

The City Record

Official Publication of the City of Cleveland

March the Fourth, Nineteen Hundred and Ninety-Eight

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

Containing	PAGE
City Council	3
The Calendar	20
Board of Control	24
Civil Service	27
Board of Zoning Appeals	28
Board of Building Standards and Building Appeals	28
Public Notices	28
Public Hearings	28
City of Cleveland Bids	28
Adopted Resolutions and Ordinances	30
Committee Meetings	38
Index	39

FIRST-CLASS MAIL
U. S. POSTAGE PAID
CLEVELAND, OHIO
Permit No. 1372

First Class Mail

RECYCLE.....Save the Future



Printed on Recycled Paper.....Council Cares

DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

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

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

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

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

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

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
 Streets - Randall T. Scott, Commissioner, Room 25
 Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
 Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building, 1925 St. Clair Avenue.
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment - Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

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

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

Parking Facilities - Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
 Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
 Recreation - Michael Cox, Acting Commissioner, Room 8
 Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Terri Hamilton, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
 Neighborhood Services - Louise V. Jackson, Commissioner.
 Neighborhood Development - Terri Hamilton, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, MARCH 4, 1998

No. 4395

CITY COUNCIL

MONDAY, MARCH 2, 1998

The City Record

Published weekly under authority of the Charter of the City of Cleveland
Subscription (by mail) \$75.00 a year
January 1 to December 31
Interim subscriptions prorated \$6.00 per month
Address all communications to

ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

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

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

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

Pursuant to Ordinance No. 2926-76 the Council meeting was opened with a prayer offered by The Reverend Michelle Barnes, Associate Minister of the Greater Love Missionary Baptist Church, located in Ward 3. Pledge of Allegiance.

MOTION

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

PLAT

File No. 338-97-A.
Councilman Jones.
Lot Consolidation and Split Plat — Lee-Seville/Cleveland Outerbelt Industrial Park. (Ward 1).

Bearing the approval of the Directors of Community Development, City Planning Commission, Public Service, Economic Development and Platting Commissioner; Recommendation of Committees on Public Service, City Planning.

Without objection, plat approved. Yeas 20. Nays 0.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 390-98.
Re: New Application - 4103047 - International Brotherhood of Electrical Workers Local 1377 dba Club 1377, 3121 West 33rd Street. (Ward 14). Received.

File No. 391-98.
Re: Transfer of Ownership Application - 12385270005 - Cappiccioni Service Center Inc. dba Capiccioni

Service Center Inc., 14001 Lakewood Heights Boulevard, and gas pumps. (Ward 19). Received.

File No. 392-98.

Re: Transfer of Ownership Application - 0174412 - Amjad Food Inc., 11700 St. Clair Avenue, first floor and basement. (Ward 9). Received.

File No. 393-98.

Re: Transfer of Ownership Application - 6253209 - Musa Inc. dba Abco Deli, 1023 Ansel Road. (Ward 8). Received.

File No. 394-98.

Re: Transfer of Ownership and Location Application - 08983560027 - BP Exploration & Oil Inc., Site 04327, 1035 East 185th Street, and gas pumps. (Ward 11). Received.

File No. 395-98.

Re: Transfer of Ownership and Location Application - 1549930 - Clebra Inc. dba The Rose Garden, 13503 Kelso. (Ward 10). Received.

File No. 396-98.

Re: Stock Transfer Application - 8200744 - 6557 Broadway Avenue Inc., 6553-57 Broadway Avenue. (Ward 12). Received.

File No. 397-98.

Re: Stock Transfer Application - 7119660 - Purple Rose Inc. dba Dobys, 3314 Broadview Road, first floor and basement & 3310 Rear first floor. (Ward 15). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 398-98. Mimi Wapperer.

Res. No. 399-98. Isabella Price.

Res. No. 400-98. Rowena L. Gordon.

Res. No. 401-98. Wallace E. Holland.

CONGRATULATORY RESOLUTIONS

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

Res. No. 402-98. Saint Michael Hospital and Saint Michael Skilled Nursing Facility.

Res. No. 403-98. Vincent H. Lauter.

Res. No. 404-98. Anthony Bertone.

Res. No. 405-98. Albert Meglich.

Res. No. 406-98. Robert Hopkins.

Res. No. 407-98. Franciscka (Frances) Gaspersic.

Res. No. 408-98. Joyce E. Plemel.

Res. No. 409-98. Robert Royer.

Res. No. 410-98. Ruth Grace Pelko Ross.

RESOLUTION OF RECOGNITION

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

Res. No. 411-98. Ohio Civil Service Employees Association (OCSEA).

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 352-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing and repairing catch basins and manholes at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

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 constructing and repairing catch basins and manholes at various locations throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding, for a one year period.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into a written requirement contract with the lowest bidder after advertising for all such work estimated to be done during the one year period, 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 3. That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 4. That the cost of the improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23022.

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

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

Ord. No. 353-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing and installing new sewers and repairing sewers at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

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 constructing and installing new sewers and repairing sewers at various locations throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding, for a one year period.

Section 2. That the Director of Public Utilities is hereby authorized and directed to enter into a written requirement contract with the lowest bidder after advertising for all such work estimated to be done during the one year period, 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 3. That the cost of said contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 4. That the cost of the improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23021.

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

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

Ord. No. 354-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of landfill sites for dumping excavation debris, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of landfill sites for dumping excavation debris, 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 Divisions of Water and Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for

each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24004)

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

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

Ord. No. 355-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of keycards and accessories, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of keycards and accessories in the estimated sum of \$50,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22526)

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 356-98.

By Councilman Cintron.
An emergency ordinance to vacate a portion of Girard Street N.W. hereinafter described.

Whereas, on the 10th day of June, 1996 the Council of the City of Cleveland adopted Resolution No. 562-96 declaring its intention to vacate a portion of Girard Street N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 562-96 has been served upon the owners of all the property abutting Girard Street N.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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Girard Street N.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 Girard Street N.W., 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 Girard Street N.W., (60 feet wide), from the Westerly line of Scranton Road N.W. (60 feet wide), Westerly, to the Easterly right-of-way line of the Cleveland, Cincinnati, Chicago & St. Louis R.R. as shown by the recorded Plat in Volume 3 of Maps, Page 42 of Cuyahoga County Records, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of Girard Street N.W., (60 feet wide), from the Westerly line of Scranton Road N.W. (60 feet wide), Westerly, to the Easterly right-of-way line of the Cleveland, Cincinnati, St. Louis R.R. as shown by the Recorded Plat in Volume 3 of Maps, Page 42 of Cuyahoga County Records.

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 Light and 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 Girard Street N.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. 357-98.

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

An emergency ordinance giving consent of the City of Cleveland for the resurfacing of Broadway Avenue from I-77 to Orange Avenue and resurfacing and modifying East 30 to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into agreements relative thereto.

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

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

Section 1. That it is declared to be in the public interest that the consent of said City of Cleveland is hereby given to the Director of Transportation of the State of Ohio to make the following improvements in accordance with plans, specifications and estimates approved by said Director: The resurfacing of Broadway Avenue from I-77 to Orange Avenue, the addition of a right turn lane at East 30th Street, and resurfacing East 30th Street, including minor widening, from Broadway Avenue to Woodland Avenue.

Section 2. The City does hereby give its consent to the project and its administration by the Director of the Ohio Department of Transportation, provided that this ordinance shall not be construed to impose any financial obligation on the City for such project, unless the City desires to include other work into the construction contract which the Director of the Ohio Department of Transportation deems not to be part of or made necessary by the Improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the State of Ohio as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all reasonable times;

b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic

Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

e) Prohibit parking in accordance with Section 4511.66 of the Ohio Revised code, unless otherwise controlled by local ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional rights-of-way are required for the Improvement, the State will arrange for acquisition thereof.

c) That the State shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the streets within the limits of the Improvement are hereby designated through highways within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the State.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. H-P-508, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the State.

g) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the State.

h) That said City hereby agreed to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to above. Likewise the State agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the State's obligations made or agreed to above.

i) That stop signs affecting the movement of traffic on the street or highway within the roadways being improved shall be removed, and no stop signs shall be erected on same except at their intersections with

another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

j) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway.

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County and the Director of ODOT to proceed with the Improvement.

Section 7. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

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

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

Ord. No. 358-98.

By Councilman Jackson.

An emergency ordinance to vacate a portion of Indianola Avenue S.E. hereinafter described.

Whereas, on the 10th day of June, 1996, the Council of the City of Cleveland adopted Resolution No. 558-96 declaring its intention to vacate a portion of Indianola Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 558-96 has been served upon the owners of all the property abutting Indianola Avenue S.E., 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Indianola Avenue S.E., 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 Indianola Avenue S.E., 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 Indianola Avenue S.E. (32.00 feet wide), extending Northerly from the Northerly line of Crayton Avenue S.E. (60.00 feet wide), to that portion of Indianola Avenue vacated by Ordinance Number 387-70, passed by the Council of the City of Cleveland on March 23, 1970, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of Indianola Avenue S.E. (32.00 feet wide), extending Northerly from the Northerly line of Crayton Avenue S.E. (60.00 feet wide), to that portion of Indianola Avenue vacated by Ordinance Number 387-70, passed by the Council of the City of Cleveland on March 23, 1970.

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 Light and 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 Indianola Avenue S.E., 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. 359-98.

By Councilman Jackson.

An emergency ordinance to vacate a portion of Prospect Court S.E. hereinafter described.

Whereas, on the 21st day of April, 1997 the Council of the City of Cleveland adopted Resolution No. 175-97 declaring its intention to vacate a portion of Prospect Court S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 175-97 has been served upon the owners of all the property abutting Prospect Court S.E., 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Prospect Court S.E., 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 Prospect Court S.E., 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 Prospect Court S.E., extending Easterly from the section proposed to be vacated by Resolution No. 1254-95, 90.00 feet to the Southerly prolongation of the Easterly line of a parcel of land conveyed to Retail Clerks

Local 880 Realty Co. By deed dated December 21, 1966 and recorded in Volume 11883, Page 21 of Cuyahoga County Records, 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 Ameritech equipment. The description of easement is as follows:

That portion of Prospect Court S.E. extending Easterly from the section proposed to be vacated by Resolution No. 1254-95, 90.00 feet to the Southerly prolongation of the Easterly line of a parcel of land conveyed to Retail Clerks Co. By deed dated December 21, 1966 and in Volume 11883, Page 21 of Cuyahoga County Records.

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 Prospect Court S.E., 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. 360-98.

By Councilman Johnson.

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

Whereas, on the 13th day of August, 1997, the Council of the City of Cleveland adopted Resolution No. 1501-97 declaring its intention to vacate a portion of East 92nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1501-97 has been served upon the owners of all the property abutting East 92nd 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of East 92nd 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 92nd 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 92nd Place (12.00 feet wide), extending Northerly from the Northerly line of Buckeye Road S.E.

(80.00 feet wide) to the Southerly line of Dorado Court S.E. (12.00 feet wide). DORADO COURT S.E. (12.00 feet wide), extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Northerly prolongation of the Westerly line of East 92nd Street Place (12.00 feet wide). TANTO COURT S.E. (12.00 feet wide) extending Westerly from the Westerly line of East 93rd Street (60.00 feet wide) to the Easterly line of East 92nd Place (12.00 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 Original Grayton Rd., 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. 361-98.

By Councilman Sweeney.

An emergency ordinance to vacate a portion of Original Grayton Rd. hereinafter described.

Whereas, on the 13th day of August, 1997, the Council of the City of Cleveland adopted Resolution No. 943-97 declaring its intention to vacate a portion of Original Grayton Rd., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 943-97 has been served upon the owners of all the property abutting Original Grayton Rd., 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Original Grayton Rd., 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 Original Grayton Rd., 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 Original Grayton Rd., (60.00 feet wide), lying Westerly of a line 30.00 feet Westerly from that portion of the centerline of Relocated Grayton Road described as follows: Beginning at a stone monument in the centerline of Grayton Road at its intersection with the Southerly line of the Grayton Village Subdivision as shown by the recorded plat in Volume 154 of Maps, Page 22 of Cuyahoga County Records; thence North 14°-52'-00" West about 216.93 feet to a point of curvature therein; thence along the arc of a curve

deflecting to the right, an arc distance of 1810.22 feet. Said curve having a radius of 5729.58 feet and a chord bearing North 5°-48'-56" West, 1802.70 feet to a point of tangency. As shown by the Cuyahoga County Engineer's "Grayton Road Alteration and Improvement" Plan No. M 4493, 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 Original Grayton Rd., 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. 362-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of tire recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of tire recapping 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22924)

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. 363-98.

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

An emergency ordinance giving consent of the City of Cleveland for the interim resurfacing of West 140th Street from Puritas Avenue to Lakewood Heights Boulevard; authorizing the Director of Public Service to enter into any agreements relative thereto; to authorize the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for its portion of said improvements; determining the method of making the above public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the County: interim resurfacing of West 140th Street from Puritas Avenue to Lakewood Heights Boulevard (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax fund for said improvement. If funds administered by the Ohio Public Works Commission are used for this improvement, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

a) Keep the affected highway open to traffic at all reasonable times;

b) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic

Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

e) Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional rights-of-way are required for the Improvement, the County will arrange for acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the streets within the limits of the Improvement are hereby designated through highways within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f), and h), of this section.

j) That stop signs affecting the movement of traffic on the street or highway within the roadways being

improved shall be removed, and no stop signs shall be erected on same except at their intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway.

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County and the Director of ODOT to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement. Each such agreement shall contain without limitations terms substantially similar to the following:

a) That the County will prepare or cause to be prepared construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will supervise and administer or cause to be supervised and administered the construction contract for the Improvement.

c) That if, by ordinance of this Council, the City requests the County to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

f) That within the corporate limits of the City, the City hereby agrees to contribute fifty percent (50%) of the cost of construction determined to be eligible by the Cuyahoga County Engineer's policies and one hundred percent (100%) of the cost of construction supervision, engineering, right-of-way, contract administration, and construction determined not eligible by the Cuyahoga County Engineer's policies.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the projects, and to enter into such agreements with the County and ODOT as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That this Council hereby authorizes payment to the County of Cuyahoga for the City's share of the cost of the Improvement.

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 the interim resurfacing of West 140th Street from Puritas Avenue to Lakewood Heights Boulevard, 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 12. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That the cost for the payment authorized in Section 11 of this ordinance, the cost of the public improvement authorized above shall be paid from Fund Nos. 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 24528.

Section 14. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 15. 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 Safety, City Planning, Finance.

Ord. No. 364-98.

By Councilman Zone.

An emergency ordinance to vacate a portion of Adeline Road S.W. hereinafter described.

Whereas, on the 12th day of May, 1997 the Council of the City of Cleveland adopted Resolution No. 55-97 declaring its intention to vacate a portion of Adeline Road S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 55-97 has been served upon the owners of all the property abutting Adeline Road 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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Adeline Road 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 Adeline Road S.W., 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 the southeasterly 21.81 feet of Adeline Road S.W. (80.00 feet wide), that extends northeasterly from the northeasterly line of Oliver Road S.W., (50.00 feet wide), to its intersection with the westerly line of Sublot No. 64 in the Moses & Samantha Day Subdivision as recorded in Volume 16, Page 17 of Cuyahoga County Map Records, be and the same is hereby vacated.

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

The description of easement is as follows:

That portion of the southeasterly 21.81 feet of Adeline Road S.E. (80.00 feet wide), that extends northeasterly from the northeasterly line of Oliver Road S.W., (50.00 feet wide), to its intersection with the westerly line of Sublot No. 64 in the Moses & Samantha Day Subdivision as recorded in Volume 16, Page 17 of Cuyahoga County Map Records.

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 Light and 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 Adeline Road 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. 365-98.
By Councilman Zone.**

An emergency ordinance to vacate a portion of Rusk Court N.W. herein-after described.

Whereas, on the 12th day of February, 1996, the Council of the City of Cleveland adopted Resolution No. 2289-95 declaring its intention to vacate a portion of Rusk Court N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 2289-95 has been served upon the owners of all the property abutting Rusk Court N.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 19th day of February, 1998, the Board of Revision of Assessments approved the vacation of Rusk Court N.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 Rusk Court N.W., 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 Rusk Court N.W., (16.00 feet wide), extending Easterly from the Easterly line of West 106th Street (60.00 feet wide), to its Easterly terminus. AND West 106th Place, (16.00 feet wide), extending 94.97 feet Northerly from the Northerly line of Rusk Court N.W. (16.00 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 Rusk Court N.W., 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. 366-98.
By Councilmen Coats and Johnson
(by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to accept a cash gift for completion of the Cleveland Police Patrolmen's Tactical Training Center.

Whereas, the State Attorney General's Office has indicated a desire to make a cash gift of Twenty-Five Thousand Dollars for completion of the Cleveland Police Patrolmen's Tactical Training Center, to the Department of Public Safety; and

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

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

Section 1. That the Director of Public Safety is hereby authorized to accept on behalf of the Division of Police a cash donation in the amount of Twenty-Five Thousand Dollars (\$25,000), from the Office of Betty D. Montgomery, State Attorney General.

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

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

**Ord. No. 367-98.
By Councilmen Westbrook and Melena.**

An emergency ordinance to amend Sections 604.01, 604.03 and 604.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 304-A-89, passed June 16, 1989, relating to vicious dogs.

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 604.01, 604.03 and 604.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 304-A-89, passed June 16, 1989, are hereby amended to read, respectively, as follows:

Section 604.01 Definitions

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) "Animal warden" means the chief dog warden of the City of Cleveland or his duly authorized representative.

(b) "Dangerous Dog" means a dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger and not under the reasonable control of its owner, keeper, harbinger, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure which has a top.

(c) "Domestic Animal" means a tamed animal.

(d) "Impounded" means taken into the custody of the public pound in the City of Cleveland.

(e) "Law Enforcement Officer" has the same meaning as division (k) of Section 601.01 of these Codified Ordinances.

(f) "Menacing fashion" means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(g) "Owner" means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(h) "Person" means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(i) "Police dog" means a dog that has been trained, certified and/or approved by the state and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(j) "Serious injury" means any physical injury that results in broken bones or lacerations requiring multiple sutures or cosmetic surgery.

(k) "Vicious dog" means a dog that, without provocation, meets any of the following:

(1) Has caused injury to any person;

(2) Has caused injury, other than killing or serious injury, to any person, or has killed or caused serious injury to any domestic animal;

(3) Any pit bull dog. "Pit bull dog" is defined to mean any and all of the following dogs:

(A) The Staffordshire Bull Terrier breed of dogs;

(B) The American Staffordshire Terrier breed of dogs;

(C) The American Pit Bull Terrier breed of dogs;

(D) The Pit Bull Terrier breed of dogs;

(E) Dogs of mixed breeds or of other breeds than above listed, which breeds or mixed breeds are known as pit bulls, pit bull dogs, or pit bull terriers;

(F) Dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier, American Staffordshire Terrier, Pit Bull Terrier and any other breed of dog commonly known as pit bulls, pit bull dogs, or pit bull terriers, or a combination of those breeds.

(4) Any Rottweiler dog, "Rottweiler dog" as used herein is hereby defined as any dog which has the appearance and characteristics of being predominately of the breed of dog known as the Rottweiler or any mixed breed of dog which contains as an element of its breeding, the breed of Rottweiler as to be identifiable as partially of the breed of the Rottweiler.

(5) Any Chow Chow dog, "Chow Chow dog" as used herein is hereby defined as any dog which has the appearance and characteristics of being predominately of the breed of dog known as the Chow Chow or any mixed breed of dog which contains as an element of its breeding, the breed of Chow Chow as to be identifiable as partially of the breed of the Chow Chow.

(6) Any Akita dog, "Akita dog" as used herein is hereby defined as any dog which has the appearance and characteristics of being predominately of the breed of dog known as the Akita or any mixed breed of dog which contains as an element of its breeding, the breed of Akita as to be identifiable as partially of the breed of the Akita.

(7) Any Wolf Hybrid, "Wolf Hybrid" as used herein is hereby defined as a breed of dog created by breeding Alaskan Malamute, Siberian Husky, Samoyed, or German Shepherd with the species of canine known as the wolf, or any dog which has the appearance and characteristics of being predominately of the breed of dog known as the Wolf Hybrid, or any mixed breed of dog which contains as an element of its breeding the breed of Wolf Hybrid.

The pit bull, Rottweiler, Chow Chow, Akita and Wolf Hybrid dogs as defined herein may be identified by a veterinarian licensed by the State of Ohio, the City of Cleveland Animal Warden, the Cuyahoga County Dog Warden or Deputy Cuyahoga County Dog Warden.

The ownership, keeping or harboring of such breeds of dogs known as the pit bull, Rottweiler, Chow Chow, Akita and Wolf Hybrid as defined herein shall be prima facie evidence of the ownership, keeping or harboring of a vicious dog.

(8) Is owned, kept or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting.

(1) "Without provocation" means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

Section 604.03 Control of Vicious and Dangerous Dogs

No owner, keeper or harbinger of a dangerous or vicious dog shall fail to do either of the following, except when the dog is legally engaged in hunting or training for the purpose of hunting, accompanied by the owner, keeper, harbinger, or a handler:

(a) While the dog is on the premises of the owner, keeper or harbinger, maintain it at all times in a locked pen which as a top, locked fenced yard which fence is at least six (6) feet high, or other locked enclosure which has a top, except that a dangerous dog may, in the alternative, be tied with a leash or tether with a minimum tensile strength of three hundred (300) pounds so that the dog is adequately restrained.

(b) While the dog is off the premises of the owner, keeper or harbinger, keep it on a chain like leash or tether with a minimum tensile strength of three hundred (300) pounds and that is not more than six feet in length and additionally shall do the following:

(1) Keep the dog in a locked pen which has a top, locked fenced yard of at least six (6) feet high, or other locked enclosure which has a top; or

(2) Have the leash or tether controlled by a person who is at least eighteen (18) years of age or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close enough proximity to the dog so as to prevent it from causing injury to any person; and

(3) Muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

(c) No owner, keeper or harbinger of the dog shall permit the unmuzzled dog at anytime to be on a public street, highway, park, building, or other public place.

(d) In addition to any other penalties provided in this Chapter, the animal warden is hereby authorized to give notice and issue citations to anyone found to be in violation of this section.

Section 604.04 Insurance; Signs

(a) All owners, keepers or harborers of vicious dogs shall obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred

thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious dog. The policy shall contain a provision requiring the insurance company to provide written notice to the animal warden not less than fifteen (15) days prior to any cancellation; termination, or expiration of the policy.

(b) All persons who presently own, keep or harbor a vicious dog must obtain a policy of liability insurance within thirty (30) days of the effective date of this section.

(c) All owners, keepers or harborers of vicious or dangerous dogs shall have posted and displayed at each possible entrance onto the premises where the vicious or dangerous dog is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is a vicious or dangerous dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "VIOUS DOG" or "DANGEROUS DOG" in lettering not less than two (2) inches in height.

(d) The owner of a vicious dog shall notify the animal warden within twenty-four (24) hours if the vicious dog is on the loose, is unconfined, has attacked another animal, has attached a human being, or has died, been sold or given away. If the vicious dog has been sold or given away, the owner, keeper or harbinger shall also provide the animal warden with the name, address and telephone number of the new owner of the vicious dog.

Section 2. That existing Sections 604.01, 604.03 and 604.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 304-A-89, passed June 16, 1989, 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 Safety, Finance, Law; Committees on Public Safety, Legislation, Finance.

Ord. No. 368-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance acquisition and for capital improvements to property located at 2275 East 55th 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 Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance the acquisition and for capital improvements to property located at 2275 East 55th 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. 368-98-A.

Section 3. That the costs of said contract shall not exceed a \$239,206 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23751.

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.

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.

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

Ord. No. 369-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 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 ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 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. 369-98-A.

Section 3. That the costs of said contract shall not exceed a \$926,000 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23752.

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.

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.

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

Ord. No. 370-98.

By Councilman Lewis.

An emergency ordinance to amend Sections 103.07 and 103.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to the boundaries of Wards 7 and 13.

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 103.07 and 103.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2457-92, passed December 14, 1992, and 459-93, passed March 1, 1993, are hereby amended to read, respectively, as follows:

Section 103.07 Ward Seven

The boundaries of Ward 7 shall be as follows:

Beginning at the intersection of the center line of East 49th Street and the center line of Superior Avenue, N.E.; thence southeasterly along the center line of East 49th Street to the center line of Payne Avenue, N.E.; thence southwesterly along the center line of Payne Avenue, N.E., to the center line of East 45th Street; thence southerly along the center line of East 45th Street to the center line of Commerce Avenue, N.E.; thence westerly along the center line of Commerce Avenue, N.E., to the center line of

East 40th Street; thence southerly along the center line of East 40th Street to the center line of Chester Avenue, N.E.; thence easterly along the center line of Chester Avenue, N.E., to the center line of East 101st Street; thence northerly along the center line of East 101st Street to the center line of Ansel Road, N.E.; thence northwesterly along the center line of Ansel Road, N.E. to the center line of Mount Sinai Drive, N.E.; thence easterly along the center line of Mount Sinai Drive, N.E., to the center line of East 105th Street; thence northerly, along the center line of East 105th Street to the center line of East Boulevard, N.E.; thence northwesterly and northerly along the center line of East Boulevard, N.E., to the center line of Wade Park Avenue, N.E.; thence westerly, along the center line of Wade Park Avenue, N.E., to the center line of Crawford Road, N.E., thence northeasterly along the center line of Crawford Road, N.E., to the center line of East 94th Street; thence northwesterly, northerly, and northeasterly along the center line of East 94th Street to the center line of Ansel Road, N.E.; thence northwesterly along the center line of Ansel Road, N.E., to the center line of Bellevue Avenue, N.E.; thence westerly along the center line of Bellevue Avenue, N.E., to the center line of East 79th Street; thence northerly along the center line of East 79th Street to the center line of Korman Avenue, N.E.; thence westerly along the center line of Korman Avenue, N.E. to the center line of East 74th Street; thence northerly along the center line of East 74th Street to the center line of St. Clair Avenue, N.E.; thence southwesterly along the center line of St. Clair Avenue, N.E., to the center line of East 72nd Street; thence southerly along the center line of East 72nd Street to the center line of Donald Avenue, N.E.; thence westerly along the center line of Donald Avenue, N.E., to the center line of East 71st Street; thence northerly along the center line of East 71st Street to the center line of Bliss Avenue, N.E.; thence westerly along the center line of Bliss Avenue, N.E., to the center line of East 66th Street; thence northwesterly along the center line of East 66th Street to the center line of Bliss Avenue, N.E.; thence southwesterly along the center line of Bliss Avenue, N.E., to the center line of Addison Road, N.E.; thence southeasterly along the center line of Addison Road, N.E. to the center line of Edna Avenue, N.E.; thence southwesterly and westerly along the center line of Edna Avenue, N.E., to the center line of Norwood Road, N.E.; thence southerly along the center line of Norwood Road, N.E. to the center line of Superior Avenue, N.E.; thence westerly and southwesterly along the center line of Superior Avenue, N.E. to the place of beginning.

Section 103.13 Ward Thirteen

The boundaries of Ward 13 shall be as follows:

Beginning at the southerly shore of Lake Erie and the northerly prolongation of the center line of East 72nd Street; thence southerly along the northerly prolongation of the center line of East 72nd Street and along the center line of East 72nd Street to the center line of St. Clair Avenue, N.E.; thence northeasterly along the center line of St. Clair

Avenue, N.E., to the center line of East 72nd Street; thence southerly along the center line of East 72nd Street to the center line of Donald Avenue, N.E.; thence westerly along the center line of Donald Avenue, N.E. to the center line of East 71st Street; thence northerly along the center line of East 71st Street to the center line of Bliss Avenue, N.E.; thence westerly along the center line of Bliss Avenue, N.E., to the center line of East 66th Street; thence northwesterly along the center line of East 66th Street to the center line of Bliss Avenue, N.E.; thence southwesterly along the center line of Bliss Avenue, N.E., to the center line of Addison Road, N.E.; thence southeasterly along the center line of Addison Road, N.E., to the center line of Edna Avenue, N.E.; thence southwesterly and westerly along the center line of Edna Avenue, N.E., to the center line of Norwood Road, N.E.; thence southerly along the center line of Norwood Road, N.E. to the center line of Superior Avenue, N.E.; thence southwesterly along the center line of Superior Avenue, N.E. to the center line of East 49th Street; thence southeasterly along the center line of East 49th Street to the center line of Payne Avenue, N.E.; thence southwesterly along the center line of Payne Avenue, N.E., to the center line of East 45th Street; thence southerly along the center line of East 45th Street to the center line of Commerce Avenue, N.E.; thence westerly along the center line of Commerce Avenue, N.E. to the center line of **East 40th Street; thence southerly along the center line of East 40th Street** to the center line of Chester Avenue, N.E.; thence in a general westerly direction along the center line of Chester Avenue, N.E., to the center line of the Inner Belt Freeway; thence southerly along the center line of the Inner Belt Freeway to the center line of Euclid Avenue; thence southwesterly along the center line of Euclid Avenue to the center line of East 18th Street; thence southerly along the center line of East 18th Street to the center line of East 14th Street, thence southeasterly and southwesterly along the center line of East 14th Street to the center line of Orange Avenue, S.E.; thence southeasterly along the center line of Orange Avenue, S.E. to the center line of the westbound ramp onto Orange Avenue S.E. (west of East 30th Street); thence northeasterly along the center line of said ramp to the center line of Woodland Avenue, S.E.; thence southeasterly along the center line of Woodland Avenue, S.E., to the center line of East 34th Street; thence in a general southerly direction along the center line of East 34th Street to the center line of the Regional Transit Authority's right-of-way (formerly the Cleveland Union Terminal's right-of-way); thence southeasterly, easterly and northeasterly along the Regional Transit Authority's right-of-way to the center line of East 55th Street; thence southerly along the center line of East 55th Street to the center line of Hamm Avenue, S.E.; thence westerly along the center line of Hamm Avenue, S.E., to the center line of East 52nd Street; thence southerly along the center line of East 52nd Street to the center line of Guy Avenue, S.E.; thence westerly along the center line of Guy Avenue, S.E. to the center line of East 49th Street; thence southerly

ly along the center line of East 49th Street to the center line of the Norfolk and Western Railroad right-of-way; thence northwesterly along the Norfolk and Western Railroad right-of-way to the center line of the Cuyahoga River; thence in a general southwesterly and southerly direction along the center line of the Cuyahoga River to the center line of the Norfolk and Western Railroad right-of-way just north of the Harvard-Denison Bridge; thence southwesterly along the center line of the Norfolk and Western Railroad right-of-way to the easterly prolongation of the center line of Belt Line Street, S.W.; thence westerly along the easterly prolongation of the center line of Belt Line Street, S.W., and along the center line of Belt Line Street, S.W., to its intersection with the center line of the B & O Railroad right-of-way; thence northerly along the center line of the B & O Railroad right-of-way, about 100 feet to its intersection with the southeasterly prolongation of the center line of Jennings Road, S.W.; thence northwesterly along the southeasterly prolongation of and along the center line of Jennings Road, S.W., to its intersection with the center line of Interstate 71; thence northeasterly and northerly along the center line of Interstate 71 to its intersection with Interstate 90; thence northerly along the center line of Interstate 90 to the center line of Kenilworth Avenue, S.W.; thence westerly along the center line of Kenilworth Avenue, S.W. to the center line of Willey Avenue, S.W.; thence northwesterly along the center line of Willey Avenue, S.W., to its intersection with the southerly prolongation of West 19th Street; thence northerly along the southerly prolongation of the center line of West 19th Street and along the center line of West 19th Street to the centerline of Freeman Avenue, S.W.; thence westerly along the center line of Freeman Avenue, S.W., to the center line of West 20th Street; thence northerly along the center line of West 20th Street to the center line of Abbey Avenue, S.W.; thence westerly along the center line of Abbey Avenue, S.W., to the center line of West 21st Place; thence northerly along the center line of West 21st Place to the center line of Lorain Avenue; thence easterly along the center line of Lorain Avenue and along the center line of the Lorain-Carnegie Bridge (also known as the Hope Memorial Bridge) to the center line of the Cuyahoga River; thence northerly, westerly, southerly, and southwesterly along the center line of the Cuyahoga River to the center line of the P & C Railroad right-of-way; thence southerly along the center line of the P & C Railroad right-of-way to its intersection with the northeasterly prolongation of the center line of Bridge Avenue, N.W.; thence southwesterly along said northeasterly prolongation of the center line of Bridge Avenue, N.W., and along the center line of Bridge Avenue, N.W., to the center line of West 25th Street; thence northwesterly along the center line of West 25th Street to the center line of Detroit Avenue, N.W., and the Veterans' Memorial Bridge; thence northeasterly along the center line of the Veterans' Memorial Bridge to the center line of the Cuyahoga River; thence in a general northwesterly direction along the center line of the Cuyahoga River to the

center line of Cleveland Memorial Shoreway, N.W. (also known as the Main Avenue Bridge); thence southwesterly along the Cleveland Memorial Shoreway, N.W., to the center line of West 29th Street; thence northwesterly along the center line of West 29th Street and its northwesterly prolongation to its intersection with the center line of the Old Riverbed and Ship Channel; thence in a general northeasterly direction along the center line of the Old Riverbed and Ship Channel to the center line of the Cuyahoga River; thence in a general northerly direction along the center line of the Cuyahoga River to the southerly shore of Lake Erie; thence in a general northeasterly direction along the shore of Lake Erie to the place of beginning.

Section 2. That Sections 103.07 and 103.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance No. 2457-92, passed December 14, 1992, and 459-93, passed March 1, 1993, 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 City Planning Commission, Law; Committees on City Planning, Legislation.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 371-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the St. Malachi Run (5 and 2 mile) on March 14, 1998, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the St. Malachi Run (5 and 2 mile), sponsored by Hermes Race Systems, on March 14, 1998, with the 5 miles run starting on Main, heading north to Center. Center north to River Rd., River Road to Elm. Elm south to Riverbed. Riverbed all the way to Carter. Carter to Scranton. Scranton to Train. Train Ave. west to Willey. Willey to Columbus. Columbus east to Riverbed. Once on Riverbed back to Elm then Elm to Winslow. Then back to church for the finish for the 5 mile. The 2 mile run is as follows, start on Main to Center, Center to Riverbed, Riverbed to Columbus, Columbus to Center, Center north to Winslow, Winslow to Washington to the finish, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 372-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Indians Run on April 5, 1998, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Cleveland Indians Run, sponsored by Hermes Race Systems, on April 5, 1998, starting on Ontario heading north to St. Clair. St. Clair east on East 6th Street. East 6th Street north to Lakeside. Lakeside to West 3rd Street. West 3rd Street north around Stadium site to East 9th Street. East 9th Street south to Eagle. Eagle then west 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 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 373-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the March of Dimes WalkAmerica (3 or 6 miles) on April 26, 1998, sponsored by Finast, KeyBank, Meridia, MBNA, TV-19 and Q104.

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 March of Dimes WalkAmerica (3 or 6 miles), sponsored by Finast, KeyBank, Meridia, MBNA, TV-19 and Q104, on April 26, 1998, starting from the southwest quadrant of Public Square cross Superior on the west side of the quadrant. Turn west on the north side of Superior and go down into the Flats on Superior at the north side of the Veterans Memorial Bridge. At the base of the hill cross the tracks for the Waterfront Line to the open area of the station. From the Waterfront Line Station go north on the sidewalk between the tracks and the river to Old River Road. Go north on the east side of Old River Road to the parking lot on the northeast corner of Main and Old River Road which would be check point 1. Continue north on the east side of Old River Road and cross to Fagans which is check point 2 at the corner of Old River Road and Front Street. Go east on the north side of Front Street to West Ninth Street and go south on the east side of that street to St. Clair Ave. and turn east on the north side of St. Clair. Go east on the north side of St. Clair to West Third Street. Turn left on West Third Street and go north on the west side of the street to Lakeside. Cross West Third to the east side of the street and then cross Lakeside to the northeast corner. Continue north on the east side of West Third to check point 3 on the sidewalk along the park. Go north on the east side of West Third Street to the intersection with Erieside. Cross Erieside to the north side and go east on the sidewalk to where the road bends. Conform to whatever walk area is available and continue east to the Great Lakes Science Center which is check point 4. Continue east on Erieside to the Rock & Roll Hall of Fame check point 5. From the Rock and Roll Hall of Fame go south on the west side of East Ninth Street to check point 6 at the Federal Office Building at the corner of Lakeside and East Ninth Street. Continue south on the west side of East Ninth Street to St. Clair and cross St. Clair to the south side of the street. Go west on the south side of St. Clair to Memorial Plaza, check point 7. Continue west on the south side of St. Clair to Ontario and go south on the east side of Ontario to the northeast quadrant of Public Square check point 8. People doing the short route would go to the end of the walk at the southwest quadrant at this time. Cross Superior to the south side of the street and go east to check point 9 at 800 Superior, which is McDonald and Co. Continue east of the south side of Superior to the east side of East Twelfth Street. Turn right on the east side of East Twelfth Street and cross to the south side of Chester Avenue. Go east on the south side of Chester to East Twenty Second Street and turn north on the west side of the street. Go south on the west side of East Twenty Second Street to the intersection of Euclid and East Twenty Second. Cross Euclid to the south side of the street and go east to check point 10 at Rascal House. From Rascal House go west the south side of Euclid to check point 11 at Star Plaza. From Star Plaza

cross Euclid at the light at East Thirteenth Street and go west on the north side of Euclid to check point 12 at National City Bank on the northwest corner of Euclid and East Ninth. From check point 12 continue east on Euclid to Public Square. Crossing Ontario to the end of the walk at the southwest quadrant of Public Square, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 374-98.

By Councilmen Willis and Britt.

An emergency ordinance consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays, on Sunday, April 26, 1998, sponsored by Case Western Reserve University.

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 Relay Race, the Hudson Relays, sponsored by Case Western Reserve University, on Sunday, April 26, 1998, beginning at the rock on the Quad, go through the Quad, over the RTA bridge, cross Adelbert Rd. at the Greenhouse and up the Fribley driveway to the bottom of the elephant stairs, back up to the top of the elephant stairs, down Carlton Rd. to Overlook, past the First Church of Christ Scientist to the intersection of Overlook and Edgehill, down Edgehill on the right side of the road to Murray Hill Rd., take a left at Murray Hill and run to the exchange point at the Greenhouse, cross the RTA bridge and run up Adelbert Rd. to the corner of Euclid, head west on Euclid crossing East Blvd. and go around the lagoon to Martin Luther King, Jr. Dr., continue along Martin Luther King Jr. Dr. to the next exchange point, continue down Martin Luther King, Jr. Dr. and turn right at the entrance to Wade Oval (between the Art and Natural History Museums), take a left going around Wade Oval crossing East Blvd. and continuing down E. 108th St. to the intersection of Wade Park Drive, turn right down Wade Park

Drive to the exchange point at the corner of E. 115th St., continue down down E. 115th St. and take a right turn at Bellflower to its intersection with Ford (the next exchange point), continue down Bellflower, take a left heading down East Blvd. around Severance Hall to the intersection of Adelbert and Euclid, cross Euclid and proceed to the next exchange point (the rock), which restarts the loop, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 375-98.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 3528 Payne Avenue, 1st Fl., and repealing Res. No. 917-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 3528 Payne Avenue, 1st Fl., and repealing Res. No. 917-97, adopted May 19, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 3528 Payne Avenue, 1st Fl., containing said objection, be and the same is hereby withdrawn and Res. No. 917-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 376-98.

By Councilman Dolan.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 15520 Munn Rd. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 029662853385, Ashland Inc., DBA Superamerica #5338, 15520 Munn Rd. & Gas Pumps, Cleveland, Ohio 44111, to Permit No. 84189841820, Speedway Superamerica LLC, DBASuperamerica #5338, 15520 Munn Rd. & Gas Pumps, Cleveland, Ohio 44111; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 029662853385, Ashland Inc., DBA Superamerica #5338, 15520 Munn Rd. & Gas Pumps, Cleveland, Ohio 44111, to Permit No. 84189841820, Speedway Superamerica LLC, DBASuperamerica #5338, 15520 Munn Rd. & Gas Pumps, Cleveland, Ohio 44111 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 377-98.

By Councilman Coats.

An emergency resolution objecting to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit to 13503 Kelso.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit No. 4174273, JB & KL Inc., DBA WaterlooR RsG 1st Fl Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110, to Permit No. 1549930, Clebra Inc., DBA The Rose Garden, 13503 Kelso, Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit from 4174273, JB & KL Inc., DBA WaterlooR RsG 1st Fl Bsmt. & Patio, 15721 Waterloo Rd., Cleveland, Ohio 44110, to Permit No.

1549930, Clebra Inc., DBA The Rose Garden, 13503 Kelso, Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 378-98.
By Councilman Patmon.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1023 Ansel Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 0037008, Abukhalil & Sons Inc., DBA ABECODeli, 1023 Ansel Rd. 1st Fl. & Bsmnt., Cleveland, Ohio 44108, to Permit No. 6253209, Musa Inc., DBA ABCO Deli, 1023 Ansel Rd., 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 C2 and C2X Liquor Permit from Permit No. 0037008, Abukhalil & Sons Inc., DBA ABECODeli, 1023 Ansel Rd. 1st Fl. & Bsmnt., Cleveland, Ohio 44108, to Permit No. 6253209, Musa Inc., DBA ABCO Deli, 1023 Ansel Rd., 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 379-98.
By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership and location of a C2 Liquor Permit to 383 E. 156th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 Liquor Permit from Permit No. 3133110, George Georges, DBA Bailey Delicatessen, 2254 W. 41st St., 1st Fl., Cleveland, Ohio 44113, 4532 Holiday Circle, to Permit No. 2175712, John Dimmian, 383 E. 156th St., Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 Liquor Permit from Permit No. 3133110, George Georges, DBA Bailey Delicatessen, 2254 W. 41st St., 1st Fl., Cleveland, Ohio 44113, 4532 Holiday Circle, to Permit No. 2175712, John Dimmian, 383 E. 156th St., Cleveland, Ohio 44110; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 380-98.
By Councilman Polensek.
An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 882 E. 185th St. 1st Fl. Bsmnt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 1886648, D Cubed Inc., DBA Josephs, 882 E. 185th St. 1st Fl. Bsmnt., Cleveland, Ohio 44119, to Permit No. 5033585, Larry Siegel, 882 E. 185th St. 1st Fl. Bsmnt., Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a **D2, D2X, D3 and D3A** Liquor Permit from Permit No. **1886648, D Cubed Inc., DBA Josephs, 882 E. 185th St. 1st Fl. Bsmt., Cleveland, Ohio 44119**, to Permit No. **5033585, Larry Siegel, 882 E. 185th St. 1st Fl. Bsmt., Cleveland, Ohio 44119**, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 381-98.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 970 Lakeview Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. **9112274, Tuscora Food Market Inc., DBALakeview Superette, 970 Lakeview Rd., Cleveland, Ohio 44108**, to Permit No. **9074164, Tuscora Lakeview Co. Inc., DBALakeview Superette, 970 Lakeview Rd., Cleveland, Ohio 44108**; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. **9112274, Tuscora Food Market Inc., DBA Lakeview Superette, 970 Lakeview Rd., Cleveland, Ohio 44108**, to Permit No. **9074164, Tuscora Lakeview Co. Inc., DBA Lakeview Superette, 970 Lakeview Rd., Cleveland, Ohio 44108**; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 382-98.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 863-71 E. 93rd St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. **7128777, Qamer Inc., DBAConvenience Deli, 863-71 E. 93rd St. 1st Fl. & Bsmt., Cleveland, Ohio 44108**, to Permit No. **Samia Inc., DBAConvenience Deli, 863-71 E. 93rd St., Cleveland, Ohio 44108**; and

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

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. **7128777, Qamer Inc., DBAConvenience Deli, 863-71 E. 93rd St. 1st Fl. & Bsmt., Cleveland, Ohio 44108**, to Permit No. **Samia Inc., DBAConvenience Deli, 863-71 E. 93rd St., Cleveland, Ohio 44108**; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 383-98.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership and location of a C1, C2 and D6 Liquor Permit to 1035 E. 185th St. & Gas Pumps.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a **C1, C2 and D6** Liquor Permit from Permit No. **934400100005, Farid B. Wahba, DBA Baltic Food, 10406 Baltic Ave., Cleveland, Ohio 44102**, to

Permit No. 08983560027, BP Exploration & Oil Inc. Suite 04327, 1035 E. 185th St. & Gas Pumps, Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C1, C2 and D6 Liquor Permit from Permit No. 934400100005, Farid B. Wahba, DBA Baltic Food, 10406 Baltic Ave., Cleveland, Ohio 44102, to Permit No. 08983560027, BP Exploration & Oil Inc. Suite 04327, 1035 E. 185th St. & Gas Pumps, Cleveland, Ohio 44119, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 384-98.

By Councilman Rybka.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 6801 Broadway SE.

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. 47246153687, Kmart Corp., DBA Kmart 3687, 6801 Broadway SE, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 47246153687, Kmart Corp., DBA Kmart 3687, 6801 Broadway SE, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 385-98.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3077 East 65th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 5830783, Mena Market Inc., DBA Minas Market, 3077 E. 65th St., Cleveland, Ohio 44127, to Permit No. 8916606, 3077 East 65th Inc., 3077 East 65th St., Cleveland, Ohio 44127; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 5830783, Mena Market Inc., DBA Minas Market, 3077 E. 65th St., Cleveland, Ohio 44127, to Permit No. 8916606, 3077 East 65th Inc., 3077 East 65th St., Cleveland, Ohio 44127; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 386-98.

By Councilman Rybka.

An emergency resolution withdrawing objection to the transfer of location of a C1 and C2 Liquor Permit to 5603 Fleet Avenue, and repealing Res. No. 2056-97, objecting to said transfer of location.

Whereas, this Council objected to the transfer of location of a C1 and C2 Liquor Permit to 5603 Fleet Ave., by Res. No. 5603-97, adopted November 10, 1997; and

Whereas, this Council wishes to withdraw its objection to the above transfer of location and consents to said transfer of location; 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 location of a C1 and C2 Liquor Permit to 5603 Fleet Ave., be and the same is hereby withdrawn and Res. No. 2056-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of location 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 387-98.

By Councilman Rybka.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 6308 Fleet Avenue, and repealing Res. No. 1522-97, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 6308 Fleet Ave., by Res. No. 1522-97, adopted August 13, 1997; 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 Council does hereby record its objection to the issuance of a C1 Liquor Permit to 6308 Fleet Avenue, be and the same

is hereby withdrawn and Res. No. 1522-97, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 388-98.

By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road, and repealing Res. No. 1510-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road, by Res. No. 1510-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road, be and the same is hereby withdrawn and Res. No. 1510-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 389-98.

By Councilman Willis.

An emergency resolution objecting to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 11700 St. Clair Ave. 1st Fl. Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 8464116, St. Clair Discount Food Inc., 10 St. Clair Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 0174412, Amjad Food Inc., 11700 St. Clair Ave. 1st Fl. Bsmt., Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 8464116, St. Clair Discount Food Inc., 10 St. Clair Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 0174412, Amjad Food Inc., 11700 St. Clair Ave. 1st Fl. Bsmt., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 147-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

1. In the title, lines 8 and 9, strike ", for a period not to exceed two years".

2. In Section 1, lines 4 and 5, and in line 13 strike "two (2) years" and insert in lieu thereof "one year"; in line 7 and in line 16, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 148-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

Ord. No. 149-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain Case, Caterpillar, Gradall and Crane Carrier equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, lines 9 and 10, strike ", for a period not to exceed two years".

2. In Section 1, lines 4 and 5, and in line 14 strike "two (2) years" and insert in lieu thereof "one year"; in line 8 and in line 16, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 150-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

1. In the title, lines 8 and 9, strike

", for a period not to exceed two years".

2. In Section 1, lines 4 and 5, and in line 13 strike "two (2) years" and insert in lieu thereof "one year"; in line 7 and in line 16, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 151-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

1. In the title, lines 8 and 9, strike ", for a period not to exceed two years".

2. In Section 1, lines 4 and 5, and in line 13 strike "two (2) years" and insert in lieu thereof "one year"; in line 7 and in line 16, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 152-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

2. In Section 1, lines 4 and 5, and in line 12 strike "two (2) years" and insert in lieu thereof "one year"; in line 6 and in line 15, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 153-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

2. In Section 1, lines 4 and 5, and in line 12 strike "two (2) years" and insert in lieu thereof "one year"; in line 6 and in line 15, strike "term" and insert in lieu thereof "one year period".

Amendments agreed to.

Ord. No. 199-98.

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

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

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

1. In Section 2, line two, strike "vacated" and insert in lieu thereof "repealed".

Amendment agreed to.

Ord. No. 200-98.

By Councilmen Westbrook and Johnson (by departmental request).

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

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

1. In the title, line 8; in the second whereas clause, line 5; and in Section 2(a), line 4, after "residents" insert "and insulating residences".

2. In Section 1, at the definition of "Approved Projects" line 1, after "Airport" insert "noise mitigation"; in line 2, strike ", without limitation."; and in line 3, after "residents" insert "and insulating residences".

Amendments agreed to.

**SECOND READING EMERGENCY
ORDINANCE PASSED**

Ord. No. 2151-97.

By Councilman Skrha (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Maron's Church for a garage deck, aerial encroachments, and column & bollard encroachments, which will be located in the public right-of-way of East 12th Street between Bronson Court and Carnegie Avenue.

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

The rules were suspended. Yeas 20. Nays 0. Read third time. Passed. Yeas 20. Nays 0.

**THIRD READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1290-97.

By Councilmen Smith, Rybka and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Parsons Infrastructure & Technology Group, Inc. for program and construction management for the five-year capital improvement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1781-97.

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Stuber Court N.E. hereinafter described.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1932-97.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of 5114 Herman Avenue, pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2030-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of West 6th Street, hereinafter described.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2074-97.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Payne Avenue from East 13th Street to East 55th Street to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2103-97.

By Councilmen Britt and Johnson (by request).

An emergency ordinance to repeal Ordinance No. 2023-97, passed January 26, 1998, and authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2152-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Hepatitis-B Vaccine Adult vaccines, for the various divisions of the Department of Public Safety.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2188-97.

By Councilmen Moran, Polensek and Willis (by departmental request).

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio 1976, relating to No Right Turns during certain hours.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 2193-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8401-19 Euclid Avenue

to Fairfax Renaissance Development Corporation or designee.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 70-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one jet bridge at Gate A-14 at Cleveland Hopkins International Airport, including maintenance and installation, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 76-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1247-92, passed June 15, 1992, as amended by Ordinance No. 1480-97, passed August 13, 1997, relating to rehabilitating or reconstructing Stokes Boulevard (fna Fairhill Road) Bridge over Greater Cleveland Regional Transit Authority, Conrail and Norfolk and Western Railway Company.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 77-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 1245-92, passed June 15, 1992, as amended by Ordinance No. 1453-97, passed August 13, 1997, relating to rehabilitating or reconstructing the West 44th Street Bridge over Greater Cleveland Regional Transit Authority and Norfolk and Western Railway Company.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 144-98.

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

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

Read third time. Passed. Yeas 20. Nays 0.

THIRD READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 630-97.

By Councilman Britt (by request).

An emergency resolution declaring the intention to vacate a portion of East 96th Street.

Read third time. Adopted. Yeas 20. Nays 0.

Res. No. 2157-97.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Hilltop Drive, S.W.

Read third time. Adopted. Yeas 20. Nays 0.

Res. No. 2203-97.

By Councilman Patmon (by request).

An emergency resolution declaring the intention to vacate a portion of Elk Avenue N.E.

Read third time. Adopted. Yeas 20. Nays 0.

Res. No. 89-98.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate portions of W. 200 St., W. 198 St., W. 191 St., Wagner Pl., Maplewood Ave., and Elsmere Ave.

Read third time. Adopted. Yeas 20. Nays 0.

MOTION

By Councilman Polensek, seconded by Councilman Zone and unamously carried that the absence of Councilman Roosevelt Coats be and is hereby authorized.

The Council adjourned at 7:55 p.m. to meet on Monday, March 9, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 147-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair vehicle frames and for alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of labor and materials necessary to repair vehicle frames and for alignments, in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

such contract duly certified by the Director of Finance. (RL 22919)

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

Ord. No. 148-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

Ord. No. 149-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain Case, Caterpillar, Gradall and Crane Carrier equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of labor and materials necessary to repair and maintain Case, Caterpillar, Gradall and Crane Carrier equipment in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and

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

Ord. No. 150-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain mowers and cutting equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of labor and materials necessary to repair and maintain mowers and cutting equipment in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

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

Ord. No. 151-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain Ford trucks, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of labor and materials necessary to repair and maintain Ford truck parts in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

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

Ord. No. 152-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of anti-freeze, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of anti-freeze in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

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

Ord. No. 153-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one year** for the necessary items of gasoline in the approximate amount as purchased during the preceding **one year period**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 **one year period**.

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

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

Ord. No. 199-98.

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

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

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

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

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

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

Section 2. That existing Section 1 of Ordinance No. 1941-97, passed October 13, 1997, is hereby **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 its approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Ord. No. 200-98.

By Councilmen Westbrook and Johnson (by departmental request).

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

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

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

Whereas, this Council has determined that, to maximize the benefits of the Approved Projects (as

defined in Section 1), it may be necessary that certain costs of the Approved Projects be incurred and paid in advance of the collection of PFC revenue for the purpose; and

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

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

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

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

Section 1. Definitions.

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

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

"Approved Projects" means Airport noise mitigation projects for which the imposition and use of PFCs has been or may be approved by the FAA pursuant to the Act, including acquiring residential properties and relocating residents and insulating residences to mitigate the impact of Airport noise, as any such projects may be amended or otherwise changed pursuant to applicable law.

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

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

"Net PFC Revenue" means that PFC revenue which is remitted to the City by collecting air carriers, after they retain their compensation — currently \$0.08 of each PFC remit-

ted — for collecting, handling and remitting PFC revenue, for the purpose of paying allowable costs of the Approved Projects, and includes interest earned after such revenue has been remitted to the City.

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

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

Section 2. Determinations by Council.

(a) **Public Purpose.** This Council finds and determines that providing for a Revolving Credit Agreement and issuing Revenue Notes to evidence advances thereunder serve proper, public, municipal purposes by facilitating the prompt initiation and completion of the Approved Projects, including the acquisition of residential properties and the relocation of residents and insulating residences to mitigate the impact of Airport noise, and thereby improve the health, safety and welfare of the people of the City and enable the City to undertake the expansion of its Airport facilities to provide air travel facilities needed by the people of the City and to increase and promote commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio.

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

Section 3. Terms and Conditions.

(a) **Amount.** The amount available to the City under the Revolving Credit Agreement, and thus the aggregate amount of Revenue Notes

outstanding at any time, shall be determined by the Director of Finance, shall be set forth in the Revolving Credit Agreement, and shall not exceed \$10,000,000.

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

(c) **Terms.** The principal amount of each advance under the Revolving Credit Agreement shall bear interest from the date of the advance or the most recent date to which interest has been paid or duly provided for, in accordance with the Revenue Note evidencing the advance. The Director of Finance shall negotiate with the Bank to obtain such interest rate or rates as are determined by the Director of Finance to be in the best financial interest of the City, given prevailing market considerations. The interest rate or rates may be variable, determined by reference to one or more market indices or the Bank's prime lending rate, or may be fixed; provided such rate or rates shall not in any event exceed twelve percent (12%) per annum.

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

(d) **Source of Repayment; Security.** Revenue Notes shall be special, limited obligations of the City the principal of and interest and any premium (collectively, "debt service") on which shall be payable solely from, and secured solely by, the Pledged Revenues as provided in the Revolving Credit Agreement.

Revenue Notes shall not constitute a general obligation of the City and shall not constitute a debt, or a pledge of the faith and credit of the City. No holder or owner of Revenue Notes shall ever have the right to compel the exercise of the City's taxing power or to compel the City to pay debt service on the Revenue Notes or to make any other payments contemplated under the Revolving Credit Agreement from any moneys of the City other than the Pledged Revenues. Revenue Notes shall contain on the face thereof a statement to that effect. Neither the Revenue Notes nor the interest thereon shall constitute a lien upon the Approved Projects or any other property interest other than the Pledged Revenues in the manner provided for in this ordinance, the Revenue Notes, and the Revolving Credit Agreement.

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

Section 4. Delivery of Documents.

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

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

(b) **PFC Revenue Notes.** In accordance with and subject to the limitations set forth in this ordinance, the Director of Finance, in order to evidence any advance under the Revolving Credit Agreement, is hereby authorized to designate the terms of Revenue Notes, including, without limitation: (i) the date or dates of the Revenue Notes and each advance thereunder; (ii) principal amounts available, from time to time, under the Revolving Credit Agreement, and the principal amount of each advance; (iii) number of series and series designations; (iv) interest rates and payment dates; (v) purchase prices and

yields; (vi) optional redemption provisions; (vii) maturity dates; and (viii) whether any Revenue Notes of any series are to be secured by or payable from a municipal bond insurance policy, bank letter of credit, or other form of credit or liquidity facility. It is hereby determined that the purchase price, the interest rates, and the other terms and conditions of the Revenue Notes as so specified and determined within the limitations set forth in this ordinance will be in the best interest of the City and consistent with all legal requirements.

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

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

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

Section 5. Application of Proceeds.

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

Section 6. Tax Covenants.

In the event that Revenue Notes are to be issued as obligations bearing interest to be excluded from gross income for federal income tax purposes ("Tax-Exempt Notes"), the Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Notes, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer,

(b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Notes.

Section 7. Related Authorizations.

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

The Mayor, the Director of Finance, the Director of Port Control, the Director of Law, the Clerk of Council and such other officers of the City, as may be appropriate, are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may be necessary or appropriate to obtain and maintain the Revolving Credit Agreement, issue Revenue Notes, and consummate the transactions contemplated in the Revolving Credit Agreement, Revenue Notes and any Rate Exchange Agreement, including, without limitation, any amendments of FAA-approved PFC applications of the City that may be necessary to impose and use PFCs to pay costs of Approved Projects, including debt service and financing costs pertaining to Approved Projects. The Clerk of Council or other appropriate official of the City shall, upon the Bank's request, furnish the Bank a true transcript of proceedings certified by the Clerk or other appropriate official, of all proceedings had with reference to the issuance of any Revenue Notes along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Revenue Notes.

Section 8. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that

resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 9. Severability.

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

Section 10. Recitals.

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

Section 11. Miscellaneous.

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

Section 12. Emergency; Effective Date.

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

BOARD OF CONTROL

February 25, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 25, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Director Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Absent: Director Axelrod.

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

On motion, the following resolutions were adopted.

Resolution No. 108-98.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and

by products during the month of January, 1998 in the amount \$15,529.52, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 109-98.

By Director Carmody.
Resolved by the Board of Control of the City of Cleveland, that all bids received on May 7, 1997 for Lamps (all items) for the various divisions of the City Government, Department of Finance, pursuant to the authority of Ordinance No. 2206-96, passed by the Council of the City of Cleveland on January 13, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 110-98.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 16, 1998 for Meters and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Section 129.26 of the Codified Ordinances of the City of Cleveland, Ohio 1976, are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 111-98.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 29, 1998 for Metering and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Section 129.26 of the Codified Ordinances of the City of Cleveland, Ohio 1976, are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 112-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Industrial Safety Products, Inc. for an estimated quantity of work uniforms (Group I, Item No. 52(E)), for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract, received on the 26th day of November, 1997, pursuant to the authority of Ordinance No. 350-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to Five Thousand Two Hundred Forty-

Eight and no/100 (\$5,248.00) Dollars, (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098964 which shall be certified against such contract in the sum of One Thousand Fifty and no/100 (\$1,050.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 113-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stonewall Uniform Corporation for an estimated quantity of work uniforms (Group I, Items Nos. 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, and Group II, Item No. 1 (150% increase for special orders)), for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract, received on the 26th day of November, 1997, pursuant to the authority of Ordinance No. 350-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to Sixty-Eight Thousand Eight Hundred Forty-Six and no/100 (\$68,846.00) Dollars, (5% - 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098963 which shall be certified against such contract in the sum of Fourteen Thousand and no/100 (\$14,000.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 114-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Schwartz Uniform Corporation for an estimated quantity of work uni-

forms (Group I, Items Nos. 25, 26, 27, and Group II, Item No. 1 (150% increase for special orders)), for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract, received on the 26th day of November, 1997, pursuant to the authority of Ordinance No. 350-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to Twenty-Five Thousand Eight Hundred Seventy-Five and no/100 (\$25,875.00) Dollars, (5% - 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098962 which shall be certified against such contract in the sum of Five Thousand Two Hundred and no/100 (\$5,200.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 115-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of Goldfish Uniform Stores for an estimated quantity of work uniforms (Group I, Items Nos. 16, 17, 18, 20, 21, 22, 29, 30, 31, 32, 35, and Group II, Item No. 1 (100% increase for special orders)), for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract, received on the 26th day of November, 1997, pursuant to the authority of Ordinance No. 350-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to Ninety-Two Thousand Three Hundred Forty-Seven and 50/100 (\$92,347.50) Dollars, (0% - 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098961 which shall be certified against such contract in the sum of Eighteen Thousand Five Hundred and no/100 (\$18,500.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman,

Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 116-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of B.P. Britches, Inc. DBA/Christopher's for an estimated quantity of work uniforms (Group I, Items Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 24, 28, 33, 34, 36, 37, 41, 52(A), 52(B), 52(C), 52(D), 53 and Group II, Item No. 1 (2% increase for special orders)), for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract, received on the 26th day of November, 1997, pursuant to the authority of Ordinance No. 350-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to One Hundred Nineteen Thousand Nine Hundred Eighty-Five and 15/100 (\$119,985.15) Dollars, (0% Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098960

which shall be certified against such contract in the sum of Twenty-Four Thousand and no/100 (\$24,000.00) Dollars.

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 117-98.

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Wagner Electric Sign Company for the public improvement of the sign package for the Consolidated Rental Car Facility (including a contingency allowance), for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on February 18, 1998, pursuant to the authority of Ordinance No. 561-97, passed June 2, 1997, for a gross price for the improvement in the aggregate amount of One Hundred Ninety-Nine Thousand Eight Hundred Ninety-Four and no/100 (\$199,894.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Wagner Electric Sign Company for the signage package for the Con-

solidated Rental Car Facility for the Division of Cleveland Hopkins International Airport, Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE & SUPPLIES

Comm Steel (MBE - 5%)	Angle steel and Cap & Seal
Budget Sign (FBE - 15%)	Mfg. and install signs

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 118-98.

By Director Guzman.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Anthony Allega Cement Contractor, Inc., 5585 Canal Road, Valleyview, Ohio 44125, for the public improvement of The Rehabilitation and Reconstruction of E. 55th Street from Blanche to Woodland, Phase-I, for the Division of Engineering and Construction, Department of Public Service, received on January 22, 1998, pursuant to the authority of Ordinance No. 1130-96 and Ordinance No. 1467-96, passed July 17, 1996 and October 14, 1996, upon a unit basis for the improvement in the aggregate amount of Five Million Nine Hundred Seventy Five Thousand Nine Hundred Forty Seven and 24/100 (\$5,975,947.24) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors of Anthony Allega Cement Contractor, Inc., for the aforementioned public improvement project is hereby approved:

SUBCONTRACTORS PERCENTAGE

Cook Paving & Construction Co., Inc. 1360 Brookpark Road Brooklyn, Ohio 44130	15% (MBE)
Granger Trucking 8001 Old Granger Road Garfield Hts., Ohio 44125	16% (MBE)
Ressler Contracting Group P.O. Box 91967 Cleveland, Ohio 44101	11% (FBE)

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 119-98.

By Director Guzman.
Resolved by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of

two (2) walk-in-step vans (item #1), for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on December 19, 1997, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Forty Five Thousand Nine Hundred Fourteen and no/100 Dollars (\$45,914.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19452

which shall be certified against such contract in the sum of Forty Five Thousand Nine Hundred Fourteen and no/100 Dollars (\$45,914.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 120-98.

By Director Staib.
Resolved by the Board of Control of the City of Cleveland, that all bids received on September 2, 1997 for Pharmaceutical Supplies (all items) for the Division of Correction and Health, Department of Public Health, pursuant to the authority of Ordinance No. 432-97, passed by the Council of the City of Cleveland on May 19, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Acting Directors Jackson, Balraj, Directors Guzman, Staib, Acting Director Smith, Director Spellman, Acting Director Ross, Directors Nolan and Warren.

Nays: None.
Absent: None.

Resolution No. 121-98.

By Director Denihan.
Resolved by the Board of Control of the City of Cleveland that the bid of Vance's Shooters Supplies, Inc. for an estimated quantity of 9MM Pistols, (all items) for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 5, 1998, pursuant to Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Fourteen Thousand, Four Hundred Ninety Five and no/100 Dollars (\$14,495.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 11331
100 S&W 9MM Pistols, Model 5943
W/3 magazines each, as specified,
which shall be certified against
such contract in the sum of Forty-
Five Thousand, Seven Hundred
Ninety Eight and no/100 Dollars
(\$45,798.00).

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

Yeas: Mayor White, Directors Sum-
mers, Carmody, Acting Directors
Jackson, Balraj, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Directors Nolan and Warren.
Nays: None.
Absent: None.

Resolution No. 122-98.

By Director Hamilton.

Whereas, pursuant to Ordinance
No. 2076-76 passed October 25, 19767
the City is conducting a Land Reuti-
lization Program in accordance with
the provision of Chapter 5722 of the
Ohio Revised Code; and

Whereas, City has acquired Perma-
nent Parcel Nos. 136-14-027 and
136-14-028 under said Land Reuti-
lization Program; and

Whereas, Ordinance No. 254-98
passed February 9, 1998 authorized
the sale of said parcels for a con-
sideration established by the Board
of Control at not less than the Fair
Market Value; and

Whereas, Union Miles Develop-
ment Corporation or designee has
proposed to the City to purchase and
develop said parcels; now, therefore,

Be it resolved by the Board of
Control of the City of Cleveland that
pursuant to the authorization of
Ordinance No. 254-98 passed Febru-
ary 9, 1998 by the Cleveland City
Council, the Mayor is hereby autho-
rized to execute an official deed for
and on behalf of the City of Cleve-
land with Union Miles Development
Corporation or designee for the sale
and development of Permanent Par-
cel Nos. 136-14-027 and 136-14-028,
as described in said Ordinance in ac-
cordance with the Land Reutilization
Program in such manner as best car-
ries out the intent of said program.

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

Yeas: Mayor White, Directors Sum-
mers, Carmody, Acting Directors
Jackson, Balraj, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Directors Nolan and Warren.
Nays: None.
Absent: None.

Resolution No. 123-98.

By Director Hamilton.

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

Whereas, under said Program, the
City has acquired Permanent Parcel
No. 119-27-054 located at 8102 Golden
Avenue in Ward 6; and

Whereas, Section 183.021 of the
Codified Ordinances of Cleveland,
Ohio 1976 authorizes the Commis-
sioner of Purchases and Supplies,
when directed by the Director of

Community Development and when
certain specified conditions have
been met, to sell Land Reutilization
Program parcels to adjacent or abut-
ting landowners; and

Whereas, Fairfax Renaissance De-
velopment Corporation or designee,
abutting/adjacent landowner, has
proposed to the City to purchase and
develop said parcel; and

Whereas, the following conditions
exist:

1. The member of Council from
Ward 6 has consented to the pro-
posed sale;

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

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

Be it resolved by the Board of
Control of the City of Cleveland that
pursuant to Section 183.021 of Codi-
fied Ordinance of Cleveland, Ohio
1976, the Commissioner of Purchases
and Supplies is authorized, when
directed by the Director of Commu-
nity Development, and the Mayor is
hereby requested to execute an Offi-
cial Deed for and on behalf of the
City of Cleveland, with Fairfax
Renaissance Development Corpora-
tion or designee for the sale and
development of Permanent Parcel
No. 119-27-054 located at 8102 Golden
Avenue, in accordance with the
Land Reutilization Program in such
manner as best carries out the
intent of said program.

Be it further resolved that the con-
sideration for said parcel shall be
\$1.00, which amount is hereby deter-
mined to be not less than the Fair
Market value of said parcel for uses
in accordance with said Program.

Yeas: Mayor White, Directors Sum-
mers, Carmody, Acting Directors
Jackson, Balraj, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Directors Nolan and Warren.
Nays: None.
Absent: None.

Resolution No. 124-98.

By Director Denihan.

Resolved by the Board of Control
of the City of Cleveland, that all
bids received on February 20, 1998
for Printers, all items, for the
Department of Public Safety, pur-
suant to the authority of Ordinance
No. 2458-92, passed January 25, 1993,
be and the same are hereby rejected.

Yeas: Mayor White, Directors Sum-
mers, Carmody, Acting Directors
Jackson, Balraj, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Directors Nolan and Warren.
Nays: None.
Absent: None.

AMY M. WAINRIGHT,
Acting Secretary

BOARD OF CONTROL

February 26, 1998

The special meeting of the Board
of Control convened in the Mayor's
office on Thursday, February 26,
1998, at 1:30 p.m., with Mayor White
presiding.

Present: Mayor White, Directors
Summers, Carmody, Konicek, Acting
Director Barth, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Director Nolan, Acting Director
Huth and Director Axelrod.
Absent: None.

Others: William A. Moon, Commis-
sioner, Purchases and Supplies.

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

On motion, the following resolu-
tions were adopted.

Resolution No. 125-98.

By Director Spellman.

Be it resolved by the Board of
Control of the City of Cleveland,
that the bid of ELO Electric Com-
pany, for the public improvement of
the new Cleveland Browns NFL Sta-
dium Power Supply and Distribution
(Bid Package 8A), for the Division
of Convention Center and Stadium,
Department of Parks, Recreation
and Properties, received on Febru-
ary 18, 1998, pursuant to the autho-
rity of Ordinance No. 304-96, passed
March 8, 1996, for a gross price for
the improvement in the aggregate
amount of Seven Million One Hun-
dred Forty-Two Thousand and
no/100 (\$7,142,000.00) Dollars, is
hereby affirmed and approved as
the lowest responsible bid; and the
Director of Parks, Recreation and
Properties is hereby authorized to
enter into contract for said improve-
ment with said bidder.

Be it further resolved that the
employment of the following sub-
contractors by ELO Electric Com-
pany for the public improvement of
the new Cleveland Browns Stadium
power supply and distribution, here-
by is approved:

Precision Electric (MBE)	\$ 625,000
Rivera Construction (FBE)	25,000
Leader Electric Supply (FBE)	900,000

Yeas: Mayor White, Directors Sum-
mers, Carmody, Konicek, Acting
Director Barth, Directors Guzman,
Staib, Acting Director Smith, Direc-
tor Spellman, Acting Director Ross,
Director Nolan, Acting Director
Huth and Director Axelrod.
Nays: None.
Absent: None.

AMY M. WAINRIGHT,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and informa-
tion, 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 Lake-
side Avenue.

Application blanks must be prop-
erly filled out on the official form
prescribed by the Civil Service Com-
mission and filed at the office of the
commission not later than the final
closing date slated in the examina-
tion announcement.

EXAMINATION RESULTS: Each
applicant whether passing or failing
will be notified of the results of the
examination as soon as the com-
mission 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 sub-
mit to a physical examination.

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, MARCH 16, 1998

9:30 A.M.

Calendar No. 98-28: 4015 Gifford Avenue

Sarah A. Sova, owner, appeals to change a 1-1/2 dwelling unit into a group home for 6 residents and 3-5 staff members, the 75' x 100' two-story frame non-conforming 1-1/2 dwelling unit on a 40' x 135' irregular shaped parcel located in a Two-Family District at 4015 Gifford Avenue, said use being contrary to the residence use limitations of Sections 337.03, 337.02 and 337.08 but subject to the substitution provisions of Section 357.09 and the westerly side yard being 3' x 0' instead of 8' x 0' in width as required by Section 357.09, and the landscaping requirements of Sections 352.10 of the Codified Ordinances.

Calendar No. 98-29: 3703 East 61st Street

Deborah Young, owner, appeals to change use of a two-family dwelling to a three-family dwelling use located in a Two-Family District on a 40' x 140' lot on the east side of East 61st Street, said use being contrary to the residence limitations of Section 337.03(a), of the Codified Ordinances.

Calendar No. 98-32: 6000 Memphis Avenue

Frankenbery Management Incorporated, owner, c/o Frankenbery, appeals to erect a 42' x 95' new Burger King Restaurant at the northwesterly corner of West 59th Street and Memphis Avenue on a 260' x 270' lot to be known as 6000 Memphis Avenue; said use being contrary to One-Family Districts regulations of Section 337.02, the General Retail Business Districts regulations of Section 343.11, table containing Zoning District regulations of Sections 352.08, 352.09 and 352.10, specific building line regulations of Section 357.07 and table containing landscape plan regulations of Section 352.12 of the Codified Ordinances.

Calendar No. 98-33: 1176 East 71st Street

Ronald A. Mitchell, owner, appeals to install 218 linear feet of 4' x 6" high fence on a 35' x 175' lot located in a Two-Family District on the northwesterly corner of E. 71st St. and Schaefer Ave. and occupied by a 2-story frame two-family dwelling house known as 1176 East 71st Street, said proposed fence to be 4' x 6" instead of 2' x 6" as required by the height and the encroachment provisions of Section 357.13(b)(c) of the Codified Ordinances

Calendar No. 98-34: 15828 Industrial Parkway

Industrial Energy System, owner, c/o Michael Dragics, appeals, to resurface an existing 16,428 sq. ft. parking lot located in a Semi-Industry District at 15828 Industrial Parkway; said use being contrary to the location of required space requirements of Section 349.05 and the Table containing uses requiring other screening or landscaping requirements of Section 352.10 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, MARCH 2, 1998

At the Meeting of the Board of Zoning Appeals on Monday, February 23, 1998, the following appeals were heard by the Board, and, on Monday, March 2, 1998 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 97-243: 3912 Archwood Avenue

Milad Dawood, owner, appealed, to erect a 216" x 15'3" second floor frame open deck over the driveway. (Conditional grant).

Calendar No. 98-12: Appeal of Michael Pincus

Michael Pincus, appealed, under Section 76-6 of the Charter of the City of Cleveland and Section 443.13(g) of the Codified Ordinances from the refusal to issue a Taxicab Drivers License.

Calendar No. 98-30: 3613-15 East 131st Street

Angelo J. Wilson aka Imam, owner, appealed under Sections 329.01(e), and 329.01(d) from the refusal to approve a lot split.

Calendar No. 98-07: 4444 Rocky River Drive

Slane Company, owner and CVS Pharmacy Inc., c/o Donna Roberts, tenant, to erect a 50' sq. ft. pole sign and a 32' sq. ft. pole sign. (Conditional grant).

The following appeals were **Refused:**

Calendar No. 98-06: 3931 West 21st Street

Richard R. Gabor, owner, appealed to erect a 15' x 30' x 4' deep above ground swimming pool in the front yard.

Calendar No. 98-14: 3904-06 West 157th Street

Margaret Patton, owner, appealed, to change the use of an existing two family dwelling unit into three dwelling units.

The following appeal was **Postponed:**

Calendar No. 98-20: 11619 Fairport Avenue to April 6, 1998.

The following appeal was **Withdrawn:**

Calendar No. 98-16: 479 East 118th Street.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MARCH 11, 1998

Mall B — Hanna Pavilion Tree Replacement/Irrigation, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 714-95, passed by the Council of the City of Cleveland, June 19, 1995.

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

GYM Floor Refinishing, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 162-97, passed by the Council of the City of Cleveland, April 21, 1997.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 13, 1998

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

Blaw Knox Paver Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 72-98, passed by the Council of the City of Cleveland, February 9, 1998.

Leach Packers Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 74-98, passed by the Council of City of Cleveland, February 9, 1998.

Auto/Truck Spring Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 75-98, passed by the Council of the City of Cleveland, February 9, 1998.

February 25, 1998 and March 4, 1998

WEDNESDAY, MARCH 18, 1998

Lamps, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2206-96, passed by the Council of the City of Cleveland, January 13, 1997.

Vitrified Clay Pipe, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by the Codified Ordinances of the City of Cleveland, 1976.

Slabs, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

Castings, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of the City of Cleveland, 1976.

February 25, 1998 and March 4, 1998

THURSDAY, MARCH 19, 1998

Ridge Road Transfer Station Renovation, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1256-97, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 10, 1998, 10:00 A.M. AT THE RIDGE ROAD TRANSFER STATION, 3727 RIDGE ROAD, CLEVELAND, OHIO.

Cleveland City Hall Balcony Drains - Phase II, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND

SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MARCH 12, 1998, 10:00 A.M. IN CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, DIVISION OF ARCHITECTURE, ROOM 517.

Pharmaceutical Supplies, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 432-97, passed by the Council of the City of Cleveland, May 19, 1997.

Manhole Covers and Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, 1976.

Copper Pipe, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, 1976.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 20, 1998

Mowers with Trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

New Cleveland Browns NFL Football Stadium — Bid Package No. 8F — Sports Lighting and Control, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 9, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

FRIDAY, MARCH 27, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 8E — Fire Alarm/Cable Tray, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MARCH 11, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

FRIDAY, APRIL 3, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 14 — Signage and Graphics, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE COST OF FIFTY DOLLARS (\$50.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MARCH 12, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 25, 1998 and March 4, 1998

WEDNESDAY, MARCH 18, 1998

System Expansion Program — Spring 1998, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1071-93, passed by the Council of the City of Cleveland, June 7, 1993.

A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 9, 1998, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE. THIS MEETING IS MANDATORY FOR INSTALLATION BIDDERS. BUT ALL POTENTIAL BIDDERS ARE WELCOME. THOSE BIDDING TO PROVIDE TREES ONLY MUST EITHER ATTEND THE MEETING OR CONTACT MATT CARROLL OF CLEAN-LAND, OHIO BY MAIL, FAX OR HAND DELIVERY BY 9:00 A.M. ON MARCH 9, 1998 AND STATE THEIR INTENT TO BID. CONTACT MATT CARROLL AT 1836 EUCLID AVENUE, SUITE 800, CLEVELAND OHIO 44115, (216) 696-2326 (FAX).

March 4, 1998 and March 11, 1998

FRIDAY, MARCH 20, 1998

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 73-98, passed by the Council of the City of Cleveland, February 9, 1998.

March 4, 1998 and March 11, 1998

WEDNESDAY, MARCH 25, 1998

Meters and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, September 21, 1992.

Installing a Fire Sprinkler System, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 247-97, passed by the Council of the City of Cleveland, April 14, 1997.

Automotive and Truck Parts, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2146-97, passed by the Council of the City of Cleveland, February 2, 1998.

Inmate Clothing, Bedding and Shoes, for the Division of Correction, Department of Public Health, as authorized by Ordinance No. 1861-97, passed by the Council of the City of Cleveland, December 15, 1997.

March 4, 1998 and March 11, 1998

FRIDAY, MARCH 27, 1998

New Cleveland Browns NFL Football Stadium — Bid Package No. 8C — Club Electrical Work, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-97.

BIDS DOCUMENTS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES FOR THE **NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY**. PROSPECTIVE BIDDERS WILL BE GIVEN A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN PLANS AND SPECIFICATIONS.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON MONDAY, MARCH 16, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

March 4, 1998 and March 11 1998

THURSDAY, APRIL 2, 1998

Interior Renovation at the Third District Police Station Building (17-90D), for the Department of Public Safety, as authorized by Ordinance No. 1278-92, 2053-91 and 2189-97, passed by the Council of the City of Cleveland, July 22, 1992, February 24, 1992 and February 9, 1998, respectively.

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

A **PRE-BID MEETING** WILL BE HELD ON MONDAY, MARCH 16, 1998, 10:00 A.M. AT THE THIRD DISTRICT POLICE STATION BUILDING, 2001 PAYNE AVENUE, 2ND FLOOR OLD COURTROOM.

March 4, 1998 and March 11 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 282-98.

By Councilman Willis.

An emergency resolution objecting to the ownership of a C2, C2X and D6 Liquor Permit to 422 Eddy Rd. 1st Fl. Front.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 2847774, 422 Eddy Rd. Inc., DBA Muffs Delicatessen, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108, to Permit No. 6540724, Olooneys Inc. DBARed Apple Supermarket, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Permit No. 2847774, 422 Eddy Rd. Inc., DBA Muffs Delicatessen, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108, to Permit No. 6540724, Olooneys Inc. DBARed Apple Supermarket, 422 Eddy Rd. 1st Fl. Front, Cleveland, Ohio 44108; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 23, 1998.

Effective February 27, 1998.

Res. No. 283-98.

By Councilman Melena.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3250 W. 65th St. SWBldg.

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. 47246153297, Kmart Corp.,

DBAKmart 3292, 3250 W. 65th St. SWBldg., Cleveland, Ohio 44102; 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 of a Liquor Permit to Permit No. 47246153297, Kmart Corp., DBAKmart 3292, 3250 W. 65th St. SWBldg., Cleveland, Ohio 44102, 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 February 23, 1998.

Effective February 27, 1998.

Res. No. 284-98.

By Councilman Lewis.

An emergency resolution withdrawing objection to the transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th Street, and repealing Res. No. 1345-97, objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th St., by Res. No. 1345-97, adopted July 16, 1997; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location based upon and pursuant to a cooperation agreement signed February 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 transfer of ownership and location of a D5 Liquor Permit to 1601-03 E. 79th St., be and the same is hereby withdrawn and Res. No. 1345-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location 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 February 23, 1998.

Effective February 27, 1998.

Res. No. 285-98.

By Councilman Lewis.

An emergency resolution withdrawing objection to the transfer of ownership of C2 and C2X Liquor Permit to 5300 Superior Avenue & Gas Pumps, and repealing Res. No. 1346-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5300 Superior Avenue, by Res. No. 1346-97, adopted July 16, 1997; 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 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 transfer of ownership of a C2 and C2X Liquor Permit to 5300 Superior Avenue, be and the same is hereby withdrawn and Res. No. 1346-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted February 23, 1998.

Effective February 27, 1998.

Ord. No. 988-97.

By Mayor White and Councilmen Robinson, Patton, White, Patmon, Willis and Jones.

An emergency ordinance to enact Sections 680A.01 and 680A.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to restricting the placement or display of outdoor advertisements for cigarettes, and providing a penalty.

Whereas, Section 2927.02 of the Ohio Revised Code makes it unlawful for any person engaged in the manufacturing, production, distribution, wholesaling, or retailing of cigarettes or other tobacco products to give, sell, or otherwise distribute cigarettes or other tobacco products to any person under eighteen years of age; and

Whereas, a survey conducted by the Center for Disease Control during the spring of 1995 reported that 34.8 percent of teenagers under the age of eighteen reported smoking, and 16 percent of teenagers under the age of eighteen said they smoked 20 or more cigarettes during the month preceding the survey; and

Whereas, according to the Food and Drug Administration, tobacco addiction is a major pediatric disease, with one million children taking up smoking each year; and

Whereas, according to the American Lung Association, each day, 3,000 children smoke their first cigarette; and

Whereas, more than 3.1 million minors under the age of eighteen consume more than 947 million packs of cigarettes annually in the United States, yielding gross sales to the tobacco industry each year of approximately \$1 billion; and

Whereas, cigarettes are among the most heavily marketed product in America, and the tobacco industry spends approximately \$4 billion a year to promote and advertise their products, with \$421 million going annually for outdoor advertising of cigarettes; and

Whereas, outdoor advertisements are a unique and distinguishable medium of advertising which subjects the general public to involuntary and unavoidable forms of solicitation, as the courts have found:

"Advertisements of this sort are constantly before the eyes of observers on the streets . . . to be seen without the exercise of choice or volition on their part. Other forms of advertising are ordinarily seen as a matter of choice on the part of the observer. The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce. In the case of newspapers and magazines, there must be some seeking by the one who is to see and read the advertisement. The radio can be turned off; but not so the billboard . . . These distinctions clearly place this kind of advertisement in a position to be classified so that regulations or prohibitions may be imposed upon all within the class. This is impossible with respect to newspapers and magazines."; and

Whereas, the Supreme Court and other courts have recognized the positive relationship between advertising and consumption as regards a variety of goods and services, such as electricity, gambling, cigarettes, and alcohol; and

Whereas, in addition to judicial recognition of the general link between advertising and consumption, there is specific and convinc-

ing evidence that tobacco advertising plays a significant role in stimulating illegal consumption of cigarettes by minors, including:

Aitken, P.P., Leather, D.S., O'Hagan, F.J., and Squair, S.I., "Children's Awareness of Cigarette Advertising and Brand Imagery". British Journal of Addiction 1987;82:615-22.

Aitken, P.P., Leather, D.S., and Squair, S.I., "Children's Awareness of Cigarette Brand Sponsorship of Sports and Games in the U.K.". Health Education Research 1986;1:203-11.

Alexander, H.M., Calcott, R., Dobson, A.J., et al. "Cigarette Smoking and Drug Use in School Children, IV: Factors Associated with Changes in Smoking Behavior". International Journal of Epidemiology 1983;12:59-66.

Chapman S. and Fitzgerald B., "Brand Preference and Advertising Recall in Adolescent Smokers: Some Implications for Health Promotion". American Journal of Public Health 1982;72:491-94.

Charlton, A., "Children's Advertisement Awareness Related to Their Views of Smoking". Health Education Journal 1986;45(2) 75-78.

Davis R., "Current Trends in Cigarette Advertising and Marketing". New England Journal of Medicine 1987;316:725-32.

Goldstein, A.O., Fischer, P.M., Richards, J.W., and Cretin, B.A., "Relationship Between High School Student Smoking and Recognition of Cigarette Advertisements". Journal of Pediatrics 1987;110:488-91.

Hunter, S.M., Croft, J.B., Burke, G.L., Parker, F.C., Webber, L.S., and Berenson, G.S., "Longitudinal Patterns of Cigarette Smoking and Smokeless Tobacco Use in Youth: The Bogalusa Heart Study". American Journal of Public Health 1986;76:193-95.

Klitzner M., Gruenewald P.J., and Bamberger E., "Cigarette Advertising and Adolescent Experimentation with Smoking". British Journal of Addiction 1991;86:287-98; and

Whereas, The 1993 Ohio Youth Risk Behavior Survey conducted by the Ohio Department of Education, Student Development Division, found that:

Smoking is related to poor academic performance as well as the use of alcohol and other drugs.

Over one million teenagers begin smoking each year.

Sixty-nine percent (69%) of Ohio high school students had tried cigarette smoking. Sixty-six percent (66%) of ninth graders, 67% of tenth graders, 69% of eleventh graders, and 72% of twelfth graders had tried cigarettes.

Twenty-seven percent (27%) of Ohio high school students smoked a whole cigarette for the first time prior to age 13. Thirty-four percent (34%) of ninth graders, 25% of tenth graders, 24% of eleventh graders, and 23% of twelfth graders smoked a whole cigarette prior to age 13.

Twenty-four percent (24%) of Ohio high school students reported that they ever smoked regularly, which was defined as smoking at least one cigarette every day for 30 days. Twenty-five percent (25%) of ninth graders, 24% of tenth graders, 23% of eleventh graders, and 25% of twelfth graders smoked cigarettes regularly. Significantly more white (28%) than black students (8%) reported they ever smoked regularly.

Eight percent (8%) of Ohio high school students (9% of males and 7% of females) started smoking cigarettes regularly prior to age 13. Significantly more white (9%) than black students (3%) smoked cigarettes regularly before age 13.

Thirty percent (30%) of Ohio high school students smoked cigarettes one or more times during the month prior to the completing the survey. Significantly more white (33%) than black students (14%) smoked at least once during the 30 days preceding the survey.

Twenty-one percent (21%) of Ohio's high school students smoked two or more cigarettes per day on the days they smoked. Significantly more white (24%) than black students (7%) smoked two or more cigarettes per day.

Twelve percent (12%) of Ohio high school students smoked cigarettes on school property during the 30 days prior to the survey. Significantly more white (13%) than black students (5%) smoked cigarettes on school property.

Eighteen percent (18%) of Ohio high school students tried to quit smoking cigarettes during the six months prior to the survey. Twenty-one percent (21%) of ninth graders, 17% of tenth graders, 17% of eleventh graders, and 15% of twelfth graders tried to quit smoking cigarettes during the six months before completing the survey. Significantly more white (21%) than black students (4%) tried to quit smoking; and

Whereas, cigarette advertisements tend to emphasize youthful vigor, sexual attraction, and independence themes, which appeal to teenagers and young adults struggling with these issues; and

Whereas, tobacco use is associated with alcohol and illicit drug use, acting as a "gateway drug" by young people who enter a sequence of drug use that can include tobacco, alcohol, marijuana, and harder drugs, and is associated with a range of health-compromising behaviors, including being involved in fights, carrying weapons, and engaging in high risk sexual behavior; and

Whereas, research conducted by Scenic America, a nonprofit conservative organization indicates that unlike the print media, the billboard industry exercises no restraints on ad placement to protect children. "They simply put billboards anywhere they can including next to homes, schools, churches, parks, playgrounds, health centers, sports stadiums, shopping centers — literally everywhere"; and

Whereas, an ordinance restricting the placement or display of advertisements for cigarettes in publicly visible locations within the City of Cleveland is a reasonable and necessary measure for reducing illegal consumption of cigarettes by minors; and

Whereas, the restrictions contained in the following Ordinance will not unduly burden legitimate business activities of persons licensed by the State of Ohio to sell cigarettes on a retail basis; and

Whereas, in order to protect legitimate business activities and to narrowly focus its efforts on those advertisements which most directly affect minors where they live, attend school, attend church, and

engage in recreational activities, the City of Cleveland has determined not to restrict advertisements of cigarettes in certain designated business and industrial zones hereinafter identified, with reasonable and appropriate setbacks from adjoining zones; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or welfare in that it is necessary to reduce illegal consumption of cigarettes by minors, to promote the welfare of minors exposed to advertisements for cigarettes and for the other reasons stated in the recitals to this ordinance, now, therefore

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

Section 1. That, for the reasons stated in the "Whereas" clauses and based upon the reports, studies and other data as to cigarette usage and cigarette advertising contained in File No. 988-97-A, the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 680A.01 and 680A.99 thereof, to read, respectively, as follows:

CHAPTER 680A CIGARETTE ADVERTISING ON PUBLICLY VISIBLE LOCATIONS

Section 680A.01 General Requirements

(a) Cigarette Advertisements. No person may place or display any sign, poster, placard, device, graphic display, or other form of advertising that advertises cigarettes in a publicly visible location or at any location visible from a sidewalk, street, or highway. As used in this section, "Publicly Visible Location" includes outdoor billboards, sides of buildings, roofs of buildings, and freestanding signboards.

(b) This section shall not apply to the following:

(1) The placement or display of signs, including advertisements:

A. inside any building used by a holder of cigarette business "license" as prescribed in Section 5743.15 of the Ohio Revised Code and intended to be read from inside the building; or

B. on commercial vehicles used for transporting cigarettes.

(2) Any banners, inflatable signs, or pennants located at a special event, for which a temporary sign permit has been issued by the Division of Building and Housing, provided that the temporary sign permit limits the display of said banners, inflatable signs, or pennants to no more than fourteen (14) calendar days.

(3) Any sign other than a neon or electrically charged sign that only displays the word "cigarette(s)" without listing a brand name or price and without use of accompanying artwork, photographs or other graphics.

(4) Any sign located:

A. in the Central Business District;

B. in the Flats-Oxbow Business Revitalization District;

C. in such manner that the advertisement on the sign is visible only from the rights-of-way of Interstate Routes 71, 77, 90, 480 and 490; or

D. in an Unrestricted Industry District located more than 1,000 feet

from the boundary of any zone other than the Central Business District, the Flats-Oxbow Business Revitalization District, or an Unrestricted Industry District.

Section 680A.99 Penalty

Whoever violates the provisions of Section 680A.01 shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000.00), or shall be sentenced to a prison term of six months, or both. Said fine or prison term shall not be suspended, waived, or otherwise reduced below the amount or term indicated herein. Each day upon which the violation of Section 680A.01 continues shall constitute a separate offense.

Section 2. That the provisions of Chapter 680A of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by this ordinance, shall be effective as follows:

From and after the effective date of this ordinance, no advertisement shall be placed or displayed contrary to the provisions of this chapter, except that:

(a) For any advertisement placed or displayed pursuant to a contract; executed prior to the effective date of this ordinance, the provisions of this chapter shall require the removal of such advertisement upon the expiration of the current term of the contract, or one year after the effective date of this ordinance, whichever is sooner.

(b) For any advertisement placed or displayed prior to the effective date of this ordinance that is not being displayed pursuant to an existing contractual commitment, the advertisement shall be removed within sixty (60) days of the effective date of this ordinance.

Section 3. The Director of Finance shall separately account for the fines collected for violations of Chapter 680A. A like amount will be appropriated and available, when authorized by the Council, to pay for programs sponsored by agencies such as the American Cancer Society, American Lung Association and Drug Hotline, for the prevention and treatment of alcoholism and cigarette smoking.

Section 4. That, should any litigation result from the passage of this ordinance, the Director of Law shall update the Council President on a quarterly basis regarding the status of the litigation and, should it become the intention of the Director of Law to employ outside counsel to defend interests of the City in such litigation, the Director shall notify the Council President forthwith.

Section 5. That the Chairman of the Council Committee on Finance is hereby directed to conduct a committee hearing on or about the first anniversary of the passage of this ordinance in order to discuss the effectiveness and enforcement of this ordinance.

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

Passed February 23, 1998.

Effective March 4, 1998.

**Ord. No. 989-97.
By Mayor White and Councilmen
Robinson, Patton, White, Patmon,
Willis and Jones.**

An emergency ordinance to enact Sections 680B.01 and 680B.99 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, and providing a penalty.

Whereas, Sections 4301.63 through 4301.632 of the Ohio Revised Code make it unlawful for any person under the age of 21 years to order, attempt to purchase, consume, or possess any beer or intoxicating liquor in the state of Ohio, and Section 4301.69 of the Ohio Revised Code prohibits the sale, furnishing, or purchasing of beer or intoxicating liquor to or on behalf of underage persons by any persons, including liquor permit holders authorized to sell such products in the State of Ohio; and

Whereas, the Center for Science in the Public Interest (CSPI) has found that "for American teens, alcohol is by far the most widely used and abused drug. Despite laws prohibiting use and possession of alcohol by minors and sales to underage persons, over 4 million young Americans experience serious alcohol-related problems before leaving high school."; and

Whereas, a survey conducted in 1993 by the Substance Abuse & Mental Health Services Administration reported that 41.3 percent of minors between the ages of twelve and seventeen reported alcoholic beverage consumption, and according to a 1994 CSPI study, 16.3% of minors 12-17 years of age, and 61.3% of minors 18-21 years of age reported alcohol use within the 30 days prior to the study; and

Whereas, research by the CSPI reveals further that:

The median age at which children begin drinking is just over thirteen years, and that 67% of 8th graders have tried alcohol.

Children feel intense peer pressure to drink alcohol. In a 1990 survey, 35% of 4th graders and 49% of sixth graders said they felt pressured by their classmates to drink.

Junior and senior high school students drink 35% of all wine coolers sold in the United States and 1.1 billion cans of beer each year.

Underage drinkers find alcohol easy to obtain. In one study conducted in Washington D.C., 19 and 20-year-old youths purchased a six-pack of beer in 97 out of 100 attempts.

Alcohol use has been involved in as many as 50% - 65% of all suicides among youths.

Alcohol-related traffic crashes are the number one killer of 16-to-24-year-olds.

High school students who drink are four times more likely to have had sexual intercourse and twice as likely to have had four or more sex partners, behaviors which increase the risk for HIV infection; and

Whereas, alcoholic beverages are among the most heavily marketed product in America, and in 1991 the alcoholic beverage industry spent approximately \$1 billion to promote and advertise its products, with more than \$81.5 million targeted specifically for outdoor advertising of its products; and

Whereas, outdoor advertisements are a unique and distinguishable medium of advertising which subjects the general public to involun-

tary and unavoidable forms of solicitation, as the courts have found:

"Advertisements of this sort are constantly before the eyes of observers on the streets . . . to be seen without the exercise of choice or volition on their part. Other forms of advertising are ordinarily seen as a matter of choice on the part of the observer. The young people as well as the adults have the message of the billboard thrust upon them by all the arts and devices that skill can produce. In the case of newspapers and magazines, there must be some seeking by the one who is to see and read the advertisement. The radio can be turned off; but not so the billboard . . . These distinctions clearly place this kind of advertisement in a position to be classified so that regulations or prohibitions may be imposed upon all within the class. This is impossible with respect to newspapers and magazines."; and

Whereas, the Supreme Court and other courts have recognized the positive relationship between advertising and consumption as regards a variety of goods and services, such as electricity, gambling, cigarettes, and alcohol; and

Whereas, in addition to judicial recognition of the general link between advertising and consumption, a report by a Maryland Drug and Alcohol Abuse Commission on "The Impact of Alcohol Advertising and the Use of Alcohol in Television Programs and Films on Underage Drinking" (January 1993) concluded:

Research consistently showed that children's attitudes favorable to alcohol are significantly related to their exposure to alcohol advertisements.

Specific alcoholic beverage advertising practices such as use of cartoon characters and animals (e.g., "Spuds McKenzie") that are especially appealing to children and youth, using rock stars and athletes as spokespersons, and associating drinking with sports and other activities that have a great appeal to youth such as race car driving, rock climbing, water sports, etc., greatly contribute to attitudes favorable to alcohol among youth.

Children are exposed to billboards advertising alcohol on a regular basis simply by walking to school or playing in their neighborhood, and there is no practical means of parental monitoring or limiting of exposure to these public advertisements.

The "overwhelming majority" of research studies showed a definite correlation between alcohol advertising and underage drinking.

Glamorous "lifestyle" alcoholic beverage advertisements have a "profound influence" on young people's attitudes about alcohol; and

Whereas, research shows that when children's exposure to alcohol advertising increases, they:

Perceive drinking as more attractive, acceptable, and rewarding;

View drinkers more positively (i.e., more friendly, relaxed, fun-loving, happy, sophisticated, etc.);

Are more likely to see beer drinking as "cool" and "macho";

Are more likely to believe that drinking is a way to relax and deal with stress;

Are more likely to agree that it is okay for teenagers to drink;

Are more likely to name alcohol than water as an appropriate beverage for adults; and

Have increased expectations to drink in the future; and

Whereas, a variety of studies indicate that alcohol is involved in at least one-half of all the major causes of death among youth: motor vehicle crashes, suicides, homicides, drowning, and other accidents. Alcohol-related accidents are now the leading cause of death among young people; and

Whereas, The 1993 Ohio Youth Risk Behavior Survey conducted by the Ohio Department of Education, Student Development Division, found that:

Alcohol is a major contributing factor in approximately half of all homicides, suicides, and motor vehicle crashes, which are leading causes of death and disability among young people.

Heavy drinking among youth has been linked conclusively to physical fights, destroyed property, academic and job problems, and trouble with law enforcement authorities.

Overall, 34% of Ohio high school students had their first drink of alcohol or other than a few sips prior to age 13. Forty-four percent (44%) of ninth graders, 35% of tenth graders, 31% of eleventh graders, and 24% of twelfth graders reported that they drank before age 13.

Eighty percent (80%) of Ohio high school students had at least one drink of alcohol during their life.

During the 30 days prior to the survey, 46% of Ohio high school students reported that they'd had at least one drink of alcohol.

During the 30 days preceding the survey, 30% of Ohio high school students had five or more drinks of alcohol in a row. Twenty-six percent (26%) of ninth and tenth graders, 33% of eleventh graders, and 37% of twelfth graders drank five or more drinks in a row.

Five percent (5%) of Ohio's high school students had at least one drink of alcohol on school property during the 30 days preceding the survey; and

Whereas, according to 1992 reports by then U.S. Surgeon General, Dr. Antonia Novello ("Youth and Alcohol: Dangerous and Deadly Consequences") and then U.S. Inspector General, Richard Kusserow ("Youth and Alcohol: Drinking and Crime");

About one-third of all juvenile males arrested said they had used alcohol in the previous 72 hours.

Nearly 40% of youths in adult correctional facilities reported drinking before committing the crime.

Eighteen percent (18%) of high school females and 39% of high school males say that "it's okay to force sex if the girl is drunk."

A "striking association" exists between alcohol use and using firearms to commit suicide by 10-to-19-year-olds.

Forty percent (40%) to 50% of young males who drowned had consumed alcohol prior to drowning.

Forty percent (40%) to 50% of youths injured diving had consumed alcohol prior to diving.

Among high school seniors, twice as many frequent binge drinkers skipped school (55% versus 25%), and nearly five times as many seniors who binged frequently damaged school property (36% versus 8%); and

Whereas, alcoholic beverage advertisements tend to emphasize youthful vigor, sexual attraction, and independence themes, which appeal to teenagers and young adults struggling with these issues; and

Whereas, alcohol use is associated with tobacco and illicit drug use, acting as a "gateway drug" by young people who enter a sequence of drug use that can include tobacco, alcohol, marijuana, and harder drugs, and is associated with a range of health-compromising behaviors, including being involved in fights, carrying weapons, and engaging in high risk sexual behavior; and

Whereas, research conducted by Scenic America, a nonprofit conservative organization indicates that unlike the print media, the billboard industry exercises no restraints on ad placement to protect children. "They simply put billboards anywhere they can including next to homes, schools, churches, parks, playgrounds, health centers, sports stadiums, shopping centers — literally everywhere,"; and

Whereas, an ordinance restricting the placement or display of advertisements for alcoholic beverages in publicly visible locations within the City of Cleveland is a reasonable and necessary measure for reducing illegal consumption of alcoholic beverages by minors and for promoting the welfare and temperance of minors exposed to such advertisements; and

Whereas, the restrictions contained in the following ordinance will not unduly burden legitimate business activities of persons licensed by the State of Ohio to sell alcoholic beverages on a retail basis; and

Whereas, in order to protect legitimate business activities and to narrowly focus its efforts on those advertisements which most directly affect minors where they live, attend school, attend church, and engage in recreational activities, the City of Cleveland has determined not to restrict advertisements of alcoholic beverages in certain designated business and industrial zones hereinafter identified, with reasonable and appropriate setbacks from adjoining zones; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or welfare in that it is necessary to reduce illegal consumption of alcoholic beverages by minors, to promote the welfare and temperance of minors exposed to advertisements for alcoholic beverages and for the other reasons stated in the recitals to this ordinance, now, therefore

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

Section 1. That, for the reasons stated in the "Whereas" clauses and based upon the reports, studies and other data as to alcoholic beverage usage and alcoholic beverage advertising contained in File No. 988-97-A, the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 680B.01 and 680B.99 thereof, to read, respectively, as follows:

**CHAPTER 680B
ALCOHOLIC BEVERAGE
ADVERTISING ON
PUBLICLY VISIBLE LOCATIONS**

Section 680B.01 General Requirements

(a) Alcoholic Beverage Advertisements. No person may place or display any sign, poster, placard, device, graphic display, or other form of advertising that advertises alcoholic beverages in a publicly

visible location or at any location visible from a sidewalk, street, or highway. As used in this section, "Publicly Visible Location" includes outdoor billboards, sides of buildings, roofs of buildings, and free-standing signboards.

(b) This section shall not apply to the following:

(1) The placement or display of signs, including advertisements:

A. inside any building used by a holder of any liquor permit as prescribed in Chapter 4303 of the Ohio Revised Code and intended to be read from inside the building; or

B. on commercial vehicles used for transporting alcoholic beverages; or

C. in conjunction with a 1-day liquor permit or a temporary permit granted by the Liquor Control Commission.

(2) Any banners, inflatable signs, or pennants located at a special event, for which a temporary sign permit has been issued by the Division of Building and Housing, provided that the temporary sign permit limits the display of said banners, inflatable signs, or pennants to no more than fourteen (14) calendar days.

(3) Any sign placed in conformity with division (F) of Section 4301:1-1-44 of the Ohio Administrative Code. Nothing in this section, however, shall abrogate any ordinance, rule or regulation of the City concerning the total area of window space that may be devoted to interior signs.

(4) Any sign located:

A. in the Central Business District;

B. in the Flats-Oxbow Business Revitalization District;

C. in such manner that the advertisement on the sign is visible only from the rights-of-way of Interstate Routes 71, 77, 90, 480, and 490; or

D. in an Unrestricted Industry District located more than 1,000 feet from the boundary of any zone other than the Central Business District, the Flats-Oxbow Business Revitalization District, or an Unrestricted Industry District.

Section 680B.99 Penalty

Whoever violates the provisions of Section 680B.01 shall be guilty of a misdemeanor of the first degree and shall be fined one thousand dollars (\$1,000.00), or shall be sentenced to a prison term of six months, or both. Said fine or prison term shall not be suspended, waived, or otherwise reduced below the amount or term indicated herein. Each day upon which the violation of Section 680B.01 continues shall constitute a separate offense.

Section 2. That the provisions of Chapter 680B of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by this ordinance, shall be effective as follows:

From and after the effective date of this ordinance, no advertisement shall be placed or displayed contrary to the provisions of this chapter, except that:

(a) For any advertisement placed or displayed pursuant to a contract executed prior to the effective date of this ordinance, the provisions of this chapter shall require the removal of such advertisement upon the expiration of the current term of the contract, or one year after the effective date of this ordinance, whichever is sooner.

(b) For any advertisement placed or displayed prior to the effective date of this ordinance that is not

being displayed pursuant to an existing contractual commitment, the advertisement shall be removed within sixty (60) days of the effective date of this ordinance.

Section 3. The Director of Finance shall separately account for the fines collected for violations of Chapter 680B. A like amount will be appropriated and available, when authorized by the Council, to pay for programs sponsored by agencies such as the American Cancer Society, American Lung Association and Drug Hotline, for the prevention and treatment of alcoholism and cigarette smoking.

Section 4. That, should any litigation result from the passage of this ordinance, the Director of Law shall update the Council President on a quarterly basis regarding the status of the litigation and, should it become the intention of the Director of Law to employ outside counsel to defend interests of the City in such litigation, the Director shall notify the Council President forthwith.

Section 5. That the Chairman of the Council Committee on Finance is hereby directed to conduct a committee hearing on or about the first anniversary of the passage of this ordinance in order to discuss the effectiveness and enforcement of this ordinance.

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

Passed February 23, 1998.

Effective March 4, 1998.

Ord. No. 2024-97.

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

An emergency ordinance determining the method of making the public improvement of repairing or replacing the retaining wall at West 61st Street, including contiguous improvements; authorizing the Director of Public Service to employ professional design services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

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

Section 1. That, it is hereby determined to make the public improvement of repairing and replacing the retaining wall at West 61st Street, between Frontier Avenue and Clark Avenue, including filling the street to grade, installing a cul-de-sac, closing the street between the cul-de-sac and Clark Avenue, and installing lighting, drainage, curbing and sidewalks (the "Improvement"), for the Division of Engineering and Construction, Department of Public Ser-

vice, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the Director of Public Service is hereby authorized and directed to employ by contract one or more professional design consultants or one or more firms of professional design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

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

Section 4. That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

Section 6. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 322, 20 SF 334, 20 SF 342 and 20 SF 312, Request No. 21960.

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.

Passed February 23, 1998.
Effective February 27, 1998.

Ord. No. 279-98.

By Councilman Robinson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 3. (Walter Goddard, III)

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3; 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 3; Walter Goddard, III.

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

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

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

Passed February 23, 1998.

Effective February 27, 1998 with-
out the signature of the Mayor.

Ord. No. 280-97.

By Councilman White.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4147 East 114th Street to Cleveland Housing Network Incorporated or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 136-19-079,

as more fully described in Section 2 below, to Cleveland Housing Network Incorporated or designee.

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

P.P. No. 136-19-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 37 in William Jantzen's Subdivision of part of Original One Hundred Acre Lot No. 467, as shown by the recorded plat in Volume 15 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 114th Street, and extending back of equal width 142 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed February 23, 1998.

Effective February 27, 1998.

Ord. No. 281-98.

By Councilman Willis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located north of St. Clair on Lakeview and Parklawn Avenues to Northeastern Neighborhood Development Corporation or designee.

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the 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 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. 110-01-055 as more fully described in Section 2 below to Northeastern Neighborhood Development Corporation or designee.

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

P.P. No. 110-01-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Beginning on the Northeasterly line of Lakeview Road, N.E., at the most Southerly corner of land conveyed to Ethel Kadar by deed dated June 11, 1945, and recorded in Volume 5878, Page 62 of Cuyahoga County Records; thence Southeasterly along the Northeasterly line of Lakeview Road, N.E., 55 feet to the most Westerly corner of land conveyed to Frank J. Kicielinski and Frances Kicielinski by deed dated December 30, 1944, and recorded in Volume 5838, Page 264 of Cuyahoga County Records; thence Northeasterly along the Northwesterly line of land so conveyed to Frank J. and Frances Kicielinski, 100 feet to the most Northerly corner thereof; thence Northwesterly and parallel with the Northeasterly line of Lakeview Road, N.E., 55 feet to the most Easterly corner of land conveyed to Ethel Kadar, by deed aforesaid; thence Southwestwesterly along the Southeasterly line of land so conveyed to Ethel Kadar, 100 feet to the place of beginning, be the same more or less, but subject to all legal highways

Also subject to all zoning ordinances, if any.

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. 110-18-022 as more fully described in Section 4 below, to Northeastern Neighborhood Development Corporation or designee.

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. 110-18-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and being 33.06 feet front plus arc front on the Easterly line of Lakeview Road N.E., and extending back of equal width, 117.91 feet deep on the Southerly line, 108.25 plus arc deep along the Southerly side of Parklawn Drive, N.E., and 50 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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. 110-18-027 as more fully described in Section 6 below, Northeastern Neighborhood Development Corporation or designee.

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. 110-18-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 371 and bounded and described as follows:

Beginning on the Easterly line of Lakeview Road, N.E., 255 and 84/100 feet Southerly (measured along said Easterly line), from its point of intersection with the Northerly line of land conveyed to Henry Schneider by deed dated April 14, 1870 and recorded in Volume 175, Page 69 of Cuyahoga County Records; thence so 8°-46'-43" East along said Easterly line of Lakeview Road, N.E., 51 and 16/100 feet; thence North 81°-13'-17" East 150 feet to the Westerly line of land conveyed to the City of Cleveland by deed dated May 17, 1915 and recorded in Volume 1657, Page 470 of Cuyahoga County Records; thence North 8°-46'-43" West along said Westerly line of land so conveyed to the City of Cleveland, 51 and 16/100 feet thence South 81°-13'-17" West 150 feet to the place of beginning and being further known as Sublot No. 6 in the Templar Realty Company's proposed Subdivision of part of Original One Hundred Acre Lot No. 371 according to a survey made by A.A. Soffen, Civil Engineer, November 1922, be the same more or less, but subject to all legal highways.

Easement recorded in Volume 1657, pt 470 of Cuyahoga County Records.

Easement recorded in Volume 2882, Page 383 of Cuyahoga County Records.

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. 110-18-033 as more fully described in Section 8 below, to Northeastern Neighborhood Development Corporation or designee.

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. 110-18-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4, Parklawn Subdivision, Plat Book 91, Page 37, Cuyahoga County Records, 45 feet front on the Northerly side of Parklawn Avenue, 130.81 feet on the Easterly line, 130.53 feet on the Westerly line, 45 feet in the rear, be the same more or less, but subject to all legal highways.

Subject to covenants, conditions and restrictions, Plat Book 91, Page 37 and Deed Book 1265, Page 312.

Subject to Zoning Ordinances, if any.

Section 9. 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. 110-18-034 as more fully described in Section 10 below, to Northeastern Neighborhood Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 110-18-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5, Parklawn Subdivision, Plat Book 91, Page 27 of Cuyahoga County Records, 45 feet on the Northerly side of Parklawn Drive, 130.81 feet on the Westerly line, 131.08 feet on the Easterly line, 45 feet rear, be the same more or less, but subject to all legal highways.

Subject to covenants, conditions and restrictions, Plat Book 91, 37 and Deed Book 1265, Page 312.

Zoning Ordinances, if any.

Section 11. 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. 110-18-036 as more fully described in Section 12 below, to Northeastern Neighborhood Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 110-18-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and being 45 feet front on the Northerly side of Parklawn Drive, N.E. and extending back 131.63 feet on the Easterly line, 131.36 feet on the Westerly line and having a rear line of 45 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 13. 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. 110-18-037 as more fully described in Section 14 below, Northeastern Neighborhood Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 110-18-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 8 and the Southwest part of Sublot No. 9 in the Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the Northerly line of Parklawn Drive, N.E. at the Southwestwesterly corner of said Sublot No. 8;

thence Easterly along the said Northerly line of Parklawn Drive, N.E., 45 feet to a point; thence Northerly about 132.31 feet to the Northwesterly corner of said Sublot No. 9; thence Westerly along the Northerly line of said Sublot No. 8, 50 feet to the Northwesterly corner of said Sublot No. 8; thence Southerly long the Westerly line of said Sublot No. 8, 131.63 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. 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. 110-18-038 as more fully described in Section 16 below, Northeastern Neighborhood Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 110-18-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 9 and the Westerly 15 feet of Sublot No. 10 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records and bounded and described as follows:

Beginning in the Northerly line of Parklawn N.E. at a point distant 5 feet Easterly, along the said Northerly line of Parklawn Drive, N.E., which is also the Southerly line of said Sublot Nos. 9 and 10, 50 feet to a point; thence Northeasterly parallel with the Northwesterly line of said Sublot No. 10 about 136 feet to a point in the Northerly line of said Sublot No. 10; thence Westerly along the Northerly line of said Sublot Nos. 9 and 10, 75 feet to the Northwesterly corner of said Sublot No. 9; thence Southerly about 132 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Plat recorded in Volume 91, Page 37 of Cuyahoga County Records shows:

- Recital of restrictions.
- 12' Building line in front of captioned premises.
- 20' Building line in rear of captioned premises.
- Subject to zoning ordinances, if any.

Section 17. 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. 110-18-040 as more fully described in Section 18 below, Northeastern Neighborhood Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 110-18-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 11 and 12 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat in Volume 91 of Maps, Page 37 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Northeasterly line of Parklawn Drive, N.E., at a point distant 25 feet Southeastery measured along said Northeasterly line from the most Westerly corner of said Sublot No. 11; thence Southeastery along said Northeasterly line of Parklawn Drive, N.E., 50 feet to a point; thence Northeasterly in a direct line about 125 feet to the most Easterly corner of said Sublot No. 12; thence Northwesterly along the Northeasterly line of said Sublots Nos. 11 and 12, 110 feet to an angle; thence Northwesterly along the Northeasterly line of said Sublot No. 11, 30.41 feet to the most Northerly corner of said Sublot No. 11; thence Southwesterly in a direct line about 125 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 19. 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. 110-18-041 as more fully described in Section 20 below, Northeastern Neighborhood Development Corporation or designee.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 110-18-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 12 and 13 in the Parklawn Improvement Company's Parklawn Subdivision of part of Original One Hundred Acre Lot No. 371, as shown by the recorded plat of said Subdivision in Volume 91 of Maps, Page 37 of Cuyahoga County Records, and being bounded and described as follows:

Being in the Northeasterly line of Parklawn Drive, N.E., at a point distant 10 feet Northwesterly (measured along said Northeasterly line) from the most Southerly corner of said Sublot No. 12; thence Southeastery along said Northeasterly line of Parklawn Drive, N.E., 50 feet to a point; thence Northeasterly in a direct line about 143 feet to the most Easterly corner of said Sublot No. 13; thence Northwesterly along the Northeasterly line of said Sublot No. 13, 70 feet to the most Northerly corner thereof; thence Southwesterly in a direct line about 125 feet to the place of beginning, appears by said plat.

Also subject to zoning ordinances, if any.

Section 21. 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. 111-01-088 as more fully described in Section 22 below, to Northeastern Neighborhood Development Corporation or designee.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 111-01-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Record, and being 40 feet front

on the Easterly side of East 110th Street and extending back of equal width, 101.14 feet deep on the Southerly line, 99.21 feet deep on the Northerly line and 40.06 feet wide in the rear, be the same more or less but subject to all legal highways.

Subject to restrictions in Volume 1266, Page 281 and restrictions in Volume 2431, Page 304 of Cuyahoga County Records.

Subject to Joint Drive Agreement Volume 5882, Page 672 and Drive-way Easement Volume 13601, Page 931 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

Section 23. 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. 111-02-002 as more fully described in Section 24 below, to Northeastern Neighborhood Development Corporation or designee.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P.P. No. 111-02-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and being 42 feet front on the Easterly side of East 110th Street and extending back between parallel lines 96.45 feet deep on the Southerly line, about 95 feet deep on the Northerly line and 42.03 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 25 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. 111-02-004 as more fully described in Section 26 below, to Northeastern Neighborhood Development Corporation or designee.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 111-02-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly part of Sublot No. 1 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363 as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 110th Street at a point 42 feet Northerly (measured along said Easterly line) from its point of intersection with the Southerly line of said Sublot; thence Easterly parallel with the Southerly line of said Sublot, about 95 feet to the Easterly line of said Sublot; thence Northerly along the Easterly line of said Sublot .04 feet to the Southerly end of a curvature in said Easterly line of said Sublot; thence Northwesterly along the Northeasterly line of said Sublot on a curved line deflecting to the left, said curved line having a radius of 57.94 feet and a chord which bears North

45° 59' 23" West, 80.54 feet, a distance of 89.05 feet to the Westerly end of said curved line; thence Westerly along the Northerly line of said Sublot, 37.07 feet to said Easterly line of East 110th Street; thence Southerly along said Easterly line of East 110th Street, 56.01 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 27. 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 28. 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 29. 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 30. 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 February 23, 1998.

Effective February 27, 1998.

Ord. No. 313-98.

By Councilman Westbrook.

An emergency ordinance to amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, and to repeal Section 171.621 thereof, as amended by Ordinance No. 56-93, passed January 11, 1993, relating to councilmanic and clerk's assistants.

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 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, is hereby amended to read as follows:

Section 171.62 Benefits for Councilmanic Assistants and Clerk's Assistants

All Councilmanic Assistants and Clerk's Assistants who are chosen by the Council of the City pursuant to Section 31 of the Charter of the City and are employed part-time shall be entitled to the benefits described in Sections 171.32, 171.33 and 171.60 of these Codified Ordinances.

Section 2. That existing Section 171.62 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1123-90, passed May 7, 1990, is hereby repealed.

Section 3. That Section 171.621 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 56-93, passed January 11, 1993, 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 February 23, 1998.

Effective February 27, 1998.

Ord. No. 314-98.

By Councilman Zone.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Phillip Priester — 13820 Lorain Avenue).

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

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

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19, at the locations specified: Phillip Priester — 13820 Lorain Avenue.

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

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

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

Passed February 23, 1998.

Effective February 27, 1998 without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, February 23, 1998

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

Public Safety Committee (Joint with City Planning and Finance) 2:00 P.M. — Present: Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, Moran, White, Willis.

City Planning Committee (Joint with Public Safety and Finance) 2:00 P.M. — Present: Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

Finance Committee (Joint with Public Safety and City Planning) 2:00 P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Polensek, Robinson, Rybka, Sweeney, Zone. Excused: Patmon.

Finance Committee 2:30 P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Polensek, Robinson, Rybka, Sweeney, Zone. Excused: Patmon.

Tuesday, February 24, 1998

Community and Economic Committee (Block Grant): 9:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

Wednesday, February 25, 1998

Community and Economic Committee (Block Grant): 9:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Zone.

Index to Council Proceedings

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

Banners

Martin Luther King, Jr. Boulevard and Shaker Boulevard — Health Hill Hospital for Children — banners on CPP and CEI poles (O 2103-97) 288

Billboards

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... **299**
 Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) **301**

City Clerk's Office

Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... **306**

City Council

Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... **306**

City Planning Commission

Amend Section 103.07 and 103.13 - Codified Ordinances of Cleveland, Ohio 1976 - as amended by various ordinances - relating to boundaries of Wards 7 and 13. (O 370-98) 279
 Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98) **303**
 Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98)..... **303**
 Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... **299**
 Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) **301**
 Vacate a portion of Stuber Court N.E. (O 1781-97)..... 287

Clerk of Council

Section 413.10 —Establish No Right "Turn in Ward 14 at the intersection of State and Oakpark all directions — amend File No. 106-76 in the Clerk of Council's Office . - (O 2188-97)..... 288

Cleveland Hopkins International Airport

Jet bridge at Gate A-114 — purchase including maintenance and installation — Cleveland Hopkins International Airport. (O 70-98)..... 288
 Revolving Credit Agreement — Special Revenue Notes — \$10,000,000 — for costs of acquiring residential property and relocating residents to mitigate the impact of airport noise - - CHIA — Federal Aviation Administration. (O 200-98) 287-290

Cleveland Police Patrolmen's Association

Authorizing - Director of Public Safety - accept a cash gift for completion of Cleveland Police Patrolmen's Tactical Training Center. (O 366-98) 277

Cleveland Public Power

West 41st Street Substation — expansion — interdepartmental transfer of property — amend City Contract No. 25845, (O 144-98) 288

Codified Ordinances

Amend Section 171.62 of the Codified Ordinances of Cleveland, Ohio 1976 - relating to councilmanic and clerk's assistants. (O 313-98)..... 306

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... 299

Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) 301

Section 413.10 —Establish No Right "Turn in Ward 14 at the intersection of State and Oakpark all directions — amend File No. 106-76 in the Clerk of Council's Office . - (O 2188-97)..... 288

Community Development

Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98) 303

Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98)..... 303

Community Reinvestment Area

Community Reinvestment Area — establish in the area of 5114 Herman Avenue (Ward 17). (O 1932-97) 288

Condolences

Gordon, Rowena L. (R 400-98)..... 271

Holland, Wallace E. (R 401-98)..... 271

Price, Isabella (R 399-98)..... 271

Wapperer, Mimi (R 398-98)..... 271

Congratulations

Bertone, Anthony (R 404-98) 271

Gaspersic, Franciska (Frances) (R 407-98)..... 271

Hopkins, Robert (R 406-98) 271

Lauter, Vincent H. (R 403-98) 271

Meglich, Albert (R 405-98) 271

Pelko-Ross, Ruth Grace (R 410-98) 271

Plemel, Joyce E. (R 408-98) 271

Royer, Robert (R 409-98) 271

Saint Michael Hospital and Saint Michael Skilled Nursing Facility (R 402-98) 271

Cuyahoga County

Payne Avenue from East 13t Street to East 55th Street — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97) 288

Economic Development Department

Authorizing - Economic Development - enter into an Empowerment Zone contract - Tom Paige Real Estate Investment Co. - economic development assistance to partially finance acquisition - property located at 2275 East 55th Street. (O 368-98)..... 278

Authorizing - Economic Development - enter into an Empowerment Zone contract - ShoreBank Enterprise Group - provide economic development assistance to partially finance capital improvements - property located at 540 East 105th Street. (O 369-98)..... 279

Encroachments

East 12th Street between Bronson Court and Carnegie Avenue garage deck, serial encroachments and column and bollard encroachments — issue permit to St. Maron's Church (O 2151-97) 287

Martin Luther King, Jr. Boulevard and Shaker Boulevard — Health Hill Hospital for Children — banners on CPP and CEI poles (O 2103-97) 288

Federal Aviation Administration

Revolving Credit Agreement — Special Revenue Notes — \$10,000,000 — for costs of acquiring residential property and relocating residents to mitigate the impact of airport noise - - CHIA — Federal Aviation Administration. (O 200-98) 287-290

Land Reutilization Program

Authorizing the sale of real property - Land Reutilization Program - 4147 East 114th Street - Cleveland Housing Network Incorporated or designee. (O 280-98)..... 303

Authorizing the sale of real property - Land Reutilization Program - Lakeview and Parklawn Avenues - Northeast Neighborhood Development Corporation or designee. (O 281-98) 303

Euclid Avenue, 8401-19 — Fairfax Renaissance Development Corporation (O 2193-97)..... 288

Liquor Permits

1023 Ansel Rd. - Objecting - transfer of ownership. (R 378-98) 283

1035 East 185th Street and Gas Pumps - Objecting - transfer of ownership and location. (R 383-98) 284

11700 St. Clair Avenue 1st Floor and Basement - Objecting - transfer of ownership. (R 389-98) 286

13503 Kelso Avenue - Objecting - transfer of ownership and location. (R 377-98)..... 282

1429 Lakeview Road - Withdrawing objection - repealing Res. No. 1510-97. (R 388-98) 286

15520 Munn Road and Gas Pumps - Objecting - transfer of ownership. (R 376-98)..... 282

3077 East 65th Street - Objecting - transfer of ownership. (R 385-98) 285

3250 West 65th Street, SW Bldg. - Objecting. (R 283-98) 298

3528 Payne 1st Fl. - Withdrawing - objection - transfer of ownership - repealing Res. No. 917-97. (R 375-98)..... 282

383 East 156th Street - Objecting - transfer of ownership and location. (R 379-98)..... 283

422 Eddy Rd., 1st Floor Front - Objecting to the transfer of ownership. (R 282-98) 298

5603 Fleet Avenue - Withdrawing - objecting - transfer of location - repealing Res. No. 2056-97. (R 386-98)..... 286

6308 Fleet Avenue - Withdrawing objection - repealing Res. No. 1522-97. (R 387-98) 286

6801 Broadway Avenue S.E. - Objecting. (R 384-98)..... 285

863-71 East 93rd Street - Objecting - transfer of ownership. (R 382-98)..... 284

882 East 185th Street 1st Floor and Basement - Objecting - transfer of ownership. (R 380-98) 283

970 Lakeview Road - Objecting - transfer of ownership. (R 381-98)..... 284

Ansel Road, 1023 (Ward 8) - Transfer of Ownership Application. (F 393-98) 271

Broadview Road, 3314 first floor and basement & 3310 rear, first floor (Ward 15) - Stock Transfer Application. (F 397-98) 271

Broadway Avenue, 6553-57 (Ward 12) - Stock Transfer Application. (F 396-98) 271

East 185th Street, 1035 and gas pumps (Ward 11) - Transfer of Ownership and Location Application. (F 394-98) 271

East 79th Street, 1601-03 - withdrawing objection - repealing Res. No. 1345-97. (R 284-98) 298

Kelso Avenue, 13503 (Ward 10) - Transfer of Ownership and Location Application. (F 395-98) 271

Lakewood Heights Boulevard, 14001 and gas pumps - (Ward 19) - Transfer of Ownership Application. (F 391-98) 271

St. Clair Avenue, 11700 first floor and basement (Ward 9) - Transfer of Ownership Application. (F 392-98) 271

Superior Avenue, 5300 & Gas Pumps - withdrawing objection - repealing Res. No. 1346-97. (R 285-98) 299

West 33rd Street, 3121 (Ward 14) - New Application. (F 390-98)..... 271

Motor Vehicle License Tax

Payne Avenue from East 13t Street to East 55th Street — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97) 288

Motor Vehicle Maintenance Division (MVM)

Authorizing and Directing - Public Service -enter into contract - without competitive bidding with E.J. Ward, Inc. - purchase of spare replacement parts - Division of Motor Vehicle Maintenance Division. (O 148-98)..... 287-289

Authorizing and Directing - purchase by requirement contract - tire recapping - Division of Motor Vehicle Maintenance - Department of Public Service. (O 362-98) 275

Authorizing and Directing - purchase by requirement contract - labor and materials - Division of Motor Vehicle Maintenance, Public Service Department. (O 149-98)..... 287-289

Authorizing and Directing - purchase by requirement contract - labor and materials - Division of Motor Vehicle Maintenance Division - Public Service Department. (O 150-98) 287-289

Authorizing and Directing - purchase by requirement contract - labor and materials - Division of Motor Vehicle Maintenance Division - Public Service Department. (O 151-98) 287-289

Authorizing and Directing - purchase by requirement contract of anti-freeze - Motor Vehicle Maintenance Division - Public Service Department. (O 152-98) 287-289
 Authorizing and Directing - purchase by requirement contract of gasoline - Motor Vehicle Maintenance Division - Public Service Department. (O 153-98) 287-290
 Purchase by requirement contract - labor and materials - Motor Vehicle Maintenance Division - Service Department (O 147-98) 287-288

No Right Turn

Section 413.10 —Establish No Right “Turn in Ward 14 at the intersection of State and Oakpark all directions — amend File No. 106-76 in the Clerk of Council’s Office (O 2188-97) 288

Ohio Revised Code

Community Reinvestment Area — establish in the area of 5114 Herman Avenue (Ward 17). (O 1932-97) 288

Parks, Recreation and Properties Department

West 41st Street Substation — expansion — interdepartmental transfer of property — amend City Contract No. 25845, (O 144-98) 288

Peddlers

Engage in peddling in Ward 3 - Walter Goddard III (O 279-98)..... 303
 Phillip Priester — permit to peddle in Ward 19. (O 314-98)..... 306

Permits

Consenting and approving - issuance of permit - Cleveland Indians Run on April 5, 1998 - sponsored by Hermes Race Systems. (O 372-98)..... 281
 Consenting and approving - issuance of permit - St. Malachi Run on March 14, 1998 - sponsored by Hermes Race Systems. (O 371-98)..... 280
 Consenting and approving - issuance of permit for March of Dimes WalkAmerica on April 26, 1998 - sponsored by Finast, KeyBank, Meridia, MBNA, TV-19 and Q104. (O 373-98) 281
 Consenting and approving - issuance of permit for a Relay Race - the Hudson Relays - Sunday, April 26, 1998 - sponsored by Case Western Reserve University. (O 374-98) 281
 East 12th Street between Bronson Court and Carnegie Avenue garage deck, serial encroachments and column and bollard encroachments — issue permit to St. Maron’s Church (O 2151-97) 287

Plats

Lot Consolidation and Split Plat - Lee-Seville/ Cleveland Outerbelt Industrial Park - (Ward 1). (F 338-97-A)..... 271

Police Division

Authorizing - Director of Public Safety - accept a cash gift for completion of Cleveland Police Patrolmen’s Tactical Training Center. (O 366-98) 277

Port Control Department

Employ one or more professional consultants to provide engineering and other services — provide program and construction management for five-year capital improvement program (O 1290-97) 287
 Jet bridge at Gate A-114 — purchase including maintenance and installation — Cleveland Hopkins International Airport. (O 70-98)..... 288
 Revolving Credit Agreement — Special Revenue Notes — \$10,000,000 — for costs of acquiring residential property and relocating residents to mitigate the impact of airport noise - - CHIA — Federal Aviation Administration. (O 200-98) 287-290

Public Health Department

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... 299
 Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or display of outdoor advertisements for alcoholic beverages, providing a penalty (O 989-97) 301

Recognitions

Ohio Civil Service Employees Association (R 411-98) 271

Safety Department

Amend Sections 604.01, 604.03 and 604.04 - Codified Ordinances of Cleveland, Ohio, 1976
 - as amended by Ordinance No. 304-A-89 - relating to vicious dogs. (O 367-98) 277

Authorizing - Director of Public Safety - accept a cash gift for completion of Cleveland
 Police Patrolmen's Tactical Training Center. (O 366-98) 277

Enact Sections 680A.01, 680A.02 and 680A.99 — relating to restricting the placement or
 display of outdoor advertisements for cigarettes, providing a penalty (O 988-97)..... **299**

Enact Sections 680B.01, 680B.02 and 680B.99 — relating to restricting the placement or
 display of outdoor advertisements for alcoholic beverages, providing a penalty
 (O 989-97) **301**

Hepatitis-B Vaccine Adult vaccines — Safety Department (O 2152-97)..... 288

Service Department

Authorizing and Directing - Public Service -enter into contract - without competitive
 bidding with E.J. Ward, Inc. - purchase of spare replacement parts - Division
 of Motor Vehicle Maintenance Division. (O 148-98)..... 287-289

Authorizing and Directing - purchase by requirement contract of anti-freeze - Motor
 Vehicle Maintenance Division - Public Service Department. (O 152-98) 287-289

Authorizing and Directing - purchase by requirement contract - labor and materials
 - Division of Motor Vehicle Maintenance Division - Public Service Department.
 (O 151-98) 287-289

Authorizing and Directing - purchase by requirement contract - labor and materials
 - Division of Motor Vehicle Maintenance, Public Service Department. (O 149-98)..... 287-289

Authorizing and Directing - purchase by requirement contract - labor and materials
 - Division of Motor Vehicle Maintenance Division - Public Service Department.
 (O 150-98) 287-289

Authorizing and Directing - purchase by requirement contract of gasoline - Motor Vehicle
 Maintenance Division - Public Service Department. (O 153-98) 287-290

Authorizing and Directing - purchase by requirement contract - tire recapping - Division
 of Motor Vehicle Maintenance - Department of Public Service. (O 362-98) 275

Giving consent - interim resurfacing of West 140th Street - authorizing Public Service
 to enter into agreements - authorize Public Service - cause payment to County
 of Cuyahoga - apply for allocation of County Motor Vehicle License Tax Fu
 (O 363-98) 275

Giving consent for the resurfacing of Broadway Avenue from I-77 to Orange Avenue -
 resurfacing and modifying East 30th - Director of Transportation - State of Ohio -
 authorizing the Director of Public Service to enter into agreements. (O 357-98)..... 273

Payment to State of Ohio for City's share of the cost of rehabilitation and construction
 of West 44th Street Bridge — amend Section 1 of Ord. No. 1245-92 as amended by Ord.
 No. 1453-97 (O 77-98)..... 288

Payment to State of Ohio for City's share of cost of rehabilitation and construction of
 Stokes Blvd. (fna Fairhill Road) Bridge — amend Section 1 of Ord. No. 1247-97 as
 amended by Ord. No. 1480-97 (O 76-98)..... 288

Payne Avenue from East 13t Street to East 55th Street — give consent to Cuyahoga County
 to rehabilitate — apply and accept allocations from County Motor Vehicle License
 Tax Funds (O 2074-97) 288

Purchase by requirement contract - labor and materials - Motor Vehicle Maintenance
 Division - Service Department (O 147-98)..... 287-288

Retaining wall at W. 61st Street — repair or replace — contiguous improvements — employ
 professional design services — acquire right-of-way purposes of such real property
 — public improvement (O 2024-97) **302**

Vacate a portion of Stuber Court N.E. (O 1781-97)..... 287

Street—Vacation

Hilltop Drive, S.W.—portion of (R 2157-97)..... 288

Adeline Road S.W. - vacate a portion of. (O 364-98) 276

Amend Section 1 of Ordinance No. 1941-97 - relating to vacation of a portion of Iliad
 Court, S.W. and West 22nd. (O 199-98)..... 287

East 92nd Place - to vacate a portion of. (O 360-98)..... 274

East 96th Street — vacation (R 630-97)..... 288

Elk Avenue, N. E., — intention to vacate a portion (R 2203-97)..... 288

Girard Street N.W. - vacate a portion of. (O 356-98) 273

Grayton Road - vacate a portion of. (O 361-98)..... 275

Indianola Avenue S.E. - vacate a portion of. (O 358-98).....	274
Prospect Court S.E. - vacate a portion of. (O 359-98)	274
Rusk Court N.W. - vacate a portion of. (O 365-98).....	277
West 200th Street, West 198th Street, West 191st Street, Wagner Place, Maplewood Avenue, and Elsmere Avenue (Ward 20) — intention to vacate portions of. (R 89-98).....	288
West 6th Street — vacate a portion of (O 2030-97)	288

Utilities Department

Authorizing and Directing - purchase by requirement contract - keycards and accessories - for various divisions - Department of Port Control - for a period not exceed two years. (O 355-98)	272
Authorizing and Directing - purchase by requirement contract - landfill sites for dumping excavation debris - Divisions of Water and Water Pollution Control - Department of Public Utilities - for a period of two years. (O 354-98)	272
Public improvement - constructing and installing new sewers and repairing sewers - various locations - authorizing the Director of Public Utilities to enter into one or more requirement contracts - for a one year period. (O 353-98).....	272
Public improvement - constructing and repairing catch basins and manholes - various locations - authorizing the Director of Public Utilities - enter into one or more requirement contracts - for a one year period. (O 352-98).....	272
West 41st Street Substation — expansion — interdepartmental transfer of property — amend City Contract No. 25845, (O 144-98)	288