

The City Record

Official Publication of the City of Cleveland

April the Twenty-First, Nineteen Hundred and Ninety-Nine

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Cecelia R. Huffman	
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	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

Containing	PAGE
City Council	3
The Calendar	21
Board of Control	24
Civil Service	26
Board of Zoning Appeals	26
Board of Building Standards and Building Appeals	27
Public Notices	28
Public Hearings	28
City of Cleveland Bids	28
Adopted Resolutions and Ordinances	28
Committee Meetings	38
Index	38

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.
First Assistant Clerk - Sandra Franklin.

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 115
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122
Purchases and Supplies - William A. Moon, Commissioner, Room 128
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
Financial Reporting and Control - Robert Dolan, 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 - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting 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 - Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - Henry Guzmán, Director, Room 230.
DIVISIONS - Police - Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - Mark Ricchiuto, Acting Commissioner, 4150 East 49th Street, Building #1
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES - Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.
DIVISIONS - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Property Management - _____, Commissioner, East 49th & Harvard

Parking Facilities - Dennis Donahue, 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 - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
Neighborhood Services - Louise V. Jackson, Commissioner.
Neighborhood Development - Donald T. Moss, Commissioner.
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Jeffrey K. Patterson, 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, Dennis D. Dove, 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 Cornell P. Carter, President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Odelia V. Robinson.

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

MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, _____, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; James Gibans, Sandra Morgan, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, Robert Keiser, Executive Secretary.

**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 Connolly	14C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Gerald F. Sweeney	13D
Judge Robert J. Triozzi	12A

Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

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Vol. 86

WEDNESDAY, APRIL 21, 1999

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CITY COUNCIL

MONDAY, APRIL 19, 1999

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

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

MONDAY—Alternating

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

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

TUESDAY

9:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

1:30 P.M.—**City Planning Committee:** Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio Monday, April 19, 1999.

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

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

Also present were Mayor White and Directors Konicek, Balraj, Richiuto, Jackson, Hudecek, Patterson, Warren, Axelrod and Acting Directors Whitlow, Frank.

Absent: Director Carmody.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Reverend Charlie Goodman, Pastor of Glenville Church of God, located at 744 East 105th Street in Ward 8. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 635-99.

From the National City Bank re: Investment and Transaction statement, January 1, 1999 through March 31, 1999. Received.

File No. 636-99.

From the Cuyahoga County Engineer re: Bridge Inspection. Received.

File No. 637-99.

From the Civil Service Commission re: Bulletins of open positions. Received.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following resolutions were adopted by a rising vote:

Res. No. 672-99—Reverend Alcuin Mikulanis.

Res. No. 673-99—Robert Lewis Bailey.

CONGRATULATORY RESOLUTIONS

The rules were suspended and the following resolutions were adopted without objection:

Res. No. 674-99—Vermel Whalen.

Res. No. 675-99—Godalni Orkester Glasbene Sole Ljubljana Vic-Rudnik.

Res. No. 676-99—Martholia Gist.

Res. No. 677-99—Christmas in April.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 638-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide comprehensive maintenance and support services for the CCA/MITIS computer system, for a period of one year, with two one-year options to renew.

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

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

Section 1. That the Director of Finance is hereby authorized to employ by contract one or more computer consultants or one or more firms of computer consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform comprehensive database and other maintenance and support for the CCA/MITIS computer system, including but not limited to hardware, software, firmware and application software maintenance and support, for a period of one year commencing upon execution of the contract, with two (2) options, exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling such a list. The compensation to

be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, and approved and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from Fund No. 81 SF 001, Request No. 21215.

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

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

Ord. No. 639-99.

By Councilman Britt.

An emergency ordinance to vacate a portion of East 84th Place hereinafter described.

Whereas, on the 30th day of March, 1998 the Council of the City of Cleveland adopted Resolution No. 87-98 declaring its intention to vacate a portion of East 84th Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 87-98 has been served upon the owners of all the property abutting East 84th Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of East 84th Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 84th Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of East 84th Place situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all of that part of East 84th Place, (14.00 feet wide), extending Southerly from the Southerly line of Lincoln Court S.E. (15.00 feet wide) to the Northerly line of Congress Court S.E. (15.00 feet wide), be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 84th Place, herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 640-99.

By Councilman Cintron.

An emergency ordinance to vacate a portion of Eureka Court S.W. hereinafter described.

Whereas, on the 20th day of July, 1994 the Council of the City of Cleveland adopted Resolution No. 1186-94 declaring its intention to vacate a portion of Eureka Court S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1186-94 has been served upon the owners of all the property abutting Eureka Court S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of Eureka Court S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Eureka Court S.W. (16.50 feet wide), extending Easterly from the Easterly line of Gehring Avenue (66.00 feet wide), to that portion of Eureka Court S.W. vacated by Council of the City of Cleveland by Ordinance Number 27358, passed on December 12, 1925, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Eureka Court S.W. (16.50 feet wide), extending Easterly from the Easterly line of Gehring Avenue (66.00 feet wide), to that portion of Eureka Court S.W. vacated by the Council of the City of Cleveland by Ordinance Number 72358, passed on December 12, 1925, be and the same is hereby vacated.

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Cleveland Public Power equipment. The description of easement is as follows:

That portion of Eureka Court S.W. (16.50 feet wide), extending Easterly from the Easterly line of Gehring Avenue (66.00 feet wide), to that portion of Eureka Court S.W. vacated by the Council of the City of Cleveland by Ordinance Number 72358, passed on December 12, 1925.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Eureka Court S.W., herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 641-99.

By Councilman Johnson.

An emergency ordinance to vacate a portion of East 92nd Street hereinafter described.

Whereas, on the 12th day of October, 1998 the Council of the City of Cleveland adopted Resolution No. 1425-98 declaring its intention to vacate a portion of East 92nd Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1425-98 has been served upon the owners of all the property abutting East 92nd Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of East 92nd Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 92nd Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of East 92nd Street, (50.00 feet wide); extending Southwesterly from the Southeasterly prolongation of the Southwesterly line of Sublot Number 4, to the Southeasterly prolongation of the Southwesterly line of Sublot Number 21 in the L. McCurdy Allotment as shown recorded in Cuyahoga County Map Records Volume 4, Page 51, be and the same is hereby vacated.

Section 2. That there be and is hereby reserved to the City of Cleveland an easement for existing Water Pollution Control, Water, Fire, Ameritech, and East Ohio Gas equipment. The description of the easement is as follows:

That portion of East 92nd Street, (50.00 feet wide); extending Southwesterly from the Southeasterly prolongation of the Southwesterly line of Sublot Number 21 in the L. McCurdy Allotment as shown recorded in Cuyahoga County Map Records Volume 4, Page 51.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 92nd Street, herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 642-99.

By Councilman Jones.

An emergency ordinance to vacate a portion of the First Alley North of Miles Ave. and East of East 164th Street hereinafter described.

Whereas, on the 6th day of April, 1998 the Council of the City of Cleveland adopted Resolution No. 2155-97 declaring its intention to vacate a portion of the First Alley North of Miles Avenue and East of 164th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 2155-97 has been served upon the owners of all the property abutting the First Alley North of Miles Avenue and East of East 164th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of the First Alley North of Miles Avenue and East of East 164th Street, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating the First Alley North of Miles Avenue and East of East 164th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of the First Alley (12 feet wide) North of Miles Avenue at its intersection with the Easterly line of East 164th Street (60 feet wide); thence Easterly to its intersection with the Northerly prolongation of the Westerly line of Sublot Number 42 in the Sorento Park Subdivision as shown by the recorded plat in Volume 15, Page 13 of Cuyahoga County Records, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of all that portion of the First Alley North of Miles Avenue and East of East 164th Street, herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 643-99.

By Councilman Melena.

An emergency ordinance to vacate a portion of West 62nd Place hereinafter described.

Whereas, on the 16th day of November, 1998 the Council of the City of Cleveland adopted Resolution No. 1615-98 declaring its intention to vacate a portion of West 62nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1615-98 has been served upon the owners of all the property, abutting West 62nd Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of West 62nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 62nd Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of West 62nd Place (14.00 feet wide), extending Southerly from the Southerly line of Frontier Avenue S.W. (50.00 feet wide) to that portion of West 62nd Place vacated by the Council of the City of Cleveland by Ordinance Number 2226-92 passed January 25, 1993, be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of all that portion of West 62nd Place, herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 644-99.

By Councilman Melena.

An emergency ordinance to vacate a portion of West 62nd Place hereinafter described.

Whereas, on the 5th day of June, 1995 the Council of the City of Cleveland adopted Resolution No. 326-95 declaring its intention to vacate a portion of West 62nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 326-95 has been served upon the owners of all the property abutting West 62nd Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of West 62nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 62nd Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of West 62nd Place (14.00 feet wide), extending Northerly from the Easterly prolongation of the Northerly line of Sublot Number 220 in the C. W. Davis Re-Allotment recorded in Volume 19, Page 19 of Cuyahoga County Records to the Southerly line of Gilbert Court S.W. (10.00 feet wide), be and the same is hereby vacated.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of all that portion of West 62nd Place, herein provided by sending him a copy of this ordinance.

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 from and after the earliest period allowed by law.

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

Ord. No. 645-99.

By Councilman Westbrook.

An emergency ordinance to vacate a portion of Keith Court hereinafter described.

Whereas, on the 14th day of December, 1998 the Council of the City of Cleveland adopted Resolution No 1821-98 declaring its intention to vacate a portion of Keith Court, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1821-98 has been served upon the owners of all the property abutting Keith Court, affected by said Resolution, notifying the said property owners of the time and place at which

objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 7th day of April, 1999, the Board of Revision of Assessments approved the vacation of Keith Court, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

Section 1. That all that portion of Keith Court (12.00 feet wide), extending Westerly from the Westerly line of West 91st Street (50.00 feet wide), to the Easterly line of West 93rd Street (50.00 feet wide), be and the same is hereby vacated.

Section 2. That there be and is hereby reserved to Ameritech an easement for existing equipment. The description of easement is as follows:

That portion of Keith Court (12.00 feet wide), extending Westerly from the Westerly line of West 91st Street (50.00 feet wide), to the Easterly line of West 93rd Street (50.00 feet wide).

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Keith Court herein provided by sending him a copy of this ordinance.

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

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

Ord. No. 646-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various sizes of front-end loaders and roll-off containers, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Char-

ter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various sizes of front-end loaders and roll-off containers 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 Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23198)

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

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

Ord. No. 647-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Sections 1 and 3 of Ordinance No. 1724-98, passed November 16, 1998, relating to applying and accepting grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts to implement the program.

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

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

Section 1. That the title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment; and authorizing said director to enter into contracts for the purchase of equipment, supplies and services necessary to implement the program.

Section 1. That the Director of Public Health is hereby authorized to apply for and accept grants in the approximate amount of \$366,269 from the U.S. Environmental Protection Agency and \$1,001,311 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective applications; that the Director of Public Health is hereby authorized to file all papers **enter into contracts**, and execute all documents necessary to apply for and receive the funds under said grants; and that said funds be appropriated for the purposes set forth in the **agreements and applications** for said grants.

Section 3. That the Director of Public Health is hereby authorized to enter into contracts for the purchase of equipment, supplies and services necessary to implement the Program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 2. That the existing title, Section 1 and Section 2 of Ordinance No. 1724-98, passed November 16, 1998, are hereby repealed.

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

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

Ord. No. 648-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the the Ohio Department of Public Safety for the 1999-2000 EMS-EMT Training Grant; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$118,207.50, from the Ohio Department of Public Safety, to conduct the 1999-2000 EMS-EMT Training Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 648-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter

into contract for such materials and equipment necessary to implement the program as described in the application contained in the File, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 649-99.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the the Ohio Department of Public Safety for the 1999-2000 Fire-Emergency Medical Services Grant; and to enter into contract for the purchase of equipment and supplies needed to implement the program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$201,820.00, from the Ohio Department of Public Safety, to conduct the 1999-2000 Fire-Emergency Medical Services Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 649-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into contract for such materials and equipment necessary to implement the program as described in the application contained in the File, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 650-99.
By Councilmen Coats, Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1109-96, passed December 16, 1996, relating to impounding and towing fees.

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 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1109-96, passed December 16, 1996, is hereby amended to read as follows:

Section 405.06 Impounding and Towing Fees

(a) In addition to the storage fee provided for in Section 405.04, the following fees shall be assessed against the owner or other person claiming an impounded vehicle:

(1) An impound fee of thirty dollars (\$30.00), except that the impound fee shall be reduced to ten dollars (\$10.00) for a person reclaiming a recovered stolen vehicle.

(2) A towing fee of **sixty-five** dollars (\$65.00), except that the towing fee shall be reduced to fifty dollars (\$50.00) for a person reclaiming a recovered stolen vehicle, and shall be increased to **eighty** dollars (\$80.00) for a person reclaiming a vehicle impounded incident to an arrest.

The towing charge shall be increased by ten dollars (\$10.00) if a dolly or flatbed is used or if a tire or tires are changed, except that there shall be no such additional charge in the case of a recovered stolen vehicle.

(b) No towing or impounding fees shall be charged when the vehicle is the property of the victim of a crime and such vehicle is being held by the Division of Police for processing.

Section 2. That existing Section 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1109-96, passed December 16, 1996, is hereby repealed.

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

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

Ord. No. 651-99.
By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to maintain, repair and test the life safety system, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed five 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 Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to maintain, repair and test life safety system at the Cleveland Convention Center for a period not to exceed five years, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 67 SF 001, Request No. 22680.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 652-99.
By Councilmen Melena, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property for the expansion of Clark Recreation Center, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding Clark Recreation Center:

5716 Clark Avenue
P.N.N.: 006-16-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 116 in J.M. Hoyt Subdivision of part of Original Brooklyn Township Lot No. 48 as shown by the recorded plat in Volume 3 of Maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Clark Avenue and extending back of equal width 125 feet, as appears on said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed its fair market value.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 343, Request No. 23273.

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

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

Ord. No. 653-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland State University to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Cleveland State University to utilize the Urban Center's Housing Policy Research Program to provide various housing, urban land-use, property parcel, vacant lot, and residential real estate market data services, products, studies, and other technical assistance in order to facilitate neighborhood planning and programming efforts.

Section 2. That the cost of said contract shall be in an amount not to exceed \$29,500.00, and shall be paid from Fund No. 14 SF 024, Request No. 23123.

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

Ord. No. 654-99.

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

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXV Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements.

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 resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 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, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 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 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 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 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts estab-

lished by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 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 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Directors of Public Utilities and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in the Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the low-

est responsible bidder after competitive bidding for a gross price 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 for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public

Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work during the period ending December 31, 2000, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price 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 for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of communi-

ty centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the period ending December 31, 2000, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services shall be made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SF 021, 14 SF 022, 14 SF 023, 14 SF 024 and 14 SF 025.

Section 34. 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, Public Service, Parks, Recreation and Properties, Public Utilities, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Service, Public Parks, Recreation and Properties, Public Utilities, City Planning, Finance.

Ord. No. 655-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 4 and 5 of Ordinance No. 1082-98, passed November 23, 1998, relating to contracts with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.

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

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

Section 1. That Sections 4 and 5 of Ordinance No. 1082-98, passed November 23, 1998, are hereby amended to read, respectively, as follows:

Section 4. That the **local governing** board of each of the non-profit agencies funded by this ordinance must include at least **one formerly or currently homeless person, with boards of more than seven persons having at least two formerly or currently homeless persons.**

That the non-profit agencies to be funded pursuant to this ordinance, shall work with the Cleveland Department of Public Health to provide testing opportunities and prevention information on HIV, sexually transmitted diseases and other communicable diseases. The employees of these agencies must be trained in the prevention and education of these diseases.

Section 5. That the contracts authorized by Sections 1 and 2 of this ordinance shall be in the amounts described and contained in File No. **1082-98-B**. If these funding recommendations are changed, or if new agencies are added to the list, the Director of Community Development must receive Council authorization before entering into a contract or contracts for the new amount or with the added agency.

Section 2. That existing Sections 4 and 5 of Ordinance No. 1082-98, passed November 23, 1998, are hereby repealed.

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

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

Ord. No. 656-99.

By Councilman Dolan.

An emergency ordinance authorizing the Mayor to enter into a Memorandum of Understanding with Fairview Hospital relative to its Expansion Plan.

Whereas, Fairview Hospital desires to modernize and expand its facility in the West Park neighbor-

hood of the City of Cleveland, with such expansion being part of its Campus Plan; and

Whereas, the implementation of the Campus Plan has an impact on the surrounding neighborhood; and

Whereas, the City of Cleveland and Fairview Hospital have outlined the responsibilities and understanding of the parties in a Memorandum of Understanding; and

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

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

Section 1. That notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor is authorized to enter into a Memorandum of Understanding with Fairview Hospital relative to its Expansion Plan and implementation of its Campus Plan.

Section 2. That the Memorandum of Understanding authorized by Section 1 of this ordinance shall be substantially in the form as follows:

MEMORANDUM
of
UNDERSTANDING

between
THE CITY OF CLEVELAND
and
FAIRVIEW HOSPITAL

This Memorandum of Understanding ("MOU") is entered this _____ day of _____, 1999, by and between the City of Cleveland ("City"), a municipal corporation of the State of Ohio, by and through Michael R. White, Mayor and Fairview General Hospital ("FH"), 18101 Lorain Avenue, by and through its President.

RECITALS:

1. FH has operated a hospital in the West Park neighborhood of the City of Cleveland since 1955. FH desires to modernize and expand its facility by constructing and operating the ParkView Patient Care Center, a 171,000 square foot facility linked to the existing hospital facility ("FH Expansion Project").

2. Due to the FH Expansion Project, growth of the hospital, and other neighborhood concerns, additional parking and roadway reconfigurations are necessary. Such FH Expansion Project and neighborhood concerns have been addressed in a comprehensive plan ("Campus Plan"), developed by the hospital with consultation from the community. The Campus Plan, attached hereto as Exhibit A, maximizes use of hospital owned property, while at the same time buffering adjacent neighborhoods — thereby increasing homes values and improving the quality of life in the neighborhood by eliminating nonresidential traffic. The Campus Plan also relieves the burden placed on the municipal parking facility at Kamms Corner by hospital employees.

3. In order to implement the Campus Plan, the parties have made certain pledges concerning the issues of zoning, traffic circulation and parking.

4. The City of Cleveland and FH desire to set forth below the understanding that has been reached relative to the implementation of the

Campus Plan; it is the intention of the parties to seek legislation authorizing the agreements and pledges set forth herein.

In consideration of the foregoing and the mutual promises contained herein, the parties hereto agree as follows:

1. Residential Parcel Acquisitions.

FH will acquire two residential parcels, located at the corner of Riverside Road and Fernshaw Avenue, known as Permanent Parcel Nos. 026-02-024 and 026-02-026, at fair market value. FH shall relocate or remove all structures on the property necessary for the construction of a cul-de-sac at the westerly terminus of Fernshaw Avenue and shall convey to the City such portions of the parcels as may be necessary for the cul-de-sac as discussed in paragraph 2 herein. Title to all portions of PPNs. 026-02-024 and 026-02-026 not needed for the construction and maintenance of the cul-de-sacs shall be transferred to the City of Cleveland's Land Bank; FH shall ensure that the garage of PPN. 026-02-024 remains intact and is conveyed to the City.

2. Cul-de-sacs.

FH shall construct a cul-de-sac, at their sole expense, at the westerly terminus of Fernshaw Avenue and shall construct, at their sole expense, a cul-de-sac at the northerly terminus of Riveredge Road. Construction of the cul-de-sacs shall commence immediately upon receipt of the necessary City permits, which shall be obtained within 60 days of acquisition of the property, unless delayed by the City; shall be completed no later than 60 days following commencement of construction; shall be in conformance with all City requirements; and shall conform with the Campus Plan in all respects.

3. Parking Facility.

FH, immediately upon receipt of the necessary permits from the City, shall immediately expand the existing parking lot on FH property along Riveredge Road to a total of 400 spaces, inclusive of the spaces within the existing lot. The parties acknowledge that, subsequent to 2001, FH may seek to expand the Parking Facility by an additional 400 spaces, for a combined total of approximately 800 spaces. The parties agree that such additional parking shall be constructed below grade and within the existing property line, with the surface lot to remain at no more than 400 spaces. FH shall place restrictions of the Parking Facility to prohibit the surface of any parking deck from exceeding a height of five (5) feet above the crown of Riveredge Road. The parties agree that no ingress or egress to the parking facility shall be planned, developed, constructed, maintained and/or permitted along the southern, eastern, or western boundaries of the parking facility. Ingress and/or egress to the parking facility shall be planned, developed, constructed, maintained and/or permitted solely from Old Lorain Road, via a private access road adjacent to the cul-de-sac to be constructed at the westerly terminus of Fernshaw Avenue, as identified in Exhibit A.

4. Street Vacation.

The City will vacate portions of Riveredge Road and Fernshaw Avenue for the construction, maintenance and opera-

tion by FH of a private access road to the Parking Facility. The City will also vacate Groveland Court as consideration for the covenants herein.

5. Old Lorain Road Improvements. FH shall regrade and adjust Old Lorain Road as agreed with the Metroparks in October, 1998.

6. Landscape and Property Maintenance. FH shall, at its sole expense, provide and maintain landscaping, as approved by the City Planning Commission, within the boundaries of the Campus Plan area and the Neighborhood Park discussed in paragraph 7 herein.

7. Sale of Residential Properties and Neighborhood Park. FH covenants never to purchase, rent, lease or maintain a possessory interest in any residentially zoned real property on Riveredge Road, south of Fernshaw Avenue or on Fernshaw Avenue, unless specifically authorized herein. Further, FH shall sell residential lots owned by FH along Riveredge Road, as identified by the legal descriptions attached hereto as Exhibit B, excluding two (2) parcels currently maintained as a Neighborhood Park, known as Permanent Parcel Nos. 026-02-024 and 026-02-026. FH shall retain ownership of the Neighborhood Park and shall maintain the area in its natural, field-like condition.

For purposes of selling the other residential lots owned along Riveredge Road by FH, FH shall contract with a real estate agent with an office location in the Kamms Corner area. The purchase price shall not be less than fair market value, as determined by an independent appraiser selected by FH and approved by the Council member of Ward 21. FH shall use its continual best efforts to secure a purchaser(s) for the lots at an amount equal to or greater than fair market value. In the event, however, that the lots have not been purchased within two (2) years of the date they are first placed on the market, FH may maintain ownership of the lots. Any lot retained by FH after compliance with the terms of this article, shall be used solely for residential purposes by FH. FH shall ensure that a copy of each purchase offer is provided to the Council member of Ward 21 within 5 business days of receipt by FH. FH shall inform the Council member of Ward 21, in writing, whether the purchase offer has been accepted or rejected. In the event of a rejection, FH shall document the reasons therefore.

8. Deed Restrictions. With respect to the residential lots to be sold pursuant to paragraph 7 herein, FH shall ensure that the deeds for the properties shall contain a restriction prohibiting subdivision as well as a restriction prohibiting FH from reacquiring title to the properties.

9. Campus Plan and other Approvals. The City shall work cooperatively with FH to obtain the approvals and permits necessary to implement the Campus Plan and the FH Expansion Project.

10. Rights of Parties. The City and FH reserve the right to sue for performance of any obligation or promise to fulfill the understanding set forth herein.

11. Notices. All notices which may be proper or required hereunder shall be sent by regular mail, to the following addresses or to such other address as either party may designate for such purpose:

To the City:
Michael R. White, Mayor
601 Lakeside Avenue
Cleveland, Ohio 44114

Michael A. Dolan, Councilman
601 Lakeside Avenue, Room 220
Cleveland, Ohio 44114

To the FH:
Dr. Louis Caravella, CEO
Fairview Hospital
18101 Lorain Avenue
Cleveland, Ohio 44111

12. Waivers. Any failure by either of the parties hereto to comply with any of the obligations, agreements, or conditions set forth herein may be waived only in writing by the other party; provided, however, that any such waiver shall not be deemed a waiver of any other obligations, agreements, or conditions contained herein.

13. Necessary Papers. Both of the parties agree to cooperate in the effectuation of the transactions that are subject of this MOU and to execute any and all additional documents and to take such additional action as shall be reasonably necessary or appropriate to accomplish the purpose and intent of this MOU.

14. Amendments/Entire Agreement. This MOU embodies the entire representations, warranties, agreements, and conditions in relation to the subject matter hereof and no representations, warranties, understandings or agreements, oral or otherwise, in relation thereto exist between the parties except as herein set forth. This MOU may be amended or terminated only by an instrument in writing duly executed by the parties after passage of legislation by the Council of the City of Cleveland.

15. Binding Effect. This MOU shall be binding upon and inure to the benefit of the parties hereto and their respective successors and assigns; provided, however, that any assignment of the MOU by FH shall not relieve FH of its contractual liability hereunder.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the date and year first appearing on page 1.

CITY OF CLEVELAND
By: _____

FAIRVIEW HOSPITAL
By: _____

The legal form and correctness of the within instrument is hereby approved.

CORNELL CARTER
Director of Law

By: _____
Date: _____

Exhibit A-Campus Plan

On file with Cleveland City Council

Exhibit B-Legal Descriptions

On file with Cleveland City Council

Section 3. That the Mayor and the Director of Law and other appropriate City officials are hereby authorized to file all papers and to execute all documents and take such other actions as may be necessary for the purpose of implementing the terms and conditions of this Memorandum of Understanding authorized in Section 1 of this ordinance.

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

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

**FIRST READING
ORDINANCE REFERRED**

**Ord. No. 657-99.
Councilman Polensek,
An ordinance establishing the
Waterloo Road / East 156th Street
Business Revitalization District (BRD)
(Map Change No. 1988, Sheet No. 7)**

Whereas, the Board of Trustees of Northeast Shores Development Corporation (NSDC) has submitted a written request dated March 11, 1999 to the City Planning Commission to establish a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed district; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1988; therefore,

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the Waterloo Road / East 156 Street Business Revitalization District.

Beginning at the intersection of the center line of Waterloo Road, N.E. and the northerly extension of a line located approximately three hundred twenty one and forty eight hundredths (321.48) feet east of the easterly line of East 160 Street; thence southerly along said northerly extension and along said line which is parallel to and approximately three hundred twenty one and forty eight hundredths (321.48) feet east of said easterly line of East 160 Street to its intersection at a point located forty four (44) feet south of the southerly line of Waterloo Road, N.E.; thence from said point going southwest for a distance of approximately two hundred thir-

ty three and sixty eight hundredths (233.68) feet to its intersection with the easterly line of Sublot No. 306 in the Lake Shore Land Company Subdivision No. 2 as recorded in Volume 28, Page 3 of the Cuyahoga County Map Records; thence northerly along said easterly line of said Sublot No. 306 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 306 and along its westerly extension to the center line of East 160 Street; thence northerly along said center line of East 160 Street to its intersection with the easterly extension of the center line of Shasta Court, N.E.; thence westerly along said easterly extension and along said center line of Shasta Court, N.E. and along its westerly prolongation to the center line of East 156 Street; thence southerly along said center line of East 156 Street to its intersection with the easterly extension of the southerly line of Sublot No. 112 in the C.W. Moses Allotment as recorded in Volume 27, Page 12 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said southerly line of said Sublot No. 112 to its intersection with a line located one hundred twenty (120) feet southeast of the southeasterly line of Waterloo Road, N.E.; thence southwesterly along said line which is parallel to and one hundred twenty (120) feet southeast of said southeasterly line of Waterloo Road, N.E. to its intersection with the northeasterly line of Sublot No. 104 in said C.W. Moses Allotment; thence southeasterly along said northeasterly line of said Sublot No. 104 and along its southeasterly extension to the center line of Calcutta Avenue, N.E.; thence westerly along said center line of Calcutta Avenue, N.E. to its intersection with the northerly extension of the easterly line of Sublot No. 124 in said C.W. Moses Allotment; thence southerly along said northerly extension and along said easterly line of said Sublot No. 124 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 124 and continuing westerly along the southerly lines of Sublots Nos. 123, 122, and 121 in said C.W. Moses Allotment to its intersection with the westerly line of Sublot No. 88 in the J.W. McClure Allotment as recorded in Volume 27, Page 20 of the Cuyahoga County Map Records; thence southerly along said westerly line of said Sublot No. 88 and along its southerly extension to the center line of Daniel Avenue, N.E.; thence westerly along said center line of Daniel Avenue, N.E. to the center line of East 152 Street; thence northerly along said center line of East 152 Street to its intersection with the easterly extension of the southerly line of Permanent Parcel No. 112-22-26; thence westerly along said easterly extension and along said southerly line of said Permanent Parcel No. 112-22-26 for a distance of twelve (12) feet from the westerly line of East 152 Street to its intersection with the northwesterly line of relocated Westropp Avenue, N.E.; thence southwesterly along said northwesterly line of relocated Westropp Avenue, N.E. to its intersection with the westerly line of Permanent Parcel No. 112-22-54; thence northerly along said westerly line of said Permanent Parcel No. 112-22-54 to its intersection with the northerly line thereof; thence easterly along said northerly line of

said Permanent Parcel No. 112-22-54 to its intersection with the westerly line of said Permanent Parcel No. 112-22-26; thence northerly along said westerly line of said Permanent Parcel No. 112-22-26 and continuing northerly along the westerly lines of Permanent Parcel Nos. 112-22-27, 112-22-28, and 112-22-29 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Permanent Parcel No. 112-22-29 to its intersection with a westerly line thereof; thence northerly along said westerly line of said Permanent Parcel No. 112-22-29 to its intersection with a northerly line thereof; thence easterly along said northerly line of said Permanent Parcel No. 112-22-29 and along its easterly extension to the center line of East 152 Street; thence southwesterly along said center line of East 152 Street to its intersection with the westerly extension of a line located one hundred (100) feet south of the southerly line of Sublot No. 10 in the C.W. Moses Allotment as recorded in Volume 11, Page 35 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said line which is parallel to and one hundred (100) feet south of said southerly line of said Sublot No. 10 to its intersection with the northwesterly line of Permanent Parcel No. 112-17-23; thence northerly along said northwesterly line of said Permanent Parcel No. 112-17-23 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Permanent Parcel No. 112-17-23 and continuing northeasterly along the northwesterly lines of Permanent Parcel Nos. 112-17-24, 112-17-25 and 112-17-26 to its intersection with the northeasterly line thereof; thence southeasterly along said northeasterly line of said parcel of land to its intersection with the northwesterly line of Permanent Parcel No. 112-17-103; thence northeasterly along said northwesterly line of said parcel of land and along its northeasterly extension to the center line of Shiloh Road, N.E.; thence northwesterly along said center line of Shiloh Road, N.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 7 in the H.F. Ball and G.H. Prentice Subdivision as recorded in Volume 31, Page 16 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said southwesterly line of said Sublot No. 7 to its intersection with the southwesterly line of Sublot No. 12 in said H.F. Ball and G.H. Prentice Subdivision; thence southeasterly along said southwesterly line of said Sublot No. 12 to its intersection with the southeasterly line thereof; thence northeasterly along said southeasterly line of said Sublot No. 12 and continuing northeasterly along the southeasterly lines of Sublots Nos. 13 and 14 in said H.F. Ball and G.H. Prentice Subdivision to its intersection with the northwesterly line thereof; thence northwesterly along said northeasterly line of said Sublot No. 14 and along its northwesterly extension to its intersection with the southerly line of Sublot No. 26 in the Nelson Moses Subdivision as recorded in Volume 10, Page 17 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 26 and continuing easterly along the southerly lines of Sublots No. 25, 24, and 23 in said Nel-

son Moses Subdivision to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 23 and along its northerly extension to the center line of Lucknow Avenue, N.E.; thence continuing northerly along the southerly extension of a line located one hundred sixty (160) feet west of the westerly line of East 156 Street and along said line which is parallel to and one hundred sixty (160) feet west of said westerly line of East 156 Street and along its northerly extension to the center line of Ridpath Avenue, N.E.; thence easterly along said center line of Ridpath Avenue, N.E. to its intersection with the southerly extension of a line located one hundred twenty (120) feet west of said westerly line of East 156 Street; thence northerly along said southerly extension and along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of East 156 Street to its intersection with the southerly line of Sublot No. 38 in the McGregor, Happer and How Subdivision as recorded in Volume 9, Page 4 of the Cuyahoga County Map Records; thence westerly along said southerly line of said Sublot No. 38 to its intersection with a line located one hundred sixty (160) feet west of said westerly line of East 156 Street; thence northerly along said line which is parallel to and one hundred sixty (160) feet west of said westerly line of East 156 Street and along its northerly extension to the center line of Macouley Avenue, N.E.; thence easterly along said center line of Macouley Avenue, N.E. to its intersection with the southerly extension of the westerly line of Sublot No. 100 in the Beach Grove Allotment as recorded in Volume 49, Page 7 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 100 to its intersection with the southerly line of Sublot No. 111 in said Beach Grove Allotment; thence easterly along said southerly line of said Sublot No. 111 to its intersection with the southeasterly line thereof; thence northeasterly along said southeasterly line of said Sublot No. 111 and along its northeasterly extension to the center line of Huntmere Avenue, N.E.; thence easterly along said center line of Huntmere Avenue, N.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 106 in said Beach Grove Allotment; thence northeasterly along said southeasterly extension and along said southeasterly line of said Sublot No. 106 to its intersection with the northeasterly line thereof; thence northwesterly along said northeasterly line of said Sublot No. 106 to its intersection with the southeasterly line of Sublot No. 69 in said Beach Grove Allotment; thence northeasterly along said southeasterly line of said Sublot No. 69 and along its northeasterly extension to the center line of Parkgrove Avenue, N.E.; thence westerly along said center line of Parkgrove Avenue, N.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 62 in said Beach Grove Allotment; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 62 to its intersection with the northeasterly line thereof; thence northwesterly along said northeasterly line of said Sublot No.

62 to its intersection with the southeasterly line of Sublot No. 26 in said Beach Grove Allotment; thence northeasterly along said southeasterly line of said Sublot No. 26 and along its northeasterly extension to the center line of Grovewood Avenue, N.E.; thence northwesterly along said center line of Grovewood Avenue, N.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 16 in said Beach Grove Allotment; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 16 to its intersection with the northeasterly line thereof; thence northwesterly along said northeasterly line of said Sublot No. 16 to its intersection with a line located one hundred ten (110) feet west of said westerly line of East 156 Street; thence northerly along said line which is parallel to and one hundred ten (110) feet west of said westerly line of East 156 Street and along its northerly extension to the center line of Glencoe Road, N.E.; thence continuing northerly along the southerly extension of the easterly line of Sublot No. 4 in the Thompson-Ganson, No. 1 Subdivision as recorded in Volume 65, Page 1 of the Cuyahoga County Map Records and along said easterly line of said Sublot No. 4 to its intersection with the northerly line thereof; thence westerly along said northerly line of said Sublot No. 4 and continuing westerly along the northerly lines of Sublots Nos. 5, 6, and 7 in said Thompson-Ganson, No. 1 Subdivision to its intersection with a line located approximately two hundred seventy nine and twenty one hundredths (279.21) feet west of said westerly line of East 156 Street (said line being the westerly line of Permanent Parcel No. 112-15-37); thence northerly easterly, northerly, easterly, and northeasterly along said Permanent Parcel No. 112-15-37 to its intersection with the westerly line of Permanent Parcel No. 112-15-01; thence northerly along said westerly line of said Permanent Parcel No. 112-15-01 and along its northerly extension to the center line of Lakeshore Boulevard, N.E.; thence northeasterly along said center line of Lakeshore Boulevard, N.E. to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 2 in the Camp Lakewood (H.B. Cody) Subdivision as recorded in Volume 20, Page 21 of the Cuyahoga County Map Records; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 2 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 2 and continuing northeasterly along the northwesterly line of Sublot No. 1 in said Camp Lakewood (H.B. Cody) Subdivision and along its northeasterly extension to the center line of Lakeside Avenue, N.E.; thence southeasterly along said center line of Lakeside Avenue, N.E. to the center line of Lake Shore Boulevard, N.E.; thence northeasterly along said center line of Lakeshore Boulevard, N.E. to the center line of East 156 Street; thence northerly along said center line of East 156 Street to its intersection with the southwesterly prolongation of the center line of Euclid Beach Boulevard, N.E.; thence northeasterly along said southwesterly prolongation of and along said center line of Euclid Beach Boulevard, N.E.

to the center line of East 159 Street; thence southeasterly along said center line of East 159 Street to its intersection with the southwesterly extension of the northwesterly line of Permanent Parcel No. 113-01-07; thence northeasterly along said southwesterly extension and along said northwesterly line of said Permanent Parcel No. 113-01-07 and continuing northeasterly along the southwesterly lines of Permanent Parcel Nos. 113-01-08 and 113-01-09 to its intersection with the northeasterly line thereof; thence southeasterly along said northeasterly line of said Sublot No. 113-01-09 to its intersection with the southwesterly prolongation of the northwesterly line of Permanent Parcel No. 113-01-10; thence northeasterly along said southwesterly prolongation (crossing East 159 Street) and along said northwesterly line of said Permanent Parcel No. 113-01-10 and continuing northeasterly along the northwesterly lines of Permanent Parcel Nos. 113-01-06 and 113-01-16 to its intersection with the northeasterly line thereof; thence southeasterly along said northeasterly line of said Permanent Parcel No. 113-01-16 and along its southeasterly extension to said center line of Lake Shore Boulevard, N.E.; thence northeasterly along said center line of Lake Shore Boulevard, N.E. to its intersection with the northwesterly extension of the northeasterly line of Permanent Parcel No. 113-17-11; thence southeasterly along said northwesterly extension and along said northeasterly line of said Permanent Parcel No. 113-17-11 to its intersection with the southeasterly line thereof; thence southwesterly along said southeasterly line of said Permanent Parcel No. 113-17-11 and continuing southwesterly along the southeasterly line of Permanent Parcel No. 113-17-02 to its intersection with the easterly line of Permanent Parcel No. 113-13-29; thence southerly along said easterly line of said Permanent Parcel No. 113-13-29 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Permanent Parcel No. 113-13-29 to its intersection with the northeasterly line of Permanent Parcel No. 113-13-31; thence northwesterly along said northeasterly line of said Permanent Parcel No. 113-13-31 to its intersection with the northwesterly line thereof; thence southwesterly along said northwesterly line of said Permanent Parcel No. 113-13-31 to its intersection with the southwesterly line thereof; thence southeasterly along said southwesterly line of said Permanent Parcel No. 113-13-31 to its intersection with the southerly line of Permanent Parcel No. 113-13-30; thence westerly along said southerly line of said Permanent Parcel No. 113-13-30 and continuing westerly along the southerly line of Permanent Parcel No. 113-13-28 to its intersection with the easterly line of Permanent Parcel No. 113-13-32; thence southerly along said easterly line of said Permanent Parcel No. 113-13-32 to its intersection with the northerly line of Permanent Parcel No. 113-13-21; thence easterly along said northerly line of said Permanent Parcel No. 113-13-21 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-13-21 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Permanent Parcel No. 113-13-21 to its intersection with the westerly

line of Permanent Parcel No. 113-13-20; thence southerly along said westerly line of said Permanent Parcel No. 113-13-20 and along its southerly extension to the center line of Damon Avenue, N.E.; thence easterly along said center line of Damon Avenue, N.E. to its intersection with the northerly extension of the westerly line of Sublot No. 382 in the Eastwood Subdivision as recorded in Volume 31, Page 27 of the Cuyahoga County Map Records; thence southerly along said northerly extension and along said westerly line of said Sublot No. 382 and continuing southerly along the westerly line of Sublot No. 381 in said Eastwood Subdivision and along its southerly extension to the center line of Pythias Avenue, N.E.; thence westerly along said center line of Pythias Avenue, N.E. to its intersection with the northerly extension of a line located eighty three (83) feet east of the easterly line of East 156 Street; thence southerly along said northerly extension and along said line which is parallel to and eighty three (83) feet east of said easterly line of East 156 Street to its intersection with the northerly line of Sublot No. 11 in said Eastwood Subdivision; thence easterly along said northerly line of said Sublot No. 11 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 11 and continuing southerly along the easterly lines of Sublots Nos. 12, 13, and 14 in said Eastwood Subdivision and along its southerly extension to the center line of Corsica Avenue, N.E.; thence westerly along said center line of Corsica Avenue, N.E. to its intersection with the northerly extension of the easterly line of Sublot No. 15 in said Eastwood Subdivision; thence southerly along said northerly extension and along said easterly line of said Sublot No. 15 and continuing southerly along the easterly lines of Sublots Nos. 16, 17 and 18 in said Eastwood Subdivision to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 18 to its intersection with a line located one hundred (100) feet east of the easterly line of East 156 Street; thence southerly along said line which is parallel to and one hundred (100) feet east of said easterly line of East 156 Street and along its southerly extension to said center line of Grovewood Avenue, N.E.; thence easterly along said center line of Grovewood Avenue, N.E. to intersection with the northerly extension of the westerly line of Sublot No. 160 in said Eastwood Subdivision; thence southerly along said northerly extension and along said westerly line of said Sublot No. 160 and continuing southerly along the westerly line of Sublot No. 159 in said Eastwood Subdivision and along its southerly extension to said center line of Parkgrove Avenue, N.E.; thence westerly along said center line of Parkgrove Avenue, N.E. to its intersection with the northerly extension of the westerly line of Sublot No. 28 in said Eastwood Subdivision; thence southerly along said northerly extension and along said westerly line of said Sublot No. 28 to its intersection with the northerly line of Sublot No. 87 in the Walworth Realty Company Allotment as recorded in Volume 30, Page 23 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 87 to its intersection with the west-

erly line thereof; thence southerly along said westerly line of said Sublot No. 87 and along its southerly extension to the center line of Huntmere Avenue, N.E.; thence westerly along said center line of Huntmere Avenue, N.E. to its intersection with the northerly extension of the westerly line of Permanent Parcel No. 113-15-133; thence southerly along said northerly extension and along said westerly line of said Permanent Parcel No. 113-15-133 to its intersection with the southerly line thereof; thence easterly along said southerly line of said Permanent Parcel No. 113-15-133 to its intersection with the easterly line of Permanent Parcel No. 113-15-33; thence southerly along said easterly line of said Permanent Parcel No. 113-15-33 to its intersection with the northerly line of Permanent Parcel No. 113-15-34; thence easterly along said northerly line of said Permanent Parcel No. 113-15-34 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-15-34 and continuing southerly along the easterly line of Permanent Parcel No. 113-15-35 and along its southerly extension to the center line of Arcade Avenue, N.E.; thence westerly along said center line of Arcade Avenue, N.E. to its intersection with the northerly extension of the westerly line of Permanent Parcel No. 113-16-18; thence southerly along said northerly extension and along said westerly line of said Permanent Parcel No. 113-16-18 and continuing southerly along the westerly line of Permanent Parcel Nos. 113-16-17 and 113-16-73 to its intersection with the northerly line of Permanent Parcel No. 113-16-96; thence westerly along said northerly line of said Permanent Parcel No. 113-16-96 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Permanent Parcel No. 113-16-96 and along its southerly extension to the center line of Trafalgar Avenue, N.E.; thence easterly along said center line of Trafalgar Avenue, N.E. to its intersection with the northerly extension of the westerly line of Permanent Parcel No. 113-16-74; thence southerly along said northerly extension and along said westerly line of said Permanent Parcel No. 113-16-74 to its intersection with the northerly line of Permanent Parcel No. 113-16-25; thence easterly along said northerly line of said Permanent Parcel No. 113-16-25 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-16-25 to its intersection with the northerly line of Permanent Parcel No. 113-16-26; thence easterly along said northerly line of Permanent Parcel No. 113-16-26 and continuing easterly along the southerly lines of Permanent Parcel Nos. 113-16-77, 113-16-78, and 113-16-79 to its intersection with a westerly line thereof; thence southerly along said westerly line of said Permanent Parcel No. 113-16-79 to its intersection with the southerly line thereof; thence easterly along said southerly line of said Permanent Parcel No. 113-16-79 and continuing easterly along the southerly line of Permanent Parcel No. 113-16-80 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Permanent Parcel No. 113-16-80 to its intersection with a northerly line of Permanent Parcel No. 113-16-33; thence easterly along said northerly line of said

Permanent Parcel No. 113-16-33 to its intersection with an easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-16-33 to its intersection with a northerly line thereof; thence easterly along said northerly line of said Permanent Parcel No. 113-16-33 to its intersection with an easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-16-33 to its intersection with the northerly line of Permanent Parcel No. 113-16-34; thence easterly along said northerly line of said Permanent Parcel No. 113-16-34 to its intersection with the easterly line thereof; thence southerly along said easterly line of said Permanent Parcel No. 113-16-34 to its intersection with the center line of Burbank Court, N.E.; thence easterly along said center line of Burbank Court, N.E. and along its easterly prolongation to the center line of East 162 Street; thence southerly along said center line of East 162 Street to the center line of Waterloo Road, N.E.; thence westerly along said center line of Waterloo Road, N.E. to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Waterloo Road / East 156 Street Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 661-99.

By Councilman Britt.

An emergency resolution supporting Ohio House Bill 56 to increase the Homestead Exemption eligibility requirements.

Whereas, residents of the City of Cleveland who are age 65 and older and those who are prevented from working due to a disability are especially vulnerable to changes in the economy; and

Whereas, there are over 300,000 people in Cuyahoga County that are disabled or over the age of 65 that are living on fixed incomes, many of whom are residents of the City of Cleveland; and

Whereas, real property taxes in Ohio have increased 88.5%, well above the growth of personal income during the decade ending in 1998; and

Whereas, the inflation rate over that ten year period increased 49% in Ohio, but eligibility rules for the Homestead Exemption have remained constant since 1995; and

Whereas, an additional 12,920 households in Cuyahoga County will have the ability to be relieved from an onerous real property tax burden if the Homestead Exemption eligibility ceiling is raised to \$25,000; and

Whereas, this Council of the City of Cleveland is supportive of Ohio House Bill 56 that would increase the Homestead Exemption eligibility; now, therefore,

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

Section 1. That the Council of the City of Cleveland is supportive of Ohio House Bill 56, sponsored by Representative Dale Miller, which seeks to implement and increase the income eligibility for the Homestead Exemption from \$20,800 to \$25,000 with corresponding adjustments to the intermediate brackets and urges the Ohio General Assembly to vote in favor of this legislative initiative.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following: Representative Dale Miller; Cuyahoga County Auditor Frank Russo; J. Donald Mottley, Chairperson of the Ways & Means Committee; and JoAnn Davidson, Speaker of the Ohio House of Representatives.

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

Referred to Director of Law; Committee on Legislation.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 658-99.

By Councilman Britt.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10015 Quebec Avenue, 2538 and 2562 East 82nd Street and 2479 East 86th Street to Greater Cleveland Habitat for Humanity Incorporated.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 121-19-045 as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity Incorporated.

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

P.P. No. 121-19-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 23 in Massey, Mansur and Grant's Subdivision of part of Original One Hundred Acre Lot No. 409 as shown by the recorded plat in Volume 5 of Maps, Page 59 of Cuyahoga County

Records. Said Sublot No. 23 is 40 feet front on the Northerly side of Quebec Street and extends back 137 feet 11 inches deep on the Westerly line, 137 feet 10 inches deep on the Easterly line and is 40 feet wide on the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That 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. 126-02-106 as more fully described in Section 4 below, to Greater Cleveland Habitat for Humanity Incorporated.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 126-02-106

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in J. Steffen's Re-Subdivision of part of Keyes and Edward's Subdivision of part of Original One Hundred Acre Lot No. 415 as shown by the recorded plat in Volume 8 of Maps, Page 29 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street (formerly Edward Avenue), 123.30 feet deep on the Northerly line, 123.14 feet deep on the Southerly line and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 5. 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. 126-02-113 as more fully described in Section 6 below, to Greater Cleveland Habitat for Humanity Incorporated.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 126-02-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in J. Steffen's Subdivision of part of Original One Hundred Acre Lot No. 415 as shown by the recorded plat in Volume 8 of Maps, Page 29 of Cuyahoga County Records and being 40 feet front on the Westerly side of East 82nd Street and extending back equal width 122.38 feet deep on the Northerly side, 122.23 on the Southerly side and 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. 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. 126-05-049 as more fully described in Section 8 below, to Greater Cleveland Habitat for Humanity Incorporated.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 126-05-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 3 in John Remington's Allotment of part of Original One Hundred Acre Lot No. 416, as shown by the recorded plat in Volume 1 of Maps, Page 14 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Easterly line of East 86th Street, (formerly Congress Street), at its intersection with the Southerly line of Purcell and Weaver's Subdivision as shown by the recorded plat in Volume 29 of Maps, Page 17 of Cuyahoga County Records; thence Southerly along the Easterly line of East 86th Street, 40 feet to the Northwesterly corner of land conveyed to Herbert W. Wolcott by deed dated February 18, 1895, and recorded in Volume 579, Page 131 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed

120 feet to the Northeasterly corner thereof; thence Northerly and parallel with the Easterly line of East 86th Street 40 feet to the Southerly line of the Purcell and Weaver's Subdivision as aforesaid; thence Westerly along the Southerly line of said Subdivision, 120 feet the place of beginning, as appears by said plat.

Section 9. 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 10. 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 11. 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 12. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 659-99.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend Section 46 of Ordinance No. 520-99, passed March 31, 1999, and Section 49 of Ordinance No. 520-99, passed March 31, 1999, as amended by Ordinance No. 598-99, passed April 12, 1999, relating to compensation for various classifications.

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

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

Section 1. That Section 46 of Ordinance No. 520-99, passed March 31, 1999, is hereby amended to read as follows:

Section 46. Division of Police, Patrol Officers

The annual salaries of persons appointed to the ranks of patrol officer shall be fixed by the appointing authority within the limits established in the following schedules:

		Minimum	Maximum
1.	Patrol Officer I	\$41,619.65	\$42,119.65
2.	Patrol Officer II	38,098.87	38,098.87
3.	Patrol Officer III	37,598.87	37,598.87
4.	Patrol Officer IV	36,598.87	36,598.87
5.	Trainee	\$8.50 per hour	\$8.50 per hour

Section 2. That existing Section 46 of Ordinance No. 520-99, passed March 31, 1999, is hereby repealed.

Section 3. That Section 49 of Ordinance No. 520-99, passed March 31, 1999, as amended by Ordinance No. 598-99, passed April 12, 1999, is hereby amended to read as follows:

Section 49. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Battalion Chief	\$65,244.39	\$65,744.39
2. Captain	56,176.20	56,676.20
3. Lieutenant	48,358.79	48,858.79
4. Firefighter		
Journeyman	41,619.65	42,119.65
Apprentice — Medic III	38,098.87	38,098.87
Apprentice — Medic II	37,598.87	37,598.87
Apprentice — Medic I	36,598.87	36,598.87
Trainee	\$ 8.50 per hour	\$ 8.50 per hour

Section 4. That existing Section 49 of Ordinance No. 520-99, passed March 31, 1999, as amended by Ordinance No. 598-99, passed April 12, 1999, is hereby repealed.

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

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

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

Ord. No. 660-99.

By Councilman White (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a fourteenth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue; and to allow the City to utilize the Broadway YMCA gymnasium for a youth basketball program.

Whereas, pursuant to Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, pursuant to Ordinance No. 1165-86, passed June 16, 1986, Ordinance No. 1255-87, passed June 8, 1987, Ordinance No. 1052-88, passed June 6, 1988, Ordinance No. 1037-89, passed September 11, 1989, Ordinance No. 1112-90, passed June 18, 1990, Ordinance No. 1368-91, passed June 17, 1991, Ordinance No. 1657-92, passed November 9, 1992, Ordinance No. 1309-93, passed June 14, 1993, Ordinance No. 373-94, passed April 18, 1994, Ordinance No. 260-95, passed March 27, 1995, Ordinance No. 490-96, passed May 6, 1996, Ordinance No. 813-97, passed June 7, 1997, the term of said agreement was extended for respective one-year periods, and Ordinance No. 511-98, passed April 6, 1998, in addition to an additional one-year extension, it also included an amendment which authorized the City to utilize the Broadway YMCA gymnasium for a youth basketball program; and

Whereas, the City wishes to further extend said agreement until December 31, 1999, for an additional fee of \$55,000.00; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a fourteenth amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio 44105 for the pur-

pose of providing recreational facilities and activities for the City's youth and to allow the City to utilize the Broadway YMCA gymnasium for a youth basketball program.

Section 2. That said fourteenth amendment shall extend the term of the agreement for one year to December 31, 1999, and in consideration for the extension of the term, the City shall pay the YMCA an additional rental of \$55,000, for a total rental for the term, as extended, of \$785,000. Said extension shall be paid from Fund No. 01-70-04-0380, Request No. 20292.

Section 3. That said fourteenth amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public interest.

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

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

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

Ord. No. 662-99.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Neighborhood Centers Association (NCA) Walk for Youth on June 19, 1999, sponsored by Park Works of Cleveland.

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 Neighborhood Centers Association (NCA) Walk for Youth, on June 19, 1999, starting point at CSU Convocation Center at the corner East 18th and Euclid, from CSU, walkers will go west on Prospect and cross East 9th, where Prospect branches off to Huron, walkers will veer left and proceed west down Huron all the way to West 9th Street. They will take

West 9th heading north to St. Clair and go east briefly on St. Clair. They will turn left on West 6th from St. Clair heading north to Lakeside. Once at Lakeside, walkers will turn right and go east until they get to West 6th by City Hall, break point for walkers to get water along the Lakeside stretch at Mall B (changing from Mall C). When walkers get to West 6th, they will turn right and head south until they reach Rockwell and make a right on Rockwell taking them west again. Once at Ontario, they will make a left on Ontario and take that briefly to Euclid and go left on Euclid taking them East all the way to East 18th. At East 18th, they will turn right and end up back at the CSU Convocation Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinance of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 664-99.

By Councilman O'Malley.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Our Lady of Good Counsel Church to stretch banners across State Road at Mobile Court and across Pearl Road between Bucyrus and Ardmore for the period from May 18, 1999 to July 1, 1999, inclusive, publicizing the OLCG Summer Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Our Lady of Good Counsel Church to install, maintain and remove banners on State Road at Mobile Court and across Pearl Road between Bucyrus and Ardmore for the period from May 18, 1999 to July 1, 1999, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 665-99.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Willie Jerido).

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

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

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Willie Jerido at 2765 East 55th Street.

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

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

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

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

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

Ord. No. 666-99.

By Councilman Lewis.

An emergency ordinance consenting and approving the issuance of a permit for a 2.2K Race and Parade on May 8, 1999, sponsored by Thurgood Marshall Recreation Center.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a 2.2K Race and Parade, sponsored by Thurgood Marshall Recreation Center, on May 8, 1999, with the 2.2K Race coming out of Thurgood Marshall Recreation Center turn right and go to E. 79th and turn right and go north to Lexington and turn left on Lexington and go west to E. 66th St. turn left on E. 66th and go south to Hough turn left on Hough and go east and finish at Thurgood Marshall; and the Parade starting at League Park go east on Lexington to E. 71st make a left on E. 71st go north to Wade Park make a left on Wade Park go west on Wade Park to E. 66th make a left on E. 66th and go south to Hough make a left on Hough and finish at Thurgood Marshall Recreation Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 663-99.

By Councilman Lewis.

An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 7102 Hough Avenue.

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of this state, as they sold alcoholic beverages to minors, and that 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 in that pursuant to Section 4303.271 of the Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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 Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 8681813, owned by Sulaiman Inc., DBA Hough Food Deal Market, 7102 Hough Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code.

Section 2. That the Clerk of Council is hereby 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, and a statement by the Director of Law that, in the Director's opinion, the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

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

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

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

Res. No. 667-99.**By Councilman Cimperman.****An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 1113-1115 Norwood Rd., 1st Fl. & Bsmnt.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 5673942, Mazoza Inc., 1113-1115 Norwood Rd., 1st Fl. & Bsmnt., Cleveland, Ohio 44103; 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 stock transfer of a C2 and C2X Liquor Permit to Permit No. 5673942, Mazoza Inc., 1113-1115 Norwood Rd., 1st Fl. & Bsmnt., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 668-99.**By Councilman Cimperman.****An emergency resolution objecting to the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Ave., 1st and 2nd Fls. N. End & Patio W/S.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 1990748, DBDC Management Co. Inc., DBA Millennium, 1012 Sumner Ave., 1st and 2nd Fls. N. End & Patio W/S, Cleveland, Ohio 44115; 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 stock transfer of a D1, D2, D3, D3A and D6 Liquor Permit to Permit No. 1990748, DBDC Management Co. Inc., DBA Millennium, 1012 Sumner Ave., 1st and 2nd Fls. N. End & Patio W/S, Cleveland, Ohio 44115 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 669-99.**By Councilman Lewis.****An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 8800 Hough Ave., 1st Fl., and repealing Res. No. 1473-98, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 8800 Hough Ave., 1st Fl., by Res. No. 1473-98, adopted by Council August 18, 1998; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed March 23, 1999, a copy of which is in the file for this address in the City Law Department; 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 C2 and C2X Liquor Permit to 8800 Hough Ave., 1st Fl., be and the same is hereby withdrawn and Res. No. 1473-98, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 670-99.**By Councilman Lewis.****An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 7318 Superior Ave. & Gas Pumps, and repealing Res. No. 1474-98, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 7318 Superior Ave. & Gas Pumps, by Res. No. 1474-98, adopted by Council on August 19, 1998; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal based upon and pursuant to a cooperation agreement signed August 19, 1998, a copy of which is in the file for this address in the City Law Department; 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 C1 and C2 Liquor Permit to 7318 Superior Ave. & Gas

Pumps, be and the same is hereby withdrawn and Res. No. 1474-98, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 671-99.

By Councilman Melena.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 1871-77 W. 65th St., and repealing Res. No. 44-99, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 1871-77 W. 65th St., by Res. No. 44-99, adopted January 11, 1999; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance; 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 issuance of a C1 Liquor Permit to 1871-77 W. 65th Street, be and the same is hereby withdrawn and Res. No. 44-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 31-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with TransUnion Employment Screening Services, Inc. to provide employee background and criminal checks.

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

1. In the title, line 6 and in Section 1, line 4, strike "employee" and insert in lieu thereof "**pre-employment**".

2. In Section 1, at the end, add the following: "**The contract shall include that all automated checks shall be verified manually through records checks performed by the Consultant.**"

3. Insert a new Section 2 to read as follows:

"Section 2. That the Director of Personnel and Human Resources shall provide a report to the Employment, Affirmative Action and Training Committee as to the number of requests made to Consultant to perform background checks under this contract."

4. Renumber existing Section 2 to new "**Section 3**".

Amendments agreed to.

Ord. No. 96-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

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

1. In Section 3, at the list of agencies, at "AIDS Taskforce of Greater Cleveland", strike the dollar amount and insert in lieu thereof the following: "**\$331,000.00**".

2. Insert a new Section 4 to read as follows:

"Section 4. That the Director of Public Health shall appear before the Committee on Public Health to review the implementation of the Program six months after passage of this ordinance."

3. Renumber existing Section 4 to new "**Section 5**".

Amendments agreed to.

Ord. No. 98-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of photography supplies, for the Division of Police, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, lines 5 and 6, strike ", for a period not to exceed two years".

2. In Section 1, line 4 and in line 12, strike "two (2) years" and insert in lieu thereof in both places "**one year**".

3. In Section 2, line 1, strike "cost of said contract" and insert in lieu thereof the following: "**total cost of said contract shall not exceed three hundred thousand dollars and**".

Amendments agreed to.

Ord. No. 101-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract for the rental of golf carts, for Highland and Seneca golf courses, Department of Parks, Recreation and Properties, for a period not to exceed three years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance, when amended as follows:

1. In the title, lines 6 and 7, strike ", for a period not to exceed three years".

2. In Section 1, line 5, strike "three (3) years" and in line 14, strike "three (3) years" and in both places insert "**one (1) year**".

Amendments agreed to.

Ord. No. 174-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term of two years.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 7, strike "\$25.45" and insert in lieu thereof "**\$17.90**".

Amendment agreed to.

Ord. No. 258-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 308-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.

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

Ord. No. 361-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In Section 1, line 5, after "years" insert a comma and then after "for" insert "**two (2)**"; and in line 9, strike "determined by the Board of Control," and insert in lieu thereof "**not greater than Thirty-Eight Thousand Dollars (\$38,000) per year**".

Amendment agreed to.

Ord. No. 362-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of snow removal equipment and operators, for the various divisions of the Department of Port Control, for a period of two years.

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

Ord. No. 363-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

Ord. No. 371-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

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

Ord. No. 372-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements to property located at 776 East 105th Street, Cleveland, Ohio.

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

In Section 4, at the end, insert the following new sentences: **"The City's security interest in the collateral shall be a first position. In the event that this Council should in the future authorize additional loan monies, then the Director of Economic Development may accept a second security position on the collateral."**

Amendment agreed to.

Ord. No. 373-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance to partially finance capital improvements to property located at 1132 East 105th Street, Cleveland, Ohio.

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

Ord. No. 417-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to

accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1999 Immunization Action Plan.

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

Ord. No. 418-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program.

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

Ord. No. 419-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.

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

Ord. No. 420-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 STD Control Program.

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

Ord. No. 421-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to employ one or more professional nursing services to provide nursing services for the Division of Correction, Department of Public Health.

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

Ord. No. 451-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court, for a period of one year, with a one year option to renew.

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

**SECOND READING EMERGENCY
ORDINANCE PASSED**

Ord. No. 515-99.

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

An emergency ordinance determining the method of making the public improvement of grading, constructing and improving water and sewer lines, sidewalks, landscaping, curbs, street paving and lighting and related street improvements in

connection with the Mill Creek Housing Development project, Phase III, and authorizing the Directors of Public Service, Public Utilities or Community Development to enter into contract for the making of such improvement.

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

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

The Council adjourned at 8:47 p.m. to meet on Monday, April 26, 1999, at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 31-99.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with TransUnion Employment Screening Services, Inc. to provide **pre-employment** background and criminal checks.

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 Personnel and Human Resources is hereby authorized to enter into a two-year contract with TransUnion Employment Screening Services, Inc. for the professional services necessary to administer **pre-employment** background and criminal checks including: automated criminal records checks; automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks, based on its proposal dated May 28, 1998, in the estimated sum of \$100,000, payable from Fund No. 01-04-02-0320, Request No. 23681, for the Department of Personnel and Human Resources. **The contract shall include that all automated checks shall be verified manually through records checks performed by the Consultant.**

Section 2. That the Director of Personnel and Human Resources shall provide a report to the Employment, Affirmative Action and Training Committee as to the number of requests made to Consultant to perform background checks under this contract.

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

Ord. No. 96-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$868,532, and any other funds as they become available during the grant terms, from the Ohio Department of Health, to conduct the 1999 Federal AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 96-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance with the following agencies, in the following amounts:

Agency	Amount
Cleveland Treatment Center	\$204,000.00
Free Clinic of Greater Cleveland	94,500.00
HUMADAOP	78,175.00
AIDS Taskforce of Greater Cleveland	331,000.00
Northeast Ohio Neighborhood Health Services, Inc.	32,325.00
Xchange Point	20,000.00
Mental Health Services for the Homeless	20,000.00
Neighborhood Counseling Services	20,000.00

Section 4. That the Director of Public Health shall appear before the Committee on Public Health to review the implementation of the Program six months after passage of this ordinance.

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

Ord. No. 98-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of photography supplies, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized 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 photography supplies 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 Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one year** may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The total cost of said contract shall not exceed three hundred thousand dollars and 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 24393)

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

Ord. No. 101-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract for the rental of golf carts, for Highland and Seneca golf courses, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one (1) year** for the necessary items of the rental of golf carts for Highland and Seneca golf courses in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one (1) year** may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21110)

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

Ord. No. 174-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term 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 Director of Port Control is authorized to enter into a lease with Global Ground Services ("Lessee") for approximately 634 square feet of office space located on the ramp level of Concourse B at Cleveland Hopkins International Airport. The term of the lease shall not exceed two years and shall be effective June 1, 1999. Lessee shall pay a rental of **\$17.90** per square foot subject to increase due to yearly rates and charges evaluation.

Section 2. That the lease authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

Section 3. That the Director of Port Control and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Ord. No. 258-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Ord. No. 308-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.

Ord. No. 361-99.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to enter into contract with American Municipal Power - Ohio, Inc. for professional services necessary to provide emergency backup energy control center services for a period of two (2) years, renewable at the City's option for **two (2) additional one-year periods**, on the basis of its proposals dated September 9, 1998 and November 18, 1998, in the total annual estimated sum of \$51,636.00 for the first year with compensation for additional years to be **not greater than Thirty-Eight Thousand Dollars (\$38,000) per year** payable from Fund No. 58 SF 001, Request No. 22123, for the Division of Cleveland Public Power, Department of Public Utilities.

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.

Ord. No. 362-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of snow removal equipment and operators, for the various divisions of the Department of Port Control, for a period of two years.

Ord. No. 363-99.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Ord. No. 371-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

Ord. No. 372-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements to property located at 776 East 105th Street, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements to property located at 776 East 105th Street, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 372-99-A.

Section 3. That the costs of said contract shall not exceed \$90,764 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23764.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law. **The City's security interest in the collateral shall be a first position. In the event that this Council should in the future authorize additional loan monies, then the Director of Economic Development may accept a second security position on the collateral.**

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

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

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

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

Ord. No. 373-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Plankhi Construction & Contracting to provide economic development assistance to partially finance capital improvements to property located at 1132 East 105th Street, Cleveland, Ohio.

Ord. No. 417-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1999 Immunization Action Plan.

Ord. No. 418-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program.

Ord. No. 419-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.

Ord. No. 420-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 STD Control Program.

Ord. No. 421-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to employ one or more professional nursing services to provide nursing services for the Division of Correction, Department of Public Health.

Ord. No. 451-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court, for a period of one year, with a one year option to renew.

BOARD OF CONTROL

April 14, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 14, 1999, at 11:00 a.m., with Director Carter presiding.

Present: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors, Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Absent: Mayor White.

Others: William A. Moon, Commissioner, Purchases and Supplies, Linda Walker, Acting Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 194-99.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bonnie Speed Delivery, Inc. for an estimated quantity of Messenger Service (Group I-A, B, C; Group II-A, B, C; Group III-A, B; Group IV-A, B) for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on March 12th, 1999, pursuant to the authority of Ordinance No. 1813-98, passed November 16, 1998, which on the basis of the estimated quantity would amount to Fifty Thousand Dollars, (\$50,000.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 94259 (Economic Development) \$2,000.00
13727 (Dept. of Parks, Recreation & Properties) \$500.00
99991 (Dept. of Law) \$2,500.00
which shall be certified against such contract in the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 195-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultants by Metcalf & Eddy, consultant for the Water Distribution System Modeling Project, under City Contract No. 54127, authorized by Ordinance No. 810-97, passed June 9, 1997, and the Board of Control Resolution No. 558-98, adopted August 5, 1998, is hereby approved.

SUBCONTRACTOR WORK

Database Technologies, Inc. Database

Northeast Ohio Data and Information Service of Cleveland State University (NODIS) GIS

Black & Veatch Water Quality

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 196-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1722-98, passed by the Council of the City of Cleveland on November 23, 1998, Hagler Bailly is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to perform detailed studies of water and sewer rates covering the period from 2001 through 2005, for the Divisions of Water and Water Pollution Control, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Hagler Bailly based upon its proposal dated February 18, 1999, as revised by its March 26, 1999 letter, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$314,907.25, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Hagler Bailly for the above mentioned professional service is hereby approved:

SUBCONTRACTOR WORK

Bat Associates MBE \$49,407

Singh & Associates FBE \$20,462

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 197-99.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 1071-93, passed by the Council of the City of Cleve-

land on June 7, 1993 and Board of Control Resolution Nos. 32-94, 73-97 and 680-98 adopted January 19, 1994, February 5, 1997 and October 7, 1998 respectfully, the City entered into City Contract No. 46971 with Clean-Land, Ohio, for project management services for the Cleveland Public Power System Expansion Program for the Division of Cleveland Public Power, Department of Public Utilities, and

Whereas, by its February 3, 1999 letter Park Works, Inc. has notified the City that Clean-Land, Ohio has changed its name to Park Works, Inc.; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Park Works, Inc.'s letter of February 3, 1999, this Board hereby acknowledges the change in name and the assignment of Contract No. 46971 from Clean-Land, Ohio to Park Works, Inc.

Be it further resolved that the Director of Public Utilities is hereby authorized to execute any documents necessary to effect and recognize such name change and the assignment with respect to Contract No. 46971.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 198-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of High Voltage Maintenance Corp., for an estimated quantity of labor and material for substation switchgear and breaker repair/replacement, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 25th day of February, 1999, pursuant to the authority of Ordinance No. 1223-98, passed October 12, 1998 on the basis of the estimated quantity would amount to Two Hundred Thousand and no/100 Dollars, (\$200,000.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 21207 which shall be certified against such contract in the sum of Eighty Thousand and no/100 Dollars (\$80,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by High Voltage Maintenance Corp., for labor and material for substation switchgear and breaker repair/replacement for the above-mentioned requirement contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
Minority Electric	15% (MBE)
Lakeland Electric Supply	1% (FBE)

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 199-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Hertz Equipment Rental Corporation/Phillips for an estimated quantity of repair parts for pumps, small engines and saws (items 2 and 5), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 23rd day of December, 1998, pursuant to the authority of Section 129.26 of the Codified Ordinance of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Thirty Six Thousand Dollars, (\$36,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 02574 which shall be certified against such contract in the sum of Twenty Thousand Dollars (\$20,000.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 200-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Jordan Distributors, Inc. for an estimated quantity of repair parts for pumps, small engines and saws (items 1, 3, 6 and 7), for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract received on the 23rd day of December, 1998, pursuant to the authority of Section 129.26 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to Fifty One Thousand Dollars (\$51,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 02575 which shall be certified against such contract in the sum of Twenty Five Thousand Dollars (\$25,000.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 201-99.

By Director Balraj.

Resolved by the Board of Control of the City of Cleveland that all bids received on December 18, 1998 for Sewer Lift Stations for the Division of Burke Lakefront and Cleveland Hopkins International Airports, Department of Port Control, pursuant to the authority of Ordinance No. 1019-97, passed by the Council of the City of Cleveland on June 16, 1997, be and the same are hereby rejected.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 202-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hy-Grade Corporation for an estimated quantity of Cold Mix Material (all items) for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on January 21, 1999, pursuant to the authority of Ordinance No. 1235-98, passed September 28, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Seventy Six Thousand and no/100 Dollars, (\$176,000.00), (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. 17924 which shall be certified against such contract in the sum of Eight Thousand Eight Hundred and no/100 Dollars (\$8,800.00).

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: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 203-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hy-Grade Corporation for an estimated quantity of SSI Tack Coat (all items) for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on January 21, 1999, pursuant to the authority of Ordinance No. 1238-98, passed September 28, 1998, which on the basis of the estimated quantity would amount to approximately Sixty Thousand and no/100 Dollars, (\$60,000.00), (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. 17925 which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars (\$3,000.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 204-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 26, 1999 for Gasoline (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 2171-98, passed by the Council of the City of Cleveland on March 1, 1999, be and the same are hereby rejected.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 205-99.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Kiesler Police Supply, for an estimated quantity of .38 Caliber, Federal Hydra-Skok, 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 March 11, 1999, pursuant to Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Eight Thousand, Seven Hundred Eighty-One and 42/100 Dollars (\$8,781.42) Net, 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. 27969
5,000 rounds of .38 caliber., per specifications

which shall be certified against such contract in the sum of One Thousand Seven Hundred Fifty-Six and 25/100 Dollars (\$1,756.25)

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: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 206-99.

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 423-99, passed March 22, 1999 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property no longer needed for public use, described therein and being a portion of Permanent Parcel No. 751-01-006, to Mt. Zion Fellowship of the Brethren at a price not less than fair market value; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of Ordinance No. 423-99, passed March 22, 1999 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property no longer needed for public use, described therein and being a portion of Permanent Parcel No. 751-01-006, to Mt. Zion Fellowship of the Brethren for \$50,000.00, which amount is determined to be not less than the fair market value when taking into account all restrictions and encumbrances placed by the City in the deed of Conveyance. The quit claim deed from the City to Mt. Zion Fellowship of the Brethren shall contain such terms and conditions as the Director of Economic Development and the Director of Law deem appropriate and necessary to protect the interest of the City of Cleveland.

Be it further resolved by the Board of the City of Cleveland that the Mayor and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Acting Director Alexander.
Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

BOARD OF CONTROL

April 16, 1999

The special meeting of the Board of Control convened in the Mayor's office on Friday, April 16, 1999, at 2:45 p.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Guzman, Acting Director Miller,

Directors Hudecek, Patterson, Warren and Axelrod.

Absent: Director Whitlow.

Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolution was adopted.

Resolution No. 207-99.

By Director Carmody.

Whereas, pursuant to Ordinance No. 1744-97, passed by the Council of the City of Cleveland on October 20, 1997, and Board of Control Resolution No. 167-99, adopted March 31, 1999, the City authorized an agreement with New World Systems for the development of a Computer Aided Dispatch (CAD) system in an amount not to exceed \$1,174,429.00; and

Whereas, the amount of the contract as authorized by said Resolution No. 167-99 omitted the full cost of the software license fee; now, therefore,

Whereas, the City wishes to amend said Resolution No. 167-99 to include the full amount of the software license fee in the contract cost; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 167-99, adopted March 31, 1999 by this Board of Control, authorizing a contract with New World Systems for project management, systems integration, application software support, end-user training and technical support, personnel training, data conversion, acquisition of computer hardware, computer software and systems design, for the design, development implementation, including installation, licensing and support of a Computer Aided Dispatch (CAD) system for the Department of Public Safety is hereby amended, as reflected in New World's System revised cost proposal dated April 13, 1999, by increasing the total contract cost by four hundred thousand dollars (\$400,000.00) from \$1,174,429.00 to \$1,574,429.00.

Be it further resolved that all other provisions of said Resolution No. 167-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Acting Director Roberts, Directors Ricchiuto, Guzman, Acting Director Miller, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, MAY 3, 1999

9:30 A.M.

Calendar No. 99-59: 1829 East 55th Street (Ward 7)

Service Station Equipment Company, owner, and Oriana House Inc., prospective purchaser c/o Eric Dri vdahl, agent, appeal to renovate and change the use of an approximately 255' x 190' existing two-story masonry "L" shaped building located in a General Retail and Semi-Industry District and situated on an approximate 310' x 240' parcel into a correctional half-way house where the first and second floors will be used as residential dormitories, classrooms, group rooms, offices and the installation of restrooms, shower and laundry facilities to accommodate 150 persons; said change of use being contrary to the Specific Uses Regulated Requirements of Sections 347.15(b)(c) where the establishment of a correctional half-way house requires Board of Zoning Appeals approval, and Section 347.15(d), Permitted Locations, and Section 347.15(f) where a maximum of 100 residents subject to the correctional oversight are permitted and 150 are proposed, and Section 347.15(h) where submittal of certification that no resident will be accommodated who exhibits a pattern of violent behavior or who has been convicted of rape, murder or felony crimes against children, and Section 357.15(j), Application Requirements, and contrary to the Landscaping and Screening Requirements of Section 352.10 where a 6' wide medium strip landscape frontage strip is required along East 55th Street and Quimby Avenue to screen the parking lot from the street, and 352.08, 352.09 and 352.11 where an 8' heavy landscaping transition strip is required to separate the use from the residential use to the rear, and a landscaping plan is required per Section 352.12 of the Codified Ordinances.

Calendar No. 99-69: 3008 Cedar Avenue, a.k.a. 3006-3008 Cedar Avenue (Ward 5)

City of Cleveland, owner, and Quadrangle Inc., tenant, appeal for a permit to use an existing 47' x 132' parcel as an outdoor market and to pave and landscape the parcel which is located in a General Retail Business District on the northeasterly side of East 30th Street at 3008 Cedar Avenue a.k.a. 3006-3008 Cedar Avenue; said pro-

posal being contrary to the Specific Uses Regulations of Section 347.11 where open lots require a minimum lot width of 60' and approximately 48' are proposed and all temporary sales stands, booths, tables and/or tents must keep a 10' setback from Cedar Road and East 30th Street and contrary to the Off-Street Parking and Loading Regulations where the current parking arrangement requires backing into the public alley and the driveway used to provide access for off-street parking shall be located so as to minimize traffic congestion as stated in Section 349.07(c) of the Codified Ordinances.

Calendar No. 99-70: 2165 East 30th Street (Ward 5)

City of Cleveland, owner, and Quadrangle Inc., tenant, appeal for a permit to use an existing 134' x 25' parcel for parking 7 cars and to pave and landscape that parcel which is located in a Multi-Family Residential District on the southeasterly side of East 30th Street at 2165 East 30th Street; said proposal being contrary to the Off-Street Parking and Loading Regulations of Section 349.14(c) where a parking lot in a residential district requires approval from the Board of Zoning Appeals and Section 325.03 where an accessory parking space shall be not less than 180 sq. ft. and 2 proposed spaces are less than 180 sq. ft. and contrary to the Yards and Courts Regulations of Section 357.14, where the parking of motor vehicles in a required side yard of residential lot equal to 10% of the width of lot is prohibited and contrary to the Off-Street Parking and Loading Regulations where the current parking arrangement requires backing into the public alley and the driveway used to provide access for off-street parking shall be located to minimize traffic congestion as stated in Section 349.07(c) of the Codified Ordinances.

Calendar No. 99-74: Appeal of Richard Seawright

Richard Seawright, appeals under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from being denied, upon the recommendation of Martin Flask, Chief of the Cleveland Police Division, a handgun registration and a handgun owner's identification card which was filed for on February 1, 1999.

Calendar No. 99-78: 2146 West 5th Street (Ward 13)

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appeals to erect a 20' x 144' three-story two family dwelling house and a 20' x 20' detached private garage on a 25' x 100' lot located in a B-Multi-Family District on the southwesterly side of West 5th Street between West 5th Street and West 6th Place; said proposal being contrary to the information requirements of Section 327.02(d) of the Codified Ordinances and Section 355.05 where the lot area required is 6000 sq. ft. and 2500 sq. ft. is proposed and the lot width required is 40' and 25' is proposed, and Front Yard Regulations as stated in Section 357.04, where the required front yard setback is 15' and 10' is proposed, and said use being contrary to the required interior side yard of Section 357.09, where the interior side yard proposed is 3'-6" and 1'-6" instead of the 3' and 7' required

and said building to be less than 10' from a main building on an adjoining premises as required by Section 357.09(B)(2)(A) of the Codified Ordinances.

Calendar No. 99-80: 4401 Brooks Road (Ward 2)

Zaremba Cleveland Communities, owner c/o John Leonard, vice-president, and Michael Caito, architect, appeal to construct an approximately 60' x 20' two-story club house in a One-Family District and situated on an irregular acreage parcel on the north side of Brooks Road at 4401 Brooks Road; said construction being contrary to Section 337.02 where a recreational or community center building is subject to the review and approval of the Board of Zoning Appeals and contrary to the Off-Street Parking and Loading Regulations where 0 parking spaces are proposed and 23 parking spaces are required as stated in Section 349.04 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 19, 1999

At the Meeting of the Board of Zoning Appeals on Monday, April 19, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 99-58: 3767 West 130th Street

Luther and Juanita Peters, owners, and Patio Enclosures, Inc., agent, appealed to enclose an existing front porch of a two-family dwelling house in a Two-Family District.

Calendar No. 99-61: 1901 Eglindale Avenue

Cuyahoga County, owner, and Multiple Sclerosis Association of America/HUD, tenants, appealed to erect a two-story frame 17 dwelling units apartment building and accessory parking area on a corner parcel in a Two-Family District.

Calendar No. 99-8: 1519 Lakeview Avenue

Lemaud Williams, owner, and Wallace Floyd, appealed to change use of the front portion of a first floor of a two-story masonry building identified by address as 1501 Lakeview Avenue into occupancy for assembly on a parcel situated partially in the City of East Cleveland and located in a Two-Family and Semi-Industry District, subject to conditions stipulated and agreed upon by appellants and neighboring residential property owners.

The following appeal was **Withdrawn**:

Calendar No. 99-56: 1946 St. Clair Avenue

Seaway Acceptance Corporation, owner, and Code Blue Inc., tenant, appealed to install approximately 163 linear ft. of 6' high solid wooden fencing where 35 linear ft. are proposed to the east and the remaining proposed on the southerly portion of a parcel in a Semi-Industry District.

The following appeals was **Dismissed**:

Calendar No. 99-54: 8204-8208 Medina Avenue a.k.a. 1101 East 82nd Street

Bonnie Jones, owner, appealed to install approximately 90 linear ft. of 5'-6" high wooden fencing on a corner parcel occupied by a one-story building in a Two-Family District.

The following appeals were **Postponed**:

Calendar No. 99-33: 16501 Euclid Avenue postponed to May 17, 1999.

Calendar No. 99-57: 1743-1749 East 55th Street postponed to May 10, 1999.

On Monday, April 19, 1999, in Executive Session:

The following appeals were heard on Monday, April 12, 1999, and said decisions to **GRANT** were approved and adopted by the Board on April 19, 1999:

Calendar No. 99-48: 10002 Empire Avenue

Michele Person, owner, appealed to enclose a 7' x 24' one-story front porch area of an existing 24' x 37' one family, two-story dwelling house in a One Family District.

Calendar No. 99-49: 882 East 185th Street

Scott Nathanson, owner, appealed to change use of an existing 47' x 36' two-story one dwelling unit and tavern/restaurant building and 21' x 20' attached one-story building into a restaurant and to paint new signage on the south side of the existing two-story building in a Local Retail District.

The following appeal was heard on Monday, April 12, 1999, and said decision to **DENY** was approved and adopted by the Board on April 19, 1999:

Calendar No. 99-50: 3205 West 138th Street

Miriam Santiago, owner, appealed to install approximately 100 linear ft. of 6' high stockade fencing on a triangular corner parcel in a One-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
April 14, 1999

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

* * *

The meeting for April 14, 1999 has been postponed; rescheduled for April 21, 1999 at the Cleveland Convention Center — 500 Lakeside Avenue — Room 211.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, APRIL 29, 1999

Direct Haul/Contingency Municipal Solid Waste Contract, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 317-99, passed by the Council of the City of Cleveland, April 5, 1999.

The Rehabilitation of Aetna Road from Broadway to East 93rd St., for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1257-97, passed by the Council of the City of Cleveland, July 16, 1997.

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

Ridge Road Landfill - Clay Capp Installation and Hillside Cleaning, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 323-93, passed by the Council of the City of Cleveland, May 3, 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 FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

Great Materials/Promotional Items, for the Department of Public Safety, as authorized by Ordinance No. 183-99, passed by the Council of the City of Cleveland.

Laser Speed Measuring Devices, for the Division of Police, Department of Public Service, as authorized by Ordinance No. 1954-98, passed by the Council of the City of Cleveland, December 14, 1998.

April 14, 1999 and April 21, 1999

FRIDAY, APRIL 30, 1999

Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2171-98, passed by the Council of the City of Cleveland, March 1, 1999.

Exterminating Service, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2096-98, passed by the Council of the City of Cleveland, February 1, 1999.

April 14, 1999 and April 21, 1999

WEDNESDAY, MAY 5, 1999

Recreation Center Doors and Frame Renovation, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON APRIL 27, 1999, 10:00 A.M. AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

April 14, 1999 and April 21, 1999

THURSDAY, MAY 13, 1999

Outdoor Lighting Program (Material and Installation), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 508-98, passed by the Council of the City of Cleveland, May 13, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 29, 1999, 10:00 A.M., AT 1300 LAKESIDE AVENUE.

April 14, 1999 and April 21, 1999

THURSDAY, MAY 27, 1999

12 and 2.4 kV Transformers, 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.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 13, 1999, 10:00 A.M., AT 1300 LAKESIDE AVENUE.

April 14, 1999 and April 21, 1999

WEDNESDAY, MAY 5, 1999

Summer Lunch Program, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 320-99.

Various Foods, Condiments and Paper Products, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 320-99.

Pool Chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 322-99.

April 21, 1999 and April 28, 1999

THURSDAY, MAY 13, 1999

Server, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1744-97, passed by the Council of the City of Cleveland, October 20, 1997.

Liquid Chlorine, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

Sodium Fluorosilicate and Fluorosilicic Acid, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland, 1976.

April 21, 1999 and April 28, 1999

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 340-99.****By Councilman Coats.**

An emergency resolution urging HUD to demolish the Belvoir-Cliffs apartment building and to grant title to the property to the City of Cleveland for compatible neighborhood development.

Whereas, the U.S. Department of Housing and Urban Development (HUD) owns the Belvoir-Cliffs, a 160 unit apartment building, located at the intersection of Belvoir Blvd. and Cliffview Road in the Euclid Park community of the City of Cleveland; and

Whereas, HUD was forced to assume ownership and control of the building because its previous owner let the property fall into severe disrepair, as evidenced by numerous significant code violations and its very low occupancy rate; and

Whereas, Belvoir-Cliffs has become a haven for illegal drug activities and prostitution, presenting a profound safety risk to the surrounding neighborhood; and

Whereas, the configuration of the buildings lacks recreational and structural amenities and presents a barracks-like appearance, detracting from the aesthetic appearance of the neighborhood and making it markedly different from the surrounding ranch-style houses; and

Whereas, the citizens of the community, in the interest of safety and well-being of the neighborhood, have expressed their desire to have the facility demolished, as opposed to HUD performing a cosmetic alteration of the apartment building; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges HUD to act in the best interest of the residents of the City of Cleveland and to demolish the Belvoir-Cliffs apartment building, as it unsafe and undesirable for low income housing.

Section 2. That, upon demolition of Belvoir-Cliffs, HUD grant title to the property to the City of Cleveland so that it may be developed in a use that is compatible with and meets the needs of the surrounding community.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to Andrew Cuomo, Secretary of the U.S. Department of Housing and Urban Development; Mayor Michael White; and Linda Hudecek, Director of Community Development.

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 March 1, 1999.

Effective March 10, 1999, without the signature of the Mayor.

Res. No. 600-99.

By Councilman Johnson.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 2664 Woodhill Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 97601540010, Woodhill Best Grocery Co., DBA Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is

already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 97601540010, Woodhill Best Grocery Co., DBA Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 12, 1999.

Effective April 21, 1999.

Res. No. 601-99.

By Councilman Polensek.
An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 16826 Lakeshore Blvd., and repealing Res. No. 2019-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 16826 Lakeshore Blvd., by Res. No. 2019-98, adopted November 16, 1998; and

Whereas, this Council wishes to withdraw its objection to the above

transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed April 8, 1999, a copy of which is in the file for this address with the City Law Department; and

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 16826 Lakeshore Blvd., be and the same is hereby withdrawn and Res. No. 2019-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted April 12, 1999.

Effective April 21, 1999.

Res. No. 602-99.

By Councilman Polensek.
An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 19600 South Waterloo Road West Side, and repealing Res. No. 1503-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 19600 South Waterloo Road West Side, by Res. No. 1503-98, adopted August 19, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed February 8, 1999, a copy of which is in the file for this address with the City Law Department; 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 D1, D2, D3 and D3A Liquor Permit to 19600 South Waterloo Road West Side, be and the same is hereby withdrawn and Res. No. 1503-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted April 12, 1999.

Effective April 21, 1999.

Res. No. 603-99.**By Councilman Patmon.**

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 7914 St. Clair Ave.

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. 7689944, Salmah Inc., DBA California Food Market, 7914 St. Clair Ave., Cleveland, Ohio 44103, to Permit No. 9831966, Yie Inc., DBA California Market, 7914 St. Clair Ave., Cleveland, Ohio 44103; 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. 7689944, Salmah Inc., DBA California Food Market, 7914 St. Clair Ave., Cleveland, Ohio 44103, to Permit No. 9831966, Yie Inc., DBA California Market, 7914 St. Clair Ave., Cleveland, Ohio 44103 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 April 12, 1999.

Effective April 21, 1999.

Res. No. 604-99.

By Councilmen Cimperman, Cinton, Coats, Dolan, Gordon, Jones, Melena, Patmon, Robinson, Sweeney, White, Willis, Zone and Rybka.

An emergency resolution urging state officials and legislators to take certain actions to strengthen the services and effectiveness of Medicaid HMOs.

Whereas, this Council of the City of Cleveland is greatly concerned with the health, safety and welfare of Cleveland residents, particularly families and children; and

Whereas, the first priority of Ohio's Medicaid system must be to ensure high quality health care for families and children who participate in the program; and

Whereas, participants in Cuyahoga County's Medicaid HMO have expressed various concerns about health care available to people with Medicaid HMOs; such concerns include confusing and inaccurate billing; difficulty accessing referrals, medication and the emergency room; and a lack of access to health care for low and middle income working parents; and

Whereas, this Council is concerned about the collapse of Personal Physician Care (PPC) and the problems faced by its former subscribers due to its collapse; now, therefore,

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

Section 1. That the Council of the City of Cleveland believes that all residents of the City of Cleveland and throughout the State of Ohio are entitled to receive quality medical health care and supports the expansion of Medicaid coverage to all working parents.

Section 2. That the Council urges the State General Assembly to implement policies to more effectively oversee and monitor the services and treatment offered by Medicaid HMOs.

Section 3. That the Council is concerned about the collapse of Personal Physician Care (PPC) and the impact of that collapse on its former subscribers and supports a full investigation by the State Auditor and the office of the State Attorney General into the cause of the collapse and to determine whether any criminal wrongdoing has occurred.

Section 4. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following: Secretary of Health and Human Services Donna Shalala; Governor Robert Taft; Speaker of the House JoAnn Davidson; State Auditor James DePetro; and Attorney General Betty Montgomery.

Section 5. 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 April 12, 1999.

Effective April 21, 1999.

Res. No. 605-99.

By Councilmen Cimperman, Willis and Coats.

An emergency resolution urging AT&T to refrain from implementing a minimum monthly charge for long distance telephone calls.

Whereas, AT&T has approximately 70 million long distance customers, many of whom are elderly, poor or living on a fixed income; and

Whereas, AT&T recently announced its intention to implement a \$3.00 monthly charge to long distance customers regardless of whether any long distance telephone calls have been made, effective July, 1999; and

Whereas, the Council of the City of Cleveland is opposed to the proposed \$3.00 monthly minimum charge for long distance subscribers as it negatively impacts many residents of the City of Cleveland and places an undue financial burden on them; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges AT&T to reconsider its proposed policy of implementing a \$3.00 minimum monthly charge to long distance subscribers regardless of whether any long distance telephone calls have been made and urges state and federal representatives to join with this Council in voicing opposition to this burdensome tax.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following: Senator George Voinovich; Senator Mike DeWine; Governor Robert Taft; Congressmen Dennis Kucinich and Steve LaTourette; Congresswoman Stephanie Tubbs-Jones and the Chairman of AT&T.

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 April 12, 1999.

Effective April 21, 1999.

Res. No. 607-99.

By Councilmen Patmon and White.

An emergency resolution recognizing the necessity for strong MBE/FBE programs and urging opposition to proposed state legislation that would discontinue such programs.

Whereas, the Council of the City of Cleveland recognizes that minority and female businesses have historically been at an extreme disadvantage in seeking business opportunities; and

Whereas, the Council applauds the goal of Minority and Female Business Enterprise programs to encourage, promote and safeguard the viability and strength of minority and female businesses; and

Whereas, the Council is supportive of and encouraged by the recent decision of the Ohio Supreme Court that declared a minority set-aside program for state construction contracts constitutional; and

Whereas, the Council urges Governor Taft to reactivate the minority set-aside program for state construction contracts that had been discontinued in November, 1998 as soon as possible; and

Whereas, the Council is strongly opposed to the legislation introduced in the state legislature by Senator Eugene Watts that would replace Ohio's current set-aside program with a "Challenged Business Enterprise Program"; now, therefore, Be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland recognizes the necessity for strong Minority and Female Business Enterprise programs and urges Governor Taft to reinstitute the state minority set-aside program as soon as possible.

Section 2. That the Council strongly urges state legislators to oppose the recent legislation introduced by State Senator Eugene Watts that would discontinue MBE programs.

Section 3. That the Clerk is hereby requested to transmit a copy of this resolution to the following: Governor Robert Taft; Ohio Speaker of the House JoAnn Davidson; President of the Ohio Senate Richard Finan; and State Senator Eugene Watts.

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 April 12, 1999.
Effective April 21, 1999.

Res. No. 608-99.
By Councilmen Willis and Westbrook.

An emergency resolution supporting a lawsuit filed by the City of Cleveland to require firearms manufacturers to act safely and responsibly and opposing attempts to pass legislation at the state level to bar the filing of such lawsuits.

Whereas, this Council of the City of Cleveland, through Resolution No. 2125-98 adopted December 7, 1998, acknowledged the danger of firearms and urged the Mayor and Director of Law to institute a lawsuit against firearm manufacturers on the basis of public nuisance and product liability; and

Whereas, the Mayor recently filed an action in Cuyahoga County Common Pleas Court against firearms manufacturers for failing to act safely and responsibly; and

Whereas, in response to the actions of this Council and the Administration, the National Rifle Association (NRA) announced its intent to seek a sponsor for legislation at the state level to bar lawsuits against firearm manufacturers; and

Whereas, the NRA has lobbied for similar legislation to limit lawsuits in Alabama, Louisiana and Wyoming; and

Whereas, this Council believes that firearm manufacturers must be held to the same, if not heightened, standards as other manufacturers of dangerous products, and is therefore opposed to any attempts to limit lawsuits against firearm manufacturers; now, therefore

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

Section 1. That this Council of the City of Cleveland is supportive of attempts to hold firearm manufacturers accountable to act safely and responsibly in the manufacturing

and marketing of its products.

Section 2. That this Council opposes the intent of the National Rifle Association to seek a legislative prohibition at the state level to filing lawsuits against firearm manufacturers and strongly urges state legislators to reject such attempts by the NRA.

Section 3. That the Clerk of Council is requested to transmit a copy of this Resolution to Speaker of the House JoAnn Davidson; Ohio Senate President Richard Finan; and Mayor Michael White.

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 April 12, 1999.
Effective April 21, 1999.

Ord. No. 1143-98.
By Mayor White.
An emergency ordinance authorizing the Mayor to enter into an agreement with The City of Cleveland and Omni Outdoor & Company Limited Partnership, or its designee, to develop a system of informational kiosks to assist both tourists and local residents visiting cultural and other attractions in Cleveland's neighborhoods and downtown, designating the programs for royalties received from that kiosk system, granting encroachment permits and outlining other aspects of the kiosk system.

Whereas, the number of cultural and other attractions to both tourists and local residents has increased in Cleveland's neighborhoods and downtown over the past decade, causing an increase in pedestrian and other traffic in these areas;

Whereas, directional and path-finding maps would be beneficial to these pedestrians and other travelers;

Whereas, City officials have been working with a company to develop a system of informational kiosks for Cleveland;

Whereas, the system of informational kiosks to be developed through this legislation is intended to improve the quality of life and further the public convenience;

Whereas, this Council finds that it is necessary to impose restrictions, based on health, safety and welfare considerations, on the use of the informational kiosks for certain purposes that are inconsistent with the positive goals intended by the creation of this forum;

Whereas, the system of informational kiosks to be developed through this legislation is declared by this Council to be a limited public forum;

Whereas, the creation of a limited public forum is intended to preserve the positive goals intended by the introduction of kiosks into the community;

Whereas, this Council finds that the public policy that was established by the passage last year of Chapters 680A and 680B of the Codified Ordinances, which imposed time, place and scope limitations on the placement of advertisements for alcohol and tobacco products, should be continued and furthered by the

establishment of restrictions on the placement of such advertisements on the informational kiosks;

Whereas, these additional restrictions are being imposed for the same public policy reasons that led to the passage of Chapters 680A and 680B;

Whereas, this Council further finds that the public policy established by Sections 350.11 and 623.14 of the Codified Ordinances, which prohibits, among other things, the posting of political signs upon any public property, should be continued and furthered by prohibiting the placement of political advertisements on the informational kiosks;

Whereas, in addition to continuation of the existing public policy established by Sections 350.11 and 623.14, political advertisements would detract aesthetically from the informational kiosks, especially because this type of advertisement tends to remain posted after the election or event for which the political advertisement was placed;

Whereas, limiting kiosk advertising to innocuous and less controversial commercial and service-oriented advertising minimizes the chances of abuse, appearances of political favoritism, public dissension and complaints and the risk of imposing upon an unwilling audience;

Whereas, this Council finds that there are many other forums for the exercise of political speech, and for the placement of political ads, and many other forums for the advertisement of alcohol and tobacco products;

Whereas, this Council finds that the restrictions being imposed by this legislation on the placement of advertisements on kiosks for alcohol and tobacco products and political advertisements are narrow, reasonable, and necessary to the goals intended by the creation of this limited public forum;

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

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

Section 1. That notwithstanding any other ordinance or Codified Ordinance to the contrary, and in accordance with the Whereas clauses found in the preamble of this ordinance, which are hereby declared to be legislative findings of this Council, the Mayor is hereby authorized to enter into an Agreement with Omni Outdoor & Company Limited Partnership, or its designee, for the design, construction, installation and maintenance of a network of kiosks providing directional and other information to be located throughout the City.

Section 2. That notwithstanding any other ordinance or Codified Ordinance to the contrary, the Agreement authorized by Section 1 of this ordinance shall be substantially in the form as follows:

**AGREEMENT BY AND BETWEEN
THE CITY OF CLEVELAND
AND
OMNI OUTDOOR & COMPANY
LIMITED PARTNERSHIP**

THIS AGREEMENT ("Agreement") is made this _____ day of _____, 1998, by and between THE CITY OF CLEVELAND ("City" or "Cleveland"), a municipal corporation organized and existing under Article XVIII of

the Ohio Constitution, and OMNI OUTDOOR & COMPANY LIMITED PARTNERSHIP ("Company"), a duly organized limited partnership.

Whereas, Cleveland desires a network of directional and informational kiosks to be located throughout the City to provide information to pedestrians and other travellers about the City and its cultural and other attractions;

Whereas, the Company has proposed to develop, design, construct, install and maintain a network of directional and informational kiosks for the City of Cleveland;

Now therefore, in consideration of the mutual covenants contained herein, Cleveland and Company agree as follows:

1. PURPOSE

1.1 Cleveland shall allow, pending the appropriate permits, the Company to install on an exclusive basis in the City a network of a maximum of 195 kiosks, subject to the option set out in Section 2.4 herein ("Network"), at those locations agreed to by the City and Company that satisfy the location criteria stated in Section 4 herein. The initial locations shall be substantially in accordance with the locations identified in Exhibit "A." [Exhibit A is contained in Council File No. 1143-98-A.]

2. KIOSKS

2.1 The Company shall assume the costs of designing, manufacturing and installing the Network of kiosks (maximum of 195 kiosks or 295 if option exercised) at only the locations identified in attached Exhibit A, provided that each location shall satisfy the location criteria stated in section 4.3 herein.

2.2 The Company shall obtain all required permits from the City, prior to construction of the kiosks. The Company shall also obtain, prior to construction, approval of the drawings and the design of the kiosks. The City may require, at the Company's expense, reasonable and required changes to such drawings and design before their final approval.

2.3 The Company shall submit to the City, for approval a prototype of each type of kiosk.

2.4 The City acknowledges that the Company would like to expand the Network by one hundred (100) kiosks in the six (6) years following the execution of the Agreement. However, Company understands and agrees that any expansion whatsoever shall be subject to the approval of the City at the time of the proposed expansion. It is understood that any additional kiosk shall be located on a site which is mutually agreed to between the City and the Company, provided that each new location shall satisfy the location criteria stated in section 4.3 herein.

3. MATERIALS

3.1 The kiosks shall be manufactured and installed by suppliers and with materials selected by the Company but approved by the City. The Company shall use its best efforts to use Cleveland and local suppliers and materials. However, all suppliers shall be located in the United States and all materials shall be purchased in the United States.

3.2 The materials used in the construction process shall be new and according to the specifications contained in the drawings.

3.3 If the Company wishes to substitute materials used in the manu-

facturing of the principal components of the kiosks with other materials, the Company shall request the approval of the City and provide appropriate specifications and details. The City shall have final authority to approve or disapprove the substitutions of materials. The City shall inform the Company of its decision within thirty (30) days of the receipt of all the documents requested by the City.

4. INSTALLATION AND LOCATION

4.1 The kiosks shall be installed by the Company or its representatives in conformity with all municipal, state and federal regulations and laws.

4.2 The Company shall assume all of the installation costs and all other costs required to displace or alter the infrastructure in order to permit the Company to install a kiosk.

4.3 Kiosks shall be located so that there is a clear zone of four (4) feet around all sides of each kiosk, except for any side which faces a street. There must be a clear zone of two (2) feet from any curb, measured from the back of the curb. The width of unobstructed walkway around any kiosk shall be ten (10) feet in the Central Business District and six (6) feet in all other districts. The minimum distance of any kiosk from a handicap curb ramp, utility pole, tree, fire hydrant or stand pipe shall be five (5) feet. Kiosks shall not be located on any existing utility chase. Kiosks must be located in, and centered in, the amenity strip where one exists. Kiosks shall not be located in curb radii at intersections. Kiosks shall not be located immediately in front of building entrances so as to impede ingress or egress. Kiosks shall not block motorist sight lines at intersections. Kiosks shall not block motorists' view of regulatory signs, traffic signals, or street name signs.

4.4 The Director of Public Service or the Director of Public Safety may vary any location requirement over which either may have jurisdiction so long as the variation will not compromise public safety.

4.5 At least three (3) kiosks shall be located in each ward of the City. The locations and designs of all kiosks located outside of the Central Business District shall be approved by the relevant ward's councilmember in writing prior to installation. Furthermore, a councilmember may waive the right to at least three (3) kiosks; however, the waived kiosks may not be thereafter located in the Central Business District.

5. ELECTRIFICATION

5.1 Each kiosk shall be lit up twenty four (24) hours a day.

5.2 The supply of electricity to each kiosk shall be underground.

5.3 The Company shall assume the costs of the installation of and charges for electrical service to each kiosk.

5.4 The City shall facilitate negotiations between the Company and the electric utilities to ensure that the kiosks can be properly electrified. The Company shall seek competitive proposals from Cleveland Public Power ("CPP") for electric service to the kiosks. The Company shall give due consideration to using the services of CPP for electricity whenever a CPP connection is available and its rates are equal to or lower than any other utility company providing the same services.

6. MAPS AND SIGNS

6.1 The Company shall finance up to fifty seven thousand dollars (\$57,000) of the costs associated with the printing of the maps and up to seventy-five thousand dollars (\$75,000) of the costs associated with the design and printing of the tourist orientation signs. If it appears either dollar amount will be exceeded for the design and printing of the required tourist orientation and public information signs, the Company shall notify the City. The City shall not be required to expend any funds to make the required tourist orientation and public information signs. The Company shall be entitled to deduct said amounts from the royalty payments to be made to the City.

6.2 The Company shall obtain the approval of the City of the proofs of each map and tourist orientation sign.

7. INSTALLATION TIMETABLE

7.1 The Company shall complete the installation of all or substantially all of the kiosks in the Network within six (6) months from the execution of the Agreement.

8. MAINTENANCE

8.1 The Company shall assume, during the term of the Agreement, the costs associated with the maintenance of the kiosks and in particular shall:

8.1.1 Verify periodically the state of construction and replace the damaged materials;

8.1.2 Clean the kiosks every fourteen (14) days.

8.1.3 Subject to the following, make any and all necessary repairs and maintenance to the kiosks caused by vandalism or otherwise. The Company shall budget an annual cumulative amount of four hundred dollars (\$400) for each kiosk for such repairs and maintenance. Should the amount incurred for maintenance and repairs for the Network exceed the total budgeted amount referred to above (\$56,000 @ \$400 per kiosk) for any two consecutive years during the term of the Agreement, as demonstrated by reasonable documentation provided to the City, the City agrees that, at the beginning of the subsequent year, it will allow the Company to relocate any kiosk or group of kiosks in the Network which incurred during said period maintenance costs substantially in excess of the average maintenance costs for other locations in the Network. Such relocation shall be solely funded by the Company. The City agrees to use its best efforts to find mutually acceptable sites for such relocations having at least the same commercial value to the Company. Relocation to the new sites shall be conditioned on the appropriate permits.

8.1.4 Paint the damaged parts of the kiosks at least twice a year.

8.1.5 Remove snow around a perimeter of at least twelve (12) inches around any kiosk within twenty four (24) hours of any snowfall of at least four (4) inches.

8.1.6 Maintain a twenty four (24) hour emergency service for the purpose of insuring the security of the public, and display on each kiosk a telephone number, which number is in service twenty-four (24) hours, to which maintenance requests may be made.

8.1.7 Make the following repairs within two (2) business days of a written notice from the City, which written notice need not be by regular mail:

8.1.7.1 replace all broken glass;
 8.1.7.2 repair all lighting defects;
 8.1.7.3 repair all structural defects.
 8.2 In the event that the Company does not undertake such repairs within the delays, the City shall have the right to undertake such repairs at the Company's expense.

9. ACCESS TO INFRASTRUCTURE, MOVING OF KIOSKS

9.1 The City shall have the right, at all times to require a temporary displacement of a kiosk by giving a one (1) day written notice to the Company, which written notice need not be by regular mail, for normal repairs and maintenance of its infrastructure. In the case of an emergency, the City shall only be required to provide a four (4) hour notice to the Company, which notice may be oral or written and need not be by regular mail. The Company shall assume the costs of such temporary displacement and will deduct such costs from the royalties payable to the City under the Agreement.

9.2 The City shall have the right to request the permanent displacement of kiosks for the construction of streets, parks and public places and as may be legally necessary to preserve and maintain the public rights of way in trust for public purposes. The Company shall move the kiosks within thirty (30) days of a written notice by the City. The Company shall assume the costs of such displacement and will deduct such costs from the annual royalties payable to the City under the Agreement.

9.3 In the case where a kiosk is relocated, the City shall use its best efforts to approve a new site that is of an equivalent or superior advertising value to the Company than the previous site.

9.4 In the case of any displacement requested by the City, the City shall use its best efforts to propose and find another site for such kiosk within two (2) months of the written notice by the City under section 9.2 hereof.

9.5 In the case of any displacement required by the Company, the Company shall assume all costs related to the displacement of the kiosks and repairs to the sites.

9.6 The Company shall assume the loss of income resulting from the displacement of a kiosk during the first ten (10) days following the date of such displacement. If the displacement is requested by the City, the City shall assume, as of the eleventh (11th) day and up to the reinstallation of the kiosk, the loss of income to be established at seventy (70%) of the advertising value of the removed kiosk. This loss of income shall be deducted from the royalties.

9.7 The Company shall assume all costs related to the displacement of kiosks for the Euclid Avenue Corridor Improvement Program and no deduction shall be made from the City's royalties for any costs or loss of advertising revenue.

10. SECURITY

10.1 The Company or an affiliate shall provide to the City and maintain in force an irrevocable letter of guarantee for an amount of one million dollars (\$1,000,000) upon execution of the Agreement and for the duration of the construction period of the kiosks.

10.2 The Company or an affiliate shall provide to the City and main-

tain in force an irrevocable letter of guarantee for an amount of one hundred thousand dollars (\$100,000) to secure the maintenance obligations of the Company. This amount will be increased each year in accordance with the cost of living index applicable to the Cleveland area.

10.3 The Company shall undertake to assume the defense of the City in respect of each claim or proceeding against it and indemnify, and hold the City harmless, from any liability relating to any accident or damage resulting from the kiosks, except if the accident or damage is caused by the sole negligence of the City.

10.4 The City will assume no responsibility as a result of any accident caused by a default in the construction or maintenance of a kiosk.

10.5 The Company shall maintain in force, for the duration of the Agreement, civil and property liability insurance in the amount set out in section 10.6. The City shall be named as an additional insured under such policies.

10.6 Such insurance policy shall provide a four million dollar (\$4,000,000) coverage per event or per accident.

10.7 The Company shall assume all the costs relating to the insurance.

11. USE OF KIOSKS

11.1 Each kiosk shall have a face designated for tourist orientation and public information. The City may make use of this face without charge for such purposes.

11.2 No elected official's name, picture or likeness shall appear on the kiosk structure or the face designated for tourist orientation or public information or on any other face, except as part of a paid advertisement, provided that the paid advertisement is not a political advertisement prohibited in Section 15.2.

12. TAXES AND ROYALTIES

12.1 The Company shall assume and pay all taxes (including property taxes) and royalties relating to the manufacturing, installation and maintenance of the kiosks and the sale of advertising or all obligations resulting directly or indirectly from the Agreement.

12.2 Each year, within three (3) months following the end of its financial year, the Company shall pay to the City the following royalties:

12.2.1 a ten percent (10%) royalty on all gross revenues generated from the Network throughout the term of the Agreement;

12.2.2 beginning year four (4), a further royalty equal to thirty five percent (35%) of all gross revenues in excess of one million dollars (\$1,000,000) gross revenue per annum provided that the one million dollars (\$1,000,000) will be increased each year to reflect the cost of living index applicable to the Cleveland area applied to seven hundred thousand dollars (\$700,000) of fixed costs.

12.3 The above royalties in section 12.2 are conditional upon having 195 kiosks, or a lesser mutually agreed upon number, of which it is contemplated there will be ___ kiosks of three (3) faces and ___ kiosks of two (2) faces, generating ___ advertising faces at a cost of \$_____. Of said cost of \$_____, \$_____ would be recuperated by the Company from royalties payable to the City under the Agreement.

12.4 The Company shall provide access to the City to ten percent (10%) of its kiosk advertising faces for the City's own use and not for resale. The Company and the City shall mutually agree as to the location and use of such faces.

12.5 The Company shall maintain separate financial books and records for the Network.

12.6 The City's auditors shall have access to the books and records maintained by the Company required to determine the revenues generated by the Network. Such inspection shall occur during normal business hours and after having provided the Company with a reasonable prior written notice.

12.7 The Company's recourse for collection of any costs financed by it for the City shall be solely against the royalties. The City shall never be responsible to pay any money to the Company for costs financed by it for the City.

13. TERMINATION OF THE AGREEMENT

13.1 The City shall be entitled to terminate the Agreement if the Company is in default and has not remedied such default within thirty (30) days of a written notice from the City.

13.2 Without limiting the generality of the foregoing, the Company shall be in default if it:

13.2.1 does not respect the installation timetable for the kiosks, except if the delays result from the fault or negligence of the City or of a public utility Company;

13.2.2 refuses or neglects to remove materials forming part of a kiosk not approved by the City or not in accordance with the Agreement;

13.2.3 becomes bankrupt or insolvent, which is determined to have happened upon the filing, execution or occurrence of (a) a petition or other proceeding by, or a finding against, it for its dissolution, reorganization or liquidation, (b) a petition in bankruptcy by it, (c) an adjudication of it as bankrupt or insolvent, or (d) an assignment or petition for assignment for the benefit of creditors;

13.2.4 does not meet its obligations provided for in the Agreement;

13.2.5 does not complete the installation of the Network;

13.2.6 transfers the rights to the Agreement without the consent of the City.

13.3 Upon the happening of any one or more of the events as set forth in section 13.2 or at any time thereafter during the continuance thereof, the City may, at its option, exercise concurrently or successively any one or more of the following rights and remedies, in addition to its right to terminate as stated in section 13.1.

13.3.1 Without waiving any default, pay any sum required to be paid by Company to others than the City and which Company has failed to pay, and perform any obligation required to be performed by Company hereunder, and any amounts so paid or expended by the City in fulfilling the obligations of Company hereunder, including all interest, costs, damages, attorneys' fees and penalties, shall be repaid by Company to the City on demand with interest thereon at the rate of twelve percent (12%) per annum from the date of such payment or expenditure;

13.3.2 Enjoin any breach or threatened breach by Company of any covenants, agreements, terms, provisions or conditions hereof;

13.3.3 Sue for the collection of any amounts for which Company may be in default or for the performance of any other obligation, promise or agreement devolving upon Company for performance or damage therefor, all without terminating this Agreement;

13.3.4 Exercise any and all additional rights and remedies which the City may have at law or in equity.

13.4 All rights and remedies granted to the City herein and any other rights and remedies which the City may have at law and in equity are hereby declared to be cumulative and not exclusive and the fact that the City may have exercised any remedy without terminating this Agreement shall not impair the City's rights thereafter to terminate or to exercise any other remedy herein granted or to which it may be otherwise entitled.

13.5 At the termination of the Agreement, the City becomes owner of all the kiosks, the accessories, the maps and signs without any charge or indemnity payable to the Company.

14. DURATION OF THE AGREEMENT

14.1 The Agreement shall be for a term of twenty (20) years following its execution.

14.2 Unless directed otherwise by the City, the Company agrees to assign to the City all kiosks, the accessories and the plans and signs at the earliest of one or the other of the following events:

14.2.1 at the twentieth (20th) anniversary of the Agreement;

14.2.2 prior thereto, should the Company not remedy a default provided for in section 13 hereof.

14.3 At the termination of the Agreement, the Company shall have no further obligation towards the City, with the exception of any obligations arising out of the City's remedies for default or any obligations that are unfulfilled.

14.4 Upon an assignment pursuant to Section 14.2, the City shall take possession of the kiosks without any payment or monetary obligations toward the Company.

14.5 The City may choose to have the company remove any of the kiosks and restore the sidewalks, all at the Company's sole cost without deduction from royalties, at the happening of one of the events stated in Section 14.2. If the Company is required to remove a kiosk and restore the sidewalk, this must be completed within ninety (90) days after one of the events stated in Section 14.2.

15. POSTING

15.1 The Company shall be responsible for the entering into advertising contracts.

15.2 The Company acknowledges and agrees that it shall not post or allow to be posted any advertising of tobacco products on the Network. The Company agrees to comply with any municipal, state or federal legislation which imposes certain restrictions on the advertising of products, including the advertising of alcoholic beverage products. Recognizing that there are select areas of the City in which advertising of alcoholic beverage products is allowed, the Company fur-

ther agrees that no kiosk will contain more than one advertisement face for alcohol beverage products and that alcohol beverage product advertising will not dominate any group of kiosks in any given area. The Company and the City agree to work out an acceptable formula or ratio in connection with such advertising. The Company acknowledges and agrees that it shall not post or allow to be posted on the Network any advertising for a ballot issue, a candidate for office, a partisan political activity or a position on a political issue.

15.3 The Company undertakes to take up the defense for the City in respect of any claims or proceedings against the City resulting from advertising contracts entered into by the Company.

16. ASSIGNMENT

16.1 The Company may not assign, transfer, convey, sell or pledge its rights or interests in this Agreement or any part thereof, or any right or privilege created hereunder, except that Company shall be allowed to assign its rights to execute this Agreement to an affiliate or subsidiary of the Company.

17. CURRENCY

17.1 All dollar amounts referred to herein are in United States dollars.

18. EQUAL EMPLOYMENT OPPORTUNITY AND CITY RESIDENTS

18.1 Company acknowledges that it is the policy of the City that business concerns owned and operated by minority persons and females shall have every practicable opportunity to participate in the performance of contracts awarded or assisted by the City. Company shall use its best efforts to award fifteen percent (15%) of the construction contracts and supplier purchase orders for the Network to minority owned business enterprises and five percent (5%) of the construction contracts and supplier purchase orders for the Network to female owned business enterprises ("MBE/FBE"), as those phrases are defined in Section 187.01 of the Codified Ordinances of the City of Cleveland, that have been certified by the City's Office of Equal Opportunity ("MBE/FBE Participation Requirements"). Exemptions may be granted by the City on contracts for purchase and installation of specialized equipment or materials installed by the manufacturer. Company shall make a good faith effort to obtain any exemption from the City prior to the execution of the contract for the purchase and installation of such specialized equipment or materials, but in no event shall an exemption be obtained later than the commencement of construction of which the exemption is being sought.

The MBE/FBE Participation Requirement shall be equal to the total dollar amount of construction contracts, and supplier purchase orders less approved exemptions multiplied by fifteen percent (15%) and five percent (5%), respectively. To verify the award of MBE/FBE contracts, Company shall submit to the City copies of all contracts, subcontracts, purchase orders, lien waivers or other evidence of payment acceptable to the City.

Materials and supplies obtained from MBE/FBE suppliers and manufacturers may be counted towards fulfilling the MBE/FBE Participation Requirements if the MBE/FBE assumes the actual and contractual responsibility for the provision of the materials and supplies. The total dollar value will be counted in the case of MBE/FBE manufacturers and suppliers, provided that the MBE/FBE supplier performs a commercially useful function in the supply process. An MBE/FBE firm who performs a commercially useful function is one who supervises, manages or actually performs a distinct element of the work.

18.2 This Agreement is a "contract", and Company is a "contractor" within the meaning of Chapter 187 of the Codified Ordinances of Cleveland. During the term of this Agreement, Company shall comply with all terms, conditions and requirements imposed on a "contractor" in the Equal Opportunity Clause, Section 187.11(b), attached as Exhibit B and made a part hereof. A copy of the Equal Opportunity Clause shall be made a part of every subcontract or agreement entered into for goods or services, and shall be binding on all persons, firms and corporations with whom Company may deal.

18.3 Company shall, to the greatest extent feasible, hire and employ residents of the City of Cleveland to carry out its obligations under this Agreement and award contracts for work to carry out its obligations under this Agreement to businesses located in the City of Cleveland or owned in substantial part by persons residing in the City of Cleveland. Company shall strive to hire and employ minorities and females. City may refer potential employees to Company.

19. WORKERS' COMPENSATION: SOCIAL SECURITY ACT

19.1 Company shall at all times during the term of this Agreement subscribe to and comply with the Workers' Compensation Laws of the State of Ohio and pay such premiums as may be required thereunder and save the City harmless from any and all liability arising from or under said act.

19.2 Company shall be, and remain, an independent contractor with respect to all installations and services performed hereunder and shall accept full and exclusive liability for the payment of any and all contributions or taxes for social security, unemployment insurance, or old age retirement benefits, pensions, or annuities now or hereafter imposed under any State or Federal law which are measured by the wages, salaries or other remuneration paid to persons employed by Company or work performed under the terms of this Agreement. Company shall obey all rules and regulations which are now or hereafter issued or promulgated under said respective laws by any duly authorized State or Federal officials. Company shall indemnify and save harmless the City from any such contribution of taxes or liabilities therefor.

20. NOTICES

20.1 All notices shall be sent by regular mail, postage prepaid, to the following addresses.

20.2 Notices to the City shall be delivered or addressed to it at:

or to such other person or place as the City may designate in writing.

20.3 Notices to the Company shall be delivered or addressed to it at:

or to such other person or place as the Company may designate in writing.

21. CONSTRUCTION OF AGREEMENT

21.1 All terms and words used in this Agreement, regardless of the number and gender in which they are used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context or sense of this Agreement or any paragraph or clause herein may require, the same as if such words have been fully and properly written in the number and gender. Company agrees that no representation or warranties of any type shall be binding upon the City, unless expressly authorized in writing herein. The headings of sections and paragraphs, if any, to the extent used herein are used for reference only, and in no way define, limit or describe the scope or intent of any provision hereof. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be deemed an original, but such counterparts together shall constitute but one and the same instrument. Exhibits A and B attached hereto are hereby incorporated in and made a part of this Agreement.

21.2 This Agreement supersedes all prior Agreements between the parties respecting the subject matter of this Agreement, both written and unwritten, and constitutes the entire Agreement between the parties as of the date hereof. Any provisions of prior Agreements which conflict in any manner with the provisions of this Agreement are hereby specifically declared void and of no effect.

21.3 This Agreement shall not be changed, modified, discharged or extended except when authorized by an ordinance of the City and by written instrument executed by both parties pursuant to the laws of the State of Ohio and the ordinances and charter of the City.

21.4 If any term or provision of this Agreement is held invalid, illegal or unenforceable by any court of competent jurisdiction, the invalidity, illegality or unenforceability shall not affect any other term of provision hereof. This Agreement shall be interpreted and construed as if such term or provision, to the extent it has been held invalid, illegal or unenforceable, had never been contained herein.

23.5 Nothing contained in this Agreement shall be deemed to constitute the City and Company as partners in a partnership or joint venture for any purpose whatsoever.

23.6 This Agreement shall be construed in accordance with the laws of the State of Ohio.

24. REPORTS

24.1 Company must report annually on February 1 to the Clerk of the Council of the City (1) the royalties paid to the City in the prior year; (2) a listing of the location of each kiosk; (3) the number of Company employees and the City of residence, race and gender of each employee; and (4) a list of neighborhood or

civil notices posted on the kiosks. A copy of this report shall be delivered to the City at the appropriate address.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

CITY OF CLEVELAND

By Michael R. White
Mayor

Date: _____

OMNI OUTDOOR & COMPANY
LIMITED PARTNERSHIP

By: _____
Date: _____

WITNESSES

The legal form and correctness of this instrument is approved.

CORNELL P. CARTER
Director of Law

By: _____
Assistant Director of Law
Date: _____

Section 3. That the Mayor and the Director of Law and other appropriate City officials are hereby authorized to file all papers and execute all documents and take such other actions as may be necessary for the purpose of implementing the terms and conditions of this Agreement authorized in Section 1 of this ordinance.

Section 4. That all royalties received by the City pursuant to the Agreement authorized by Section 1 of this ordinance shall be used for the City's Storefront Renovation Program, except that annually no greater than Ten Thousand Dollars (10,000) may be paid to the Downtown Development Partnership and no greater than Ten Thousand Dollars (10,000) may be paid to the Cleveland Neighborhood Development Corp. from the royalties for their services to administer the tourist and public information aspects of the kiosk program. The maximum amount that may be paid to the Downtown Development Partnership and the Cleveland Neighborhood Development Corp. shall be adjusted each year by the annual percentage change in the Cleveland, Ohio Consumer Price Index for the twelve (12) month period ending the previous June 30, rounded to the nearest dollar. The revised maximum shall take effect on January 1 of each year.

Section 5. That no elected official's name, picture or likeness shall appear on the maps or tourist information signs or any other signs, except as part of a paid advertisement, provided that the paid advertisement is not advertising a ballot issue, a candidate for office, a partisan political activity or a position on a political issue.

Section 6. That prior to the City agreeing to certain provisions in the Agreement authorized by Section 1 of this ordinance, the City Planning Committee of Council shall be consulted. Specifically, City Planning Committee approval is necessary for substantive, non-design-related issues such as Sections 2.4, 9.3, 9.4 and 14.5 of the Agreement described in Section 2 of this ordinance.

Section 7. That notwithstanding any other ordinance or Codified Ordinance to the contrary, the Director of Public Service is hereby authorized to issue a permit or per-

mits to Omni Outdoor & Company Limited Partnership or its affiliate or subsidiary that may be a party to the Agreement authorized in Section 1 of this ordinance to erect, construct, replace and maintain various informational kiosks on the sidewalks and other public ways of the City of Cleveland at various locations throughout the City of Cleveland subject to all requirements, including the location, access and security requirements stated in the Agreement described in Section 2 of this ordinance.

Section 8. That the permit authorized in Section 7 of this ordinance shall be prepared by the Director of Law.

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

Passed April 12, 1999.
Effective April 21, 1999.

Ord. No. 595-99.

By Councilman Dolan.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Westpark Gardens to hang baskets on utility poles (by separate permission) on the west side of Warren Road between Alger and Edgecliff Roads, for the period of April 12, 1999 to May 12, 1999, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Westpark Gardens, to install, maintain and remove hanging baskets at the west side of Warren Road between Alger and Edgecliff Roads, to be attached to utility pole numbers 205040, 205042, 205037, 322444, and 205038 (by separate permission) for the period of April 12, 1999 to May 12, 1999, inclusive. Said hanging baskets shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a basket will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said baskets and said baskets shall be removed promptly upon the expiration of said permit.

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

Passed April 12, 1999.
Effective April 21, 1999.

**Ord. No. 596-99.
By Mayor White and Councilman Cimperman.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Cleveland Community Relations Board to stretch three (3) banners on Cleveland Public Power utility poles (by separate permission) publicizing "Cleveland Unity Day", for the period of April 12, 1999 through May 7, 1999 inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Cleveland Community Relations Board to install, maintain and remove three (3) banners on Cleveland Public Power utility poles (by separate permission) at Euclid Avenue on the 3rd pole E. of E. 9th St. (S) #B61-10, and the 4th pole E. of E. 9th St. (S) #B60-10; and on Stokes Boulevard South of Carnegie (W) #88329, and South of Carnegie (E) #88330; and on 1936 W. 25th Street #AOM-125 and 1947 W. 25th Street No Tag; for the period of April 12, 1999 through May 7, 1999 inclusive, publicizing "Cleveland Unity Day". Said banners shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements

of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed April 12, 1999.
Effective April 21, 1999.

**Ord. No. 597-99.
By Councilman Johnson (by departmental request).**

An emergency ordinance to amend Section 2 of Resolution No. 533-99, adopted March 29, 1999, relating to appointing an assessment equalization board to hear objections to estimated assessments with respect to the improvement of portions of the downtown area of the City of Cleveland by removing, planting, trimming, watering and creating or excavating cutouts for shade trees and other related activities in and along the streets of portions of the City of Cleveland.

Whereas, pursuant to Resolution No. 533-99, adopted March 29, 1999, this Council authorized the appointment of the assessment equalization board to hear and determine all written objections filed in accordance with law to the estimated

assessments heretofore filed with the Clerk of Council; and

Whereas, one of the freeholders appointed to the assessment equalization board is unable to meet at the determined time and place authorized by the above-named resolution; 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 2 of Resolution No. 533-99, adopted March 29, 1999, is hereby amended to read as follows:

Section 2. That the assessment equalization board shall meet at 10:00 o'clock, a.m. on the 22nd day of April, 1999, at the Cleveland Convention Center, 500 Lakeside Avenue, Third Floor Conference Room, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations including any changes which should be made in the estimated assessments, to this Council.

Section 2. That existing Section 2 of Resolution No. 533-99, adopted March 29, 1999, 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 April 12, 1999.
Effective April 21, 1999.

**Ord. No. 598-99.
By Councilman Johnson (by departmental request).**

An emergency ordinance to amend Section 49 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.

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

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

Section 1. That Section 49 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

Section 49. Division of Fire; Various Positions

The annual salaries of persons appointed to the following ranks of the Division of Fire shall be fixed by the appointing authority within the limits established in the following schedules:

	Minimum	Maximum
1. Battalion Chief	\$65,244.39	\$65,744.39
2. Captain	56,176.20	56,676.20
3. Lieutenant	48,358.79	48,858.79
4. Firefighter		
Journeyman	41,619.65	42,119.65
Apprentice — Medic III	37,697.95	38,197.95
Apprentice — Medic II	37,164.92	37,664.92
Apprentice — Medic I	36,098.87	36,598.87
Trainee	\$ 8.50 per hour	\$ 8.50 per hour

Section 2. That existing Section 49 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed, effective April 1, 1999.

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 April 12, 1999.
Effective April 21, 1999.

Ord. No. 599-99.

By Councilman Johnson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association; and to amend Section 14 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code and subject to an arbitration award, this Council hereby approves a collective bargaining agreement with the Ohio Patrolmen's Benevolent Association which contains the terms set forth in File No. 599-99-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 14 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended by read as follows:

Section 14. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Security Officer	\$10.42 per hour	\$16.19 per hour

Section 3. That existing Section 14 of Ordinance No. 520-99, passed March 29, 1999, is hereby repealed.

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 April 12, 1999.

Effective April 21, 1999.

Ord. No. 609-99.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Rockers for a walk on May 31, 1999, sponsored by the Cleveland Rockers and Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a race, sponsored by the Cleveland Rockers and Hermes Race Systems, on May 31, 1999, starting at Ontario heading southerly to Hope Memorial Bridge to W. 25th Street to Veterans Memorial Bridge to Huron to Ontario to finish in front of Jacobs Field Plaza, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed April 12, 1999.

Effective April 21, 1999.

Ord. No. 610-99.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Children's Run/Run For The Arts on May 23, 1999, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Children's Run/Run For The Arts, sponsored by Hermes Race Systems, on May 23, 1999, beginning on Ontario to Huron, Huron to East 6th Street and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 12, 1999.

Effective April 21, 1999.

Ord. No. 611-99.

By Councilman Melena.

An emergency ordinance consenting and approving the issuance of a permit for the Run for Roses Road Race on May 1, 1999, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Run for Roses Road Race, sponsored by Hermes Race Systems, on May 1, 1999, beginning on Detroit Ave. at W. 116th proceeding northbound to W. 115th then north on W. 115th to Lake Ave. Lake Ave. eastbound to Harborview. Harborview to Lake, proceeding eastbound on Lake to Cliff Drive, around Cliff back to Lake and retracing the route back to St. Roses Church on Detroit at W. 116th St., 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 Law.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Passed April 12, 1999.

Effective April 21, 1999.

Ord. No. 612-99.

By Councilmen Johnson and Westbrook.

An emergency ordinance authorizing the Director of Finance to pay as Moral Claim the sum herein set forth opposite the name of the claimant.

Whereas, pursuant to Ordinance No. 987-98, passed June 8, 1998, Council authorized this moral claim be paid to Mr. Keynan Williams at an amount of \$419.65 within six months from the effective date of that ordinance; and

Whereas, due to Mr. Williams' unusual circumstances, he did not receive any applicable paperwork, including the release, necessary to receive his claim; and

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

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

Section 1. That the Director of Finance is hereby authorized to pay as Moral Claim the sum set forth opposite the name of the following claimant and charged against the fund number opposite the name of the claimant:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Keynan Williams	10429	\$419.95	Police	01-60-02-0720

Section 2. That the authority of the Director of Finance to pay the amount set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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 April 12, 1999.

Effective April 21, 1999.

**COUNCIL COMMITTEE
MEETINGS**

Monday, April 19, 1999

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

Public Service Committee: 11:00 A.M. — Present: Sweeney, Chairman; Melena, Vice Chairman; Britt, Cintron, Jones, Patmon, Polensek. Excused: Johnson, O'Malley.

Finance Committee: 2:00 P.M. — Present: Johnson, Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis. Excused: Westbrook, Vice Chairman.

Index to Council Proceedings

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

All My Heart Educational Center

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements (O 372-99) 659-661

American Municipal Power - Ohio

Authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services - Cleveland Public Power (O 361-99)..... 658-661

Assessment Equalization Board

Amend Section 2 of Ordinance No. 533-99 — assessment equalization board to hear objections to estimated assessment (O 597-99) 674

Banners

Cleveland Community Relations Board - banners publicizing "Cleveland Unity Day" (O 596-99) 674
OLGC Summer Festival — banners — Our Lady of Good Counsel Church (O 664-99) 655

Belvoir-Cliffs Apartments

Urging HUD to demolish the Belvoir-Cliffs apartment building and to grant title to the property to the City of Cleveland for compatible neighborhood development (R 340-99) 666

Broadway YMCA

Broadway YMCA — Lease Agreement No. 35620 — youth basketball program (O 660-99) 655

Business Revitalization District

Waterloo Road/East 156 Street Business Revitalization District (BRD) (O 657-99) 650

City Planning Commission

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance (O 373-99)..... 659-661
Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements (O 372-99) 659-661
Determining the method of making the public improvement of street improvements in connection with the Mill Creek Housing Development project, Phase III - Department of Public Service (O 515-99) 659
Waterloo Road/East 156 Street Business Revitalization District (BRD) (O 657-99) 650

Civil Service Commission

Bulletins of open positions — Civil Service Commission (F 637-99)..... 641

Clark Recreation Center

Clark Recreation Center — expansion — Parks, Recreation and Properties Department (O 652-99) 645

Cleveland Hopkins International Airport

Authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term of two years (O 174-99)..... 658-660
Authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport (O 363-99)..... 659-661

Cleveland Municipal Court

Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court (O 451-99)..... 659-662

Cleveland Public Power

Authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services - Cleveland Public Power (O 361-99)..... 658-661

Cleveland State University

Contract — Cleveland State University — housing - urban land-use - property parcel - vacant lot - technical assistance — neighborhood planning and programming — Community Development (O 653-99)	646
---	-----

Codified Ordinances

To amend Section 405.06 — relating to impounding and towing fees (O 650-99).....	645
--	-----

Communications

Bridge Inspection — Cuyahoga County Engineer (F 636-99)	641
Bulletins of open positions — Civil Service Commission (F 637-99).....	641
Investment and Transaction statement — National City Bank (F 635-99)	641

Community Development

Authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program (O 371-99)	659-661
Contract — Cleveland State University — housing - urban land-use - property parcel - vacant lot - technical assistance — neighborhood planning and programming — Community Development (O 653-99)	646
To amend Section 4 and 5 of Ordinance No. 1082-98 — Emergency Shelter Grant Program — Cleveland/Cuyahoga County Office of Homeless Services (O 655-99).....	649
Year XXV Community Development Block Grant — public Improvements — Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 654-99)	646

Community Development Block Grant Program

Year XXV Community Development Block Grant — public Improvements — Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 654-99)	646
---	-----

Condolences

Bailey Lewis, Robert (R 673-99).....	641
Milkulanis, Alcuin Reverend (R 672-99).....	641

Congratulations

Christmas in April (R 677-99)	641
Gist, Martholia (R 676-99).....	641
Godalni Orkester Glasbene Sole Ljubljana Vic-Rudnik (R 675-99)	641
Whalen, Vermel (R 674-99)	641

Contracts

Contract — Cleveland State University — housing - urban land-use - property parcel - vacant lot - technical assistance — neighborhood planning and programming — Community Development (O 653-99)	646
---	-----

Convention Center and Stadium Division

Convention Center and Stadium Division — life safety system — Parks, Recreation and Properties Department (O 651-99)	645
--	-----

Cuyahoga County

To amend Section 4 and 5 of Ordinance No. 1082-98 — Emergency Shelter Grant Program — Cleveland/Cuyahoga County Office of Homeless Services (O 655-99).....	649
---	-----

Cuyahoga County Engineer

Bridge Inspection — Cuyahoga County Engineer (F 636-99)	641
---	-----

Economic Development Department

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance (O 373-99).....	659-661
--	---------

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements (O 372-99) 659-661

Emergency Medical Service

1999-2000 EMS - EMT Training Grant — grant — Ohio Department of Public Safety (O 648-99) 644

Emergency Medical Services

1999-2000 Fire - Emergency Medical Services Grant — grant — Ohio Department of Public Safety (O 649-99)..... 645

Emergency Shelter Grant Program

To amend Section 4 and 5 of Ordinance No. 1082-98 — Emergency Shelter Grant Program — Cleveland/Cuyahoga County Office of Homeless Services (O 655-99)..... 649

Empowerment Zone

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance (O 373-99)..... 659-661

Environment Division

To amend Ordinance No. 1724-98 — grants — Division of Environment (O 647-99)..... 644

Female Business Enterprise

Opposition to discontinue MBE/FBE programs (R 607-99)..... 668

Finance Department

Amend Section 14 of Ordinance No. 520-99 — Ohio Patrolmen’s Benevolent Association — compensation for various Classifications (O 599-99) 675

Amend Section 49 of Ordinance No. 520-99 - compensation for various classifications (O 598-99) 674

Authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program (O 371-99) 659-661

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements (O 372-99) 659-661

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance (O 373-99)..... 659-661

Authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court (O 451-99)..... 659-662

Authorizing the Director of Public Health to apply for a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project (O 419-99) 659-661

Authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the Ohio Department of Health for the 1999 STD Control Program (O 420-99) 659-661

Authorizing the Director of Public Health to employ professional nursing services to provide nursing services, for the Division of Correction, Department of Public Health (O 421-99) 659-661

Authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services - Cleveland Public Power (O 361-99)..... 658-661

Authorizing the payment of membership dues of the City of Cleveland in various professional organizations (O 308-99)..... 658-661

Authorizing the procurement by requirement contract of the rental of snow removal equipment and operators, for the various divisions of the Department of Port Control, for a period of two years (O 362-99)..... 658-661

Authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport (O 363-99)..... 659-661

CCA/MITIS computer system — professional consultants — maintenance and support services (O 638-99) 641

Determining the method of making the public improvement of street improvements in connection with the Mill Creek Housing Development project, Phase III - Department of Public Service (O 515-99)	659
Moral Claim - Mr. Keynan Williams (O 612-99).....	676
To amend Sections 46 and 49 of Ordinance No. 520-99 — compensation for various classifications — Division of Police and Division of Fire (O 659-99)	654

Fire Division

Amend Section 49 of Ordinance No. 520-99 - compensation for various classifications (O 598-99)	674
To amend Sections 46 and 49 of Ordinance No. 520-99 — compensation for various classifications — Division of Police and Division of Fire (O 659-99)	654

Firearms

Supporting lawsuit by the City of Cleveland — firearms manufacturers — Opposing state legislation (R 608-99).....	669
---	-----

Global Ground Services

Authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term of two years (O 174-99)	658-660
---	---------

Grants

To amend Ordinance No. 1724-98 — grants — Division of Environment (O 647-99).....	644
1999-2000 EMS - EMT Training Grant — grant — Ohio Department of Public Safety (O 648-99)	644
1999-2000 Fire - Emergency Medical Services Grant — grant — Ohio Department of Public Safety (O 649-99).....	645

Greater Cleveland Habitat

Quebec Avenue, 10015 - East 82nd, 2538, 2562 - East 86th, 2479 -Land Reutilization Program - Greater Cleveland Habitat for Humanity Incorporated (O 658-99).....	653
--	-----

Health Division

To amend Ordinance No. 1724-98 — grants — Division of Environment (O 647-99).....	644
Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 Federal AIDS Prevention Program (O 96-99).....	658-660

Health and Welfare Department

Authorizing the Director of Public Health to employ professional nursing services to provide nursing services, for the Division of Correction, Department of Public Health (O 421-99)	659-661
Authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the Ohio Department of Health for the 1999 STD Control Program (O 420-99)	659-661
Authorizing the Director of Public Health to apply for a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project (O 419-99)	659-661
Authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program (O 418-99)	659-661
Authorizing the Director of Public Health to accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1999 Immunization Action Plan (O 417-99)	659-661

Hermes Race Systems

Run for Roses Road Race (O 611-99)	675
--	-----

Homeless

To amend Section 4 and 5 of Ordinance No. 1082-98 — Emergency Shelter Grant Program — Cleveland/Cuyahoga County Office of Homeless Services (O 655-99).....	649
---	-----

House Bill

Ohio House Bill 56 — Homestead Exemption eligibility requirements (R 661-99).....	653
---	-----

House of Corrections

Authorizing the Director of Public Health to employ professional nursing services to provide nursing services, for the Division of Correction, Department of Public Health (O 421-99) 659-661

Kiosks

Informational Kiosks — develop a system — agreement with Omni Outdoor & Company Limited Partnership — assist tourist and local residents visiting cultural and other attractions in Cleveland’s neighborhoods and downtown (O 1143-98)..... **669**

Land Reutilization Program

Quebec Avenue, 10015 - East 82nd, 2538, 2562 - East 86th, 2479 -Land Reutilization Program - Greater Cleveland Habitat for Humanity Incorporated (O 658-99)..... 653

Lease Agreement

Broadway YMCA — Lease Agreement No. 35620 — youth basketball program (O 660-99) 655

Liquor Permits

East 71st Street and Hough Avenue (Ward 7) — objection to renewal (R 663-99)..... 656
Hough Avenue, 8800 - Withdrawing Objection — liquor permit (R 669-99) 657
Lakeshore Blvd., 16826 - Withdrawing objection to the transfer of ownership of a D5 Liquor Permit - Repealing Res. No. 2019-98. (R 601-99) **667**
Norwood Road, 1113-1115 - Objection to stock transfer — liquor permit (R 667-99)..... 657
South Waterloo Road, 19600 West Side - Withdrawing objection to a renewal - repealing Resolution No. 1503-98 (R 602-99)..... **667**
St. Clair Avenue, 7914 - Objecting to transfer of ownership (R 603-99)..... **668**
Sumner Avenue, 1012 — Objection to stock transfer — liquor permit (R 668-99) 657
Superior Avenue, 7318 & Gas Pumps — Withdrawing objection — liquor permit (R 670-99) 657
West 65th Street, 1871-1877 — Withdrawing objection — liquor permit (R 671-99) 658
Woodhill Road, 2664 - Objection of a C1 Liquor Permit (R 600-99) **667**

Mayor

Fairview Hospital — Expansion Plan — Mayor (O 656-99) 649

Mayor’s Office

Informational Kiosks — develop a system — agreement with Omni Outdoor & Company Limited Partnership — assist tourist and local residents visiting cultural and other attractions in Cleveland’s neighborhoods and downtown (O 1143-98)..... **669**

Memoranda of Understanding

Fairview Hospital — Expansion Plan — Mayor (O 656-99) 649

Minority Business Enterprises

Opposition to discontinue MBE/FBE programs (R 607-99)..... **668**

Moral Claims

Moral Claim - Mr. Keynan Williams (O 612-99)..... **676**

National City Bank

Investment and Transaction statement — National City Bank (F 635-99) 641

Neighborhood Centers Association

Neighborhood Centers Association Walk for Youth on June 19, 1999 — permit (O 662-99) 655

Ohio Department of Health

Authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program (O 418-99)	659-661
Authorizing the Director of Public Health to accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1999 Immunization Action Plan (O 417-99)	659-661
Authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the Ohio Department of Health for the 1999 STD Control Program (O 420-99)	659-661

Our Lady of Good Counsel Church

OLGC Summer Festival — banners — Our Lady of Good Counsel Church (O 664-99)	655
---	-----

Parks Maintenance Division

Authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties (O 258-99)	658-661
---	---------

Parks, Recreation and Properties Department

Authorizing the procurement by requirement contract for the rental of golf carts, for Highland and Seneca golf courses, Department of Parks, Recreation and Properties, for a period not to exceed three years (O 101-99).....	658-660
Authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties (O 258-99)	658-661
Broadway YMCA — Lease Agreement No. 35620 — youth basketball program (O 660-99)	655
Clark Recreation Center — expansion — Parks, Recreation and Properties Department (O 652-99)	645
Convention Center and Stadium Division — life safety system — Parks, Recreation and Properties Department (O 651-99)	645
Year XXV Community Development Block Grant — public Improvements — Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 654-99)	646

Peddlers

Jerido, Willie — peddling in Ward 5 (O 665-99).....	656
---	-----

Permits

2.2K Race and Parade — permit — Thurgood Marshall Recreation Center (O 666-99)	656
Children's Run/Run for the Arts (O 610-99).....	675
Cleveland Community Relations Board - banners publicizing "Cleveland Unity Day" (O 596-99)	674
Cleveland Rockers - Walk on May 31, 1999 (O 609-99).....	675
Neighborhood Centers Association Walk for Youth on June 19, 1999 — permit (O 662-99)	655
OLGC Summer Festival — banners — Our Lady of Good Counsel Church (O 664-99)	655
Run for Roses Road Race (O 611-99).....	675
Westpark Gardens - baskets on utility poles - Warren Road between Alger and Edgecliff Roads (O 595-99)	673

Personnel and Human Resources Department

Authorizing the Director of Personnel and Human Resources to enter into contract with TransUnion Employment Screening Services, Inc. to provide employee background and criminal checks (O 31-99)	658-659
---	---------

Piankhi Construction & Contracting

Authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance (O 373-99).....	659-661
--	---------

Police Division

Authorizing the purchase by requirement contract of photography supplies, for the Division of Police, Department of Public Safety, for a period not to exceed two years (O 98-99) 658-660

To amend Sections 46 and 49 of Ordinance No. 520-99 — compensation for various classifications — Division of Police and Division of Fire (O 659-99) 654

Port Control Department

Authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term of two years (O 174-99) 658-660

Authorizing the procurement by requirement contract of the rental of snow removal equipment and operators, for the various divisions of the Department of Port Control, for a period of two years (O 362-99) 658-661

Authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport (O 363-99)..... 659-661

Races

2.2K Race and Parade — permit — Thurgood Marshall Recreation Center (O 666-99) 656

Resolutions — Miscellaneous

AT&T — monthly charge - Long distance telephone calls (R 605-99)..... 668

Medicaid HMOs — Urging state officials and legislators to take action to strengthen the services and effectiveness (R 604-99)..... 668

Opposition to discontinue MBE/FBE programs (R 607-99)..... 668

Supporting lawsuit by the City of Cleveland — firearms manufacturers — Opposing state legislation (R 608-99)..... 669

Urging HUD to demolish the Belvoir-Cliffs apartment building and to grant title to the property to the City of Cleveland for compatible neighborhood development (R 340-99) 666

Safety Department

1999-2000 EMS - EMT Training Grant — grant — Ohio Department of Public Safety (O 648-99) 644

1999-2000 Fire - Emergency Medical Services Grant — grant — Ohio Department of Public Safety (O 649-99)..... 645

Authorizing the purchase by requirement contract of photography supplies, for the Division of Police, Department of Public Safety, for a period not to exceed two years (O 98-99) 658-660

To amend Section 405.06 — relating to impounding and towing fees (O 650-99)..... 645

To amend Sections 46 and 49 of Ordinance No. 520-99 — compensation for various classifications — Division of Police and Division of Fire (O 659-99) 654

Service Department

Cleveland Community Relations Board - banners publicizing "Cleveland Unity Day" (O 596-99) 674

Determining the method of making the public improvement of street improvements in connection with the Mill Creek Housing Development project, Phase III - Department of Public Service (O 515-99) 659

Division of Waste Collection and Disposal — front-end loaders and roll-off containers (O 646-99) 644

OLGC Summer Festival — banners — Our Lady of Good Counsel Church (O 664-99) 655

Westpark Gardens - baskets on utility poles - Warren Road between Alger and Edgecliff Roads (O 595-99)..... 673

Year XXV Community Development Block Grant — public Improvements — Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 654-99) 646

State of Ohio Department of Development

Authorizing the Director of Community Development to apply and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program (O 371-99) 659-661

Streets - Vacation

East 84th Place — Vacate a portion (O 639-99)	642
East 92nd Street — Vacate a portion (O 641-99).....	642
Eureka Courts S. W. - Vacate a portion (O 640-99).....	642
First Alley North of Miles Ave. and East of East 164th Street - Vacate a portion (O 642-99)	643
Keith Court - Vacate (O 645-99).....	643
West 62nd Place - Vacate a portion (O 644-99).....	643
West 62nd Place - Vacate a portion (O 643-99).....	643

Thurgood Marshall Recreation Center

2.2K Race and Parade — permit — Thurgood Marshall Recreation Center (O 666-99)	656
--	-----

Trees, Shade

Amend Section 2 of Ordinance No. 533-99 — assessment equalization board to hear objections to estimated assessment (O 597-99)	674
--	-----

Utilities Department

Authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services - Cleveland Public Power (O 361-99).....	658-661
Determining the method of making the public improvement of street improvements in connection with the Mill Creek Housing Development project, Phase III - Department of Public Service (O 515-99)	659
Year XXV Community Development Block Grant — public Improvements — Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities (O 654-99)	646

Waste Collection and Disposal Division

Division of Waste Collection and Disposal — front-end loaders and roll-off containers (O 646-99)	644
---	-----