bonds.

Section 11. Lien of Pledge Hereunder.

The respective Special Revenues are subject to the lien of the pledge under the respective Indentures without any physical delivery of the Special Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Special Revenues or for the filing or recording of the Indentures or any other resolution or instrument by which such pledge is created or any certificate, statement, or other document with respect to such pledge. The pledge of the Special Revenues under the Indentures shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 12. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 13. Separability.

Each section of this Ordinance and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 14. Recitals.

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Bonds.

Section 15. Emergency.

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

Passed January 26, 1998.

Effective January 26, 1998.

Ord. No. 66-98.**By Councilman Johnson (by departmental request).**

An emergency ordinance to amend and supplement Section 1 of Ordinance No. 2097-97, passed December 15, 1997, relating to the temporary appropriation of current payrolls and other expenses of the City of Cleveland for the period from January 1, 1998 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 1998.

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until an amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission: and

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

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

Section 1. That Section 1 of Ordinance No. 2097-97, passed December 15, 1997, is hereby amended and supplemented to read as follows:

Section 1. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 1998, until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 1998, there be and there is hereby appropriated for the period from January 1, 1998, to the effective date of the Annual Appropriation Three hundred eighty million nine hundred twenty eight thousand ninety six dollars (\$380,928,096) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

COUNCIL AND CLERK OF COUNCIL		\$1,066,923
I. Personnel and Related Expenses	\$734,500	
II. Other Expenses	332,424	
TOTAL LEGISLATIVE BRANCH	\$1,066,923	\$1,066,923

MUNICIPAL COURT

JUDICIAL DIVISION		\$4,786,294
I. Personnel and Related Expenses	\$3,696,734	
II. Other Expenses	1,089,560	
CLERK'S DIVISION		\$2,878,745
I. Personnel and Related Expenses	1,899,017	
II. Other Expenses	979,728	
HOUSING DIVISION		\$470,784
I. Personnel and Related Expenses	\$441,060	
II. Other Expenses	29,724	
TOTAL MUNICIPAL COURT	\$8,135,823	\$8,135,823

EXECUTIVE BRANCH

OFFICE OF THE MAYOR		\$541,205
I. Personnel and Related Expenses	\$441,528	
II. Other Expenses	99,678	
TOTAL EXECUTIVE BRANCH	\$541,205	\$541,205

DEPARTMENT OF PUBLIC SAFETY

PUBLIC SAFETY ADMINISTRATION		\$3,460,828
I. Personnel and Related Expenses	\$3,127,335	
II. Other Expenses	333,493	
DIVISION OF POLICE		\$52,616,701
I. Personnel and Related Expenses	\$47,865,964	
II. Other Expenses	4,750,737	
DIVISION OF FIRE		\$24,114,040
I. Personnel and Related Expenses	\$22,565,217	
II. Other Expenses	1,548,823	
DIVISION OF EMERGENCY MEDICAL SERVICES		\$5,425,805
I. Personnel and Related Expenses	\$4,795,835	
II. Other Expenses	629,970	
DIVISION OF TRAFFIC ENGINEERING		\$1,435,800
I. Personnel and Related Expenses	\$913,154	
II. Other Expenses	522,646	

DIVISION OF DOG POUND		\$288,732
I.	Personnel and Related Expenses	\$178,685
II.	Other Expenses	110,047
TOTAL DEPARTMENT OF PUBLIC SAFETY		\$87,341,905
COMMUNITY RELATIONS BOARD		
COMMUNITY RELATIONS BOARD		\$295,670
I.	Personnel and Related Expenses	\$270,419
II.	Other Expenses	25,252
TOTAL COMMUNITY RELATIONS BOARD		\$295,670
DEPARTMENT OF PUBLIC SERVICE		
PUBLIC SERVICE ADMINISTRATION		\$100,481
I.	Personnel and Related Expenses	\$91,845
II.	Other Expenses	8,636
DIVISION OF ARCHITECTURE		\$188,564
I.	Personnel and Related Expenses	\$170,380
II.	Other Expenses	18,184
DIVISION OF WASTE COLLECTION & DISPOSAL		\$11,386,694
I.	Personnel and Related Expenses	\$6,311,938
II.	Other Expenses	5,074,756
DIVISION OF ENGINEERING AND CONSTRUCTION		\$1,684,502
I.	Personnel and Related Expenses	\$1,460,954
II.	Other Expenses	223,548
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$13,360,241
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
PARKS, RECREATION AND PROPERTIES ADMINISTRATION		\$199,345
I.	Personnel and Related Expenses	\$178,892
II.	Other Expenses	20,453
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		\$206,222
I.	Personnel and Related Expenses	\$160,876
II.	Other Expenses	45,346
DIVISION OF RECREATION		\$3,009,581
I.	Personnel and Related Expenses	\$2,047,632
II.	Other Expenses	961,949
DIVISION OF PARKING FACILITIES - ON STREET		\$285,696
I.	Personnel and Related Expenses	\$272,837
II.	Other Expenses	12,859
DIVISION OF PROPERTY MANAGEMENT		\$3,643,098
I.	Personnel and Related Expenses	\$2,514,639
II.	Other Expenses	1,128,459
DIVISION OF PARK MAINTENANCE & PROPERTIES		\$3,442,628
I.	Personnel and Related Expenses	\$2,623,264
II.	Other Expenses	819,364
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		\$10,786,570
BOXING AND WRESTLING COMMISSION		
BOXING AND WRESTLING COMMISSION		\$2,646
I.	Personnel and Related Expenses	\$2,519
II.	Other Expenses	127
TOTAL BOXING AND WRESTLING COMMISSION		\$2,646

URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
DIRECTOR'S OFFICE		\$32,165
I. Personnel and Related Expenses	\$32,165	
DIVISION OF ADMINISTRATIVE SERVICES		\$30,198
I. Personnel and Related Expenses	\$30,198	
DIVISION OF BUILDING & HOUSING		\$2,491,369
I. Personnel and Related Expenses	\$2,157,431	
II. Other Expenses	333,938	
DIVISION OF NEIGHBORHOOD SERVICES		\$28,562
I. Personnel and Related Expenses	\$28,562	
DIVISION OF NEIGHBORHOOD DEVELOPMENT		\$183,874
I. Personnel and Related Expenses	\$89,351	
II. Other Expenses	94,523	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$2,766,168	\$2,766,168
REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		\$36,557
I. Personnel and Related Expenses	\$28,057	
II. Other Expenses	8,500	
BOARD OF BUILDING STANDARDS & APPEALS		\$44,769
I. Personnel and Related Expenses	38,795	
II. Other Expenses	5,974	
BOARD OF ZONING APPEALS		\$128,478
I. Personnel and Related Expenses	\$121,815	
II. Other Expenses	6,663	
BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		\$38,850
I. Personnel and Related Expenses	\$35,582	
II. Other Expenses	3,269	
FAIR CAMPAIGN FINANCE COMMISSION		\$6,083
II. Other Expenses	\$6,083	
TOTAL REGULATORY BOARDS	\$254,737	\$254,737
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		\$412,837
I. Personnel and Related Expenses	\$399,486	
II. Other Expenses	13,351	
OFFICE OF EQUAL OPPORTUNITY		\$248,160
I. Personnel and Related Expenses	\$193,791	
II. Other Expenses	54,369	
CITY PLANNING COMMISSION		\$490,584
I. Personnel and Related Expenses	\$468,816	
II. Other Expenses	21,768	
PORT CONTROL-HARBOR DEVELOPMENT		\$19,876
I. Personnel and Related Expenses	\$19,876	
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$1,171,457	\$1,171,457
DEPARTMENT OF PUBLIC HEALTH		
HEALTH ADMINISTRATION		\$111,336
I. Personnel and Related Expenses	\$39,708	
II. Other Expenses	71,628	
DIVISION OF CORRECTION		\$2,517,602
I. Personnel and Related Expenses	\$1,844,768	
II. Other Expenses	672,834	

DIVISION OF HEALTH		\$1,014,233
I. Personnel and Related Expenses	\$741,242	
II. Other Expenses	272,990	
DIVISION OF THE ENVIRONMENT		\$681,870
I. Personnel and Related Expenses	\$563,634	
II. Other Expenses	118,236	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$4,325,041	\$4,325,041
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		\$80,958
I. Personnel and Related Expenses	\$63,713	
II. Other Expenses	17,246	
TOTAL DEPARTMENT OF AGING	\$80,958	\$80,958
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		\$106,990
I. Personnel and Related Expenses	\$86,204	
II. Other Expenses	20,786	
DIVISION OF ACCOUNTS		\$508,319
I. Personnel and Related Expenses	\$234,118	
II. Other Expenses	274,201	
DIVISION OF ASSESSMENTS & LICENSES		\$294,761
I. Personnel and Related Expenses	\$249,367	
II. Other Expenses	45,395	
DIVISION OF TREASURY		\$112,986
I. Personnel and Related Expenses	\$92,275	
II. Other Expenses	20,711	
DIVISION OF PURCHASES & SUPPLIES		\$204,645
I. Personnel and Related Expenses	\$165,661	
II. Other Expenses	38,984	
BUREAU OF INTERNAL AUDIT		\$199,410
I. Personnel and Related Expenses	\$61,916	
II. Other Expenses	137,494	
DIVISION OF FINANCIAL REPORTING AND CONTROL		\$330,947
I. Personnel and Related Expenses	\$270,077	
II. Other Expenses	60,870	
TOTAL DEPARTMENT OF FINANCE	\$1,758,057	\$1,758,057
OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN.		\$154,277
I. Personnel and Related Expenses	\$131,339	
II. Other Expenses	22,939	
LAW		\$2,841,724
I. Personnel and Related Expenses	\$1,633,815	
II. Other Expenses	1,207,909	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$4,754,059	\$4,754,059
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		\$720,512
I. Personnel and Related Expenses	\$388,257	
II. Other Expenses	332,255	
CIVIL SERVICE COMMISSION		\$560,061
I. Personnel and Related Expenses	\$218,854	
II. Other Expenses	341,207	
TOTAL PERSONNEL ADMINISTRATION	\$1,280,573	\$1,280,573

NON DEPARTMENTAL		
TRANSFERS TO OTHER FUNDS		\$11,500,000
II. Other Expenses	\$11,500,000	
OTHER ADMINISTRATIVE		\$6,922,952
II. Other Expenses	\$6,922,952	
TOTAL NON DEPARTMENTAL	\$18,422,952	\$18,422,952
TOTAL SUPPORT FUNCTIONS	\$24,457,584	\$24,457,584
TOTAL GENERAL FUND	\$154,586,929	\$154,586,929
SPECIAL REVENUE FUND		
RESTRICTED INCOME TAX FUND		\$32,141,503
I. Capital	\$15,500,000	
II. Debt Service	16,641,503	
STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND		\$12,612,143
I. Personnel and Related Expenses	\$5,289,079	
II. Other Expenses	7,323,064	
TOTAL SPECIAL REVENUE FUNDS	\$44,753,646	\$44,753,646
INTERNAL SERVICE FUNDS		
INFORMATION SYSTEMS SERVICES-TELECOMMUNICATIONS		\$1,221,219
I. Personnel and Related Expenses	\$135,906	
II. Other Expenses	1,085,313	
INFORMATION SYSTEMS SERVICES		\$1,734,123
I. Personnel and Related Expenses	\$383,487	
II. Other Expenses	1,350,636	
DIVISION OF MOTOR VEHICLE MAINTENANCE		6,875,714
I. Personnel and Related Expenses	\$1,618,862	
II. Other Expenses	5,256,852	
DIVISION OF PRINTING AND REPRODUCTION		\$395,411
I. Personnel and Related Expenses	\$160,946	
II. Other Expenses	234,465	
CITY STOREROOM AND CENTRAL WAREHOUSE		\$216,426
I. Personnel and Related Expenses	\$32,126	
II. Other Expenses	184,300	
TOTAL INTERNAL SERVICE FUNDS	\$10,442,893	\$10,442,893
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
UTILITIES ADMINISTRATION		\$871,148
I. Personnel and Related Expenses	\$295,365	
II. Other Expenses	575,783	
DIVISION OF FISCAL CONTROL		514,349
I. Personnel and Related Expenses	\$470,654	
II. Other Expenses	43,695	
DIVISION OF WATER		\$80,275,323
I. Personnel and Related Expenses	\$22,378,516	
II. Other Expenses	57,896,807	
DIVISION OF WATER POLLUTION CONTROL		\$7,493,634
I. Personnel and Related Expenses	\$2,625,955	
II. Other Expenses	4,867,678	
DIVISION OF CLEVELAND PUBLIC POWER		\$36,554,128
I. Personnel and Related Expenses	\$7,534,545	
II. Other Expenses	29,019,582	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$125,708,581	\$125,708,581

DEPARTMENT OF PORT CONTROL		
AIRPORTS-OPERATIONS		\$27,208,733
I. Personnel and Related Expenses	\$21,839,831	
II. Other Expenses	5,368,901	
AIRPORT DEVELOPMENT FUND		—
II. Other Expenses	—	
TOTAL DEPARTMENT OF PORT CONTROL	\$27,208,733	\$27,208,733
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
DIVISION OF CEMETERIES		\$650,158
I. Personnel and Related Expenses	\$440,052	
II. Other Expenses	210,106	
GOLF COURSE FUND		\$766,361
I. Personnel and Related Expenses	\$221,649	
II. Other Expenses	544,712	
DIVISION OF PARKING FACILITIES-OFF STREET PARKING		\$4,021,442
I. Personnel and Related Expenses	\$237,526	
II. Other Expenses	3,783,916	
CONVENTION CENTER & STADIUM		\$1,981,196
I. Personnel and Related Expenses	\$780,899	
II. Other Expenses	1,200,297	
CONVENTION CENTER & STADIUM-MARKET		\$372,095
I. Personnel and Related Expenses	\$119,588	
II. Other Expenses	252,506	
PROPERTY MANAGEMENT-EAST SIDE MARKET		\$188,980
I. Personnel and Related Expenses	\$40,558	
II. Other Expenses	148,422	
TOTAL PARKS, RECREATION & PROPERTIES	\$7,980,231	\$7,980,231
TOTAL ENTERPRISE FUNDS	\$160,897,545	\$160,897,545
AGENCY FUND		
CENTRAL COLLECTION AGENCY		\$1,604,307
I. Personnel and Related Expenses	\$1,001,375	
II. Other Expenses	602,932	
TOTAL AGENCY FUND	\$1,604,307	\$1,604,307
DEBT SERVICE FUND		
SINKING FUND COMMISSION		\$8,192,776
I. Personnel and Related Expenses	\$30,965	
II. Other Expenses	61,811	
III. Debt Service	8,100,000	
STADIUM BOND FUND		\$450,000
III. Debt Service	\$450,000	
TOTAL DEBT SERVICE FUND	\$8,642,776	\$8,642,776
TOTAL OTHER FUNDS	\$226,341,167	\$217,698,391
TOTAL GENERAL FUND	\$154,586,929	\$154,586,929
TOTAL GENERAL AND OTHER FUNDS	\$380,928,096	\$380,928,096

Section 2. That existing Section 1 of Ordinance No. 2097-97, passed December 15, 1997, is hereby repealed.

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

Passed January 26, 1998.
Effective February 2, 1998.

Ord. No. 163-98.
By Councilman Westbrook.
An emergency ordinance authorizing and directing the purchase by requirement contract of the printing of the City Record and for the furnishing of other printing and accessory services for a period of two years.

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

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

Section 1. That the Clerk of Council is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio 1976, for the printing of the City Record and for the furnishing of other printing and accessory services for a period of two (2) years, cancelable by the Clerk of Council after one (1) year upon thirty (30) days notice, in the approximate amount per year, as purchased during the preceding year, to be purchased by the Com-

missioner of Purchases and Supplies upon a unit basis for the Council of the City of Cleveland.

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

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

Passed January 26, 1998.
 Effective January 27, 1998.

COUNCIL COMMITTEE MEETINGS

Monday, January 26, 1998

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

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

Wednesday, January 28, 1998

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

Index to Council Proceedings

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

AIDS Housing Council

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