

The City Record

Official Publication of the City of Cleveland

March the Fourteenth, Nineteen Hundred and Ninety-Six

| | |
|-----------------------------|------------------------|
| Mayor | |
| Michael R. White | |
| President of Council | |
| Jay Westbrook | |
| Clerk of Council | |
| Artha Woods | |
| Ward | Name |
| 1 | Charles L. Patton, Jr. |
| 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 | Gary M. Paulenske |
| 14 | Helen K. Smith |
| 15 | James Rokakis |
| 16 | Patrick J. O'Malley |
| 17 | Timothy J. Melena |
| 18 | Jay Westbrook |
| 19 | Joseph J. Zone |
| 20 | Dale Miller |
| 21 | David M. McGuirk |


| Containing | PAGE |
|-----------------------------|------|
| City Council | 3 |
| Notice Ordinance | |
| No. 208-96 | 15 |
| The Calendar | 22 |
| Board of Control | 28 |
| Civil Service | 31 |
| Board of Zoning Appeals | 31 |
| Board of Building Standards | |
| and Building Appeals | 31 |
| Public Notices | 32 |
| Public Hearings | 32 |
| City of Cleveland Bids | 33 |
| Adopted Resolutions | |
| and Ordinances | 34 |
| Fair Campaign Finance | |
| Commission | 51 |
| Committee Meetings | 52 |
| Index | 52 |

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

| Ward | Name | Residence | |
|------|------------------------|--------------------------|-------|
| 1 | Charles L. Patton, Jr. | 2986 Ripley Road | 44120 |
| 2 | Robert J. White | 3760 East 126th Street | 44105 |
| 3 | Odella 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 | Gary M. Paulenske | 1020 East 61st Street | 44103 |
| 14 | Helen K. Smith | 3016 Carroll Avenue | 44113 |
| 15 | James Rokakis | 4685 Dornur Road | 44109 |
| 16 | Patrick J. O'Malley | 6111 Brookside Drive | 44144 |
| 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 | Dale Miller | 13726 Elsetta Avenue | 44135 |
| 21 | David McGuirk | 17101 Amber Drive | 44111 |

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

MAYOR-Michael R. White
Lavonne Sheffield-Turner, 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
Richard Werner, Executive Assistant for Governmental Affairs.
Linda Willis, Director, Office of Equal Opportunity

DEPT. OF LAW - Sharon Sobol Jordan, Director of Law, Room 106;
Karen E. Martines, Law Librarian; Criminal Branch-Justice Center, 8th Fl., Court Towers, 1200 Ontario
Carolyn Watts-Allen, Chief Asst. Prosecutor
Steven J. Terry, Chief Counsel

DEPT. OF FINANCE - Kathryn Burrer Hyer, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - A. Schneider, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 122
Assessments and Licenses - John Hunt, Commissioner, Room 122
Purchases and Supplies - William A. Moon, Commissioner, Convention Center, Clubroom B
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue
Financial Reporting and Control - Keith D. Schuster, Acting Controller, Room 18
Information Systems Services - Martin Carmody, Acting Commissioner, 1404 E. 9th St.

DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue
DIVISIONS - 1201 Lakeside Avenue
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Water Pollution Control - Darnell Brown, Commissioner
Utilities Fiscal Control - M. Blech, Commissioner
Cleveland and Public Power - Nagah M. Ramadan, Commissioner
Street Lighting Bureau - Frank Schilling, Acting Chief.

DEPT. OF PORT CONTROL - William F. Cunningham, Jr., 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 Guzman, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
Streets - Randell T. Scott, Commissioner, Room 25
Engineering and Construction - J. Christopher Nielson, Acting Commissioner, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, 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 - Juan Molina Crespo, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Carolyn Wallace, 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, 1825 Lakeside Avenue.
DIVISIONS - Police - John J. Collins, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - William E. Lee, 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, 2001 Payne Ave.

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 - Michael Cox, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.
Recreation - Michael Cox, Acting Commissioner, Room 8
Research, Planning & Development - M. Fallon, Commissioner, Burke Lakefront Airport

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

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

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

DEPT. OF AGING - Rm. 122, Susan Axelrod, Director

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BOARD OF SIDEWALK APPEALS - Henry Guzman, Service Director; Law Director, Sharon Sobol Jordan, Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director, Sharon Sobol Jordan, Utilities Director, Michael Konicek; President of Council, Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Rev. Albert T. Rowan, Chairman; Todd W. Schmidt, Vice Chairman Thomas D. Corrigan, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.

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BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Ben S. Eulinberg, Martin J. Kilbane, 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, Councilmen Craig E. Willis and Helen K. Smith.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

THURSDAY, MARCH 14, 1996

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CITY COUNCIL

FRIDAY, MARCH 8, 1996 and MONDAY, MARCH 11, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Johnson, Chairman; Rybka, Vice Chairman; Miller, Patton, Paulenske, Robinson, White.

9:30 A.M.—**Public Health Committee:** Robinson, Chairman; Miller, Vice Chairman; Britt, Jackson, Melena, O'Malley, Zone.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; O'Malley, Vice Chairman; Britt, Johnson, McGuirk, Melena, Smith, Westbrook, White.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** Patton, Chairman; Smith, Vice Chairman; Jackson, Lewis, Melena, Polensek, Robinson.

MONDAY

2:00 P.M.—**Finance Committee:** Rokakis, Chairman; Westbrook, Vice Chairman; Coats, Johnson, Lewis, McGuirk, Patton, Polensek, Robinson, Rybka, Smith.

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Paulenske, Vice Chairman; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

1:30 P.M.—**Legislation Committee:** McGuirk, Chairman; Willis, Vice Chairman; Britt, Johnson, Patton, Rokakis, Rybka.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Miller, Chairman; Paulenske, Vice Chairman; McGuirk, Patton, Rokakis, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Jackson, Miller, O'Malley, Patton, Patton, Paulenske, Zone.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Lewis, McGuirk, O'Malley, Patton, Willis, Zone.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; O'Malley, Paulenske, Rokakis, White, Zone.

The following Committee is subject to Call of the Chairman:

Rules Committee: Westbrook, Chairman; Coats, Miller, Robinson, Smith.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio March 8, 1996.
The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Sobol Jordan and Hyer.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 303-96.

By Mayor White.

An emergency ordinance authorizing the Mayor and various Directors to enter into agreements with the National Football League, Cuyahoga County, Cleveland Development Partnership, Cleveland-Cuyahoga County Port Authority and other entities for the financing, construction, operation and maintenance of a new stadium facility and the commitment of an NFL franchise to be located in Cleveland and authorizing and approving related matters.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; when amended as follows:

1. In the seventh whereas clause, strike lines 1 and 2 in their entirety and insert in lieu thereof

"Whereas, the stadium may be located in an urban renewal area of the City and the City's development of the"; and in line 5, strike "Plan Area" and insert in lieu thereof "area".

2. In Section 2, strike lines 13, 14, 15 and 16 in their entirety and insert in lieu thereof "contained in File No. 303-96-A, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance."

3. In Section 3, strike lines 12, 13, 14, and 15 in their entirety and

insert in lieu thereof "in the form contained in the file referenced in Section 2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance."

4. In Section 5, strike lines 9, 10, 11 and 12 in their entirety and insert in lieu thereof "contained in the file referenced in Section 2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance."

5. In Section 6, strike lines 10, 11, and 12 in their entirety and insert in lieu thereof "2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance."

6. In Section 8, line 3, strike "III" and insert in lieu thereof "I".

7. In Section 8, division (a), line 1, after "Development", strike "is" and insert "and the Director of Finance each are", and in lines 2, 3 and 4, strike "contract with CDP, to pledge any and all collateral necessary to secure repayment thereof and receive the funds, and that said funds" and insert in lieu thereof "contracts with CDP and receive the funds; and said funds".

8. In Section 8, strike division (b) in its entirety and insert in lieu thereof the following:

"(b) The terms of the CDP Loan shall be negotiated and approved by the Director of Finance and shall include a loan term not greater than thirty (30) years and provision for interest on the unpaid principal of the loan at a weighted average rate not greater than six per cent (6%) per year. Principal of the CDP Loan shall be paid on the dates and in the years and amounts approved by the Director of Finance and set forth in the CDP Loan agreement, provided that the first principal payment shall be made not later than the fifteenth year following the commencement of the CDP Loan. Interest on the outstanding principal amount of the CDP Loan shall accrue from the commencement of the CDP Loan until the principal amount is paid or provided and interest shall be paid on the dates approved by the Director of Finance. Subject to the foregoing, the CDP Loan may include provision for advances on an interim basis with interim repayment terms, in the event the permanent loan is not made, for a period of years and at an interest rate different from the terms for the permanent loan. The CDP Loan shall be prepayable in whole or in part without penalty or premium on any date at the option of the City. The CDP Loan may provide for deferral of principal and interest payments until such dates as may be negotiated by the Direc-

tor of Finance, and may contain such other loan terms as may be determined by the Director of Finance to be necessary or appropriate to permit the City's contributions to the costs of the new stadium to be accomplished on terms in the best interests of the City consistent with the authorizations of this Council.

The obligations of the City to repay the CDP Loan shall be evidenced by bonds or other obligations of the City as defined in Revised Code Section 307.673 (the "Obligations"). The Obligations shall be issued in registered form and shall not be transferrable or exchangeable without the prior written consent of the Director of Finance; shall be issued in the denominations and shall be numbered as determined by the Director of Finance; shall be payable as to principal and interest on the respective dates and in the respective amounts provided in the CDP Loan; shall be signed by the Mayor and the Director of Finance of the City provided that either or both of those signatures may be facsimile and shall bear the seal of the City or a facsimile thereof. The Director of Law shall prepare the Obligations and shall endorse thereon her approval of the form and correctness by her manual or facsimile signature. The Director of Finance is hereby appointed to act as the registrar and paying agent for the Obligations, and she shall keep all the books and records necessary for the registration, transfer and payment of the Obligations. The debt charges on the Obligations shall be payable in lawful money of the United States of America without deduction for the services of the registrar as paying agent. Principal and interest shall be payable when due upon presentation of the Obligations at the office of the registrar for her endorsement thereon of the payments made. The Obligations may be issued from time to time in one or more series if so provided in the CDP Loan. The Obligations shall be special obligations of the City and payment of the principal and interest on the Obligations shall be made solely from the Nontax Revenues of the City. As used herein, Nontax Revenues means all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund from properly imposed licenses and permits; (e) investment earnings on the City's General Fund and which are credited to the City's General Fund; (f) investment earnings of other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; and (i) gifts and donations."

9. In Section 8, division (c) strike lines 2 and 3 in their entirety and insert in lieu thereof "the CDP Loan, from time to time, if requested to do so by the Director of Finance."

10. In Section 9, line 3, between

"instruments" and "as" insert "that are consistent with the provisions of this ordinance and"; and in line 4, strike ", desirable, advisable".

11. Insert a new Sections 12 and 13 to read as follows:

"Section 12. That the applicable agreements authorized by this ordinance shall contain provisions consistent with the following:

(a) That any reference to the site of the new stadium facility shall not identify a specific site but shall refer to the following process for selecting the site between a location within the downtown Cleveland lakefront area and a location in close proximity to the Gateway Sports Complex Area:

1. The choice of the site for the new stadium facility between the two proposed locations shall be evaluated by a Site Committee consisting of six (6) members; three members to be appointed by the Mayor and three members to be appointed by the City Council. All appointments shall be made on or before March 11, 1996. The Site Committee shall be co-chaired by one member selected by each appointing authority.

2. The review process by the Site Committee shall be completed within a forty-five (45) day period commencing on March 12, 1996.

3. In evaluating the two locations, the Site Committee shall be constrained to choose a location meeting the following criteria:

A. A total estimated project cost of \$230 million, including all hard and soft costs and all related infrastructure improvements;

B. The timetable established in the Stadium Finance Agreement;

C. The design criteria established in the Stadium Finance Agreement; and

D. A financing package for the new stadium facility which guarantees a non-municipal contribution, that is, a contribution exclusive of municipal and Cleveland Tomorrow sources, to the project of \$28 million if the project costs a total of \$220 million and such contribution to the project increasing up to \$48 million if the project costs a total of \$250 million.

4. The Site Committee shall solicit proposals for alternative uses for the North Coast Harbor Community Development Plan Area.

5. Upon completion of its evaluation, the Site Committee shall submit its written recommendation to the Mayor. With consideration of the recommendations of the Site Committee and the NFL Commissioner, the Mayor, in concurrence with the City Planning Commission, shall select the site of the new stadium facility.

(b) The City has agreed to provide certain public funds to construct and finance the Stadium and lease it to the NFL/New Owner. Such financing consists of a trustee issuing and selling Certificates of Participation, in rental payments to be made by the City under the lease of the Stadium, as authorized in Ordinance No. 305-96, an interim borrowing as authorized by Ordinance No. 306-96, to pay costs of the Stadium pending issuance of the Certificates of Participation; the City borrowing \$10 million from the Cleveland Development Partners I, the City allocating utilities funds to this project and advances made in anticipation of those transactions (collectively, the "City Financial Obligation"). It is expressly under-

stood and agreed that (i) the City's obligation to provide financing for the implementation of the Improvement is limited to its obligations to create and service the City Financial Obligation and (ii) the City shall not be deemed or obligated to incur any cost or expense with respect to the construction, maintenance or operation of the Stadium except as expressly provided in the Franchise Commitment Agreement, the Stadium Financing Agreement and the Lease. In addition, the City and the NFL expressly agree and understand that the City shall not be called upon to pay any portion or advance any funds toward, without limitation, relocation expenses, funds advanced by the NFL, (except upon abandonment of the project as provided in the Stadium Financing Agreement) training facilities, the purchase or subsidy of loges, tickets, seat licenses or any other expense not specifically agreed to herein;

(c) The Law Director shall use her best efforts to secure tax-exemption on the Improvement and the related real property. The NFL shall be required to cooperate with the City in the City's efforts to obtain an appropriate tax-exemption of the Improvement.

(d) Any agreement or instrument which requires notice of any kind to the City shall include the Cleveland City Council, and shall be delivered to the Council President at the following address by the person or entity required to provide such notice: Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114, ATTENTION: Cleveland City Council President.

(e) The Lessee shall use commercially reasonable efforts to sell naming rights to a telecommunications company, financial institution, technology company, airline or other transportation company or major Cleveland-area employer. The Lessee shall not permit any name to be given to the New Stadium without prior approval of the City Council, which approval shall not be withheld unless the proposed name (i) violates applicable law or (ii) would reasonably cause embarrassment to the City (such as names containing slang, barbarisms or profanity, that could be construed to encourage the use of tobacco or alcohol by minors, that relate to any illicit drugs or any sexually oriented business or enterprise, or that contain an overt political reference). The City shall be deemed to have given its approval to any name requested by the Lessee unless, within thirty (30) days following the Lessee's request for such approval, the City notifies the Lessee of its disapproval and furnishes the reason for such disapproval in reasonable detail.

(f) Within thirty (30) days following the execution of the agreements, and on the 1st day of each February in 1997 and 1998, the NFL shall cause NFL Charities to contribute \$100,000 per year in cash or, if agreed to by the City, in equipment to the City for use in the Cleveland Muny Football Association programs. Upon the granting of the Cleveland franchise, the NFL will use good faith efforts to cause the owner of the new Cleveland franchise to support Cleveland municipal youth football programs at levels mutually agreeable to the City and the New Owner.

(g) At the inception of the public

financing, an amount not less than Three Million Dollars (\$3,000,000) and not more than Five Million Dollars (\$5,000,000) shall be deposited in a newly established reserve fund, which purpose shall be limited to (i) providing emergency funding for the Capital Repair Fund and (ii) any shortfall in revenues to pay the Certificates of Participation portion of the City Financial Obligation.

(h) In the event that the new stadium facility is located within Downtown Cleveland Lakefront area, the NFL will cause the New Owner to become a party to the Common Area Maintenance Agreement between the City, The Port Authority, The Rock and Roll Hall of Fame and Museum, Inc., and the Great Lakes Museum of Science, Environment and Technology.

(j) All agreements relating to the Improvement shall state a preference for local products and services, whether professional or otherwise.

(k) The Stadium Financing Agreement shall be amended to provide that (i) the Seating Campaign Budget, as said term is defined therein, shall not exceed \$1 million, exclusive of the value of in-kind services provided by other persons or entities including but not limited to Cleveland Tomorrow, (ii) the City shall not be required to pay more than one-half (1/2) of the actual cash expenditures of the Seating Campaign Budget up to but not exceeding \$500,000 and (iii) funds contributed by the City to the Seating Campaign Budget shall be expended in equal proportion as funds contributed by the NFL. Any balance remaining in the Seating Campaign Budget after the conclusions of the campaign shall be divided equally between the City and the NFL. Other than its obligation to contribute to the Seating Campaign Budget as aforesaid, the City shall have no other obligation to fund or otherwise contribute to the development or implementation of any marketing or other sales campaign for the sale of Premium Leases, PSL's, or season tickets, as said terms are defined in the Stadium Financing Agreement. The NFL shall be solely responsible for any cost of the Seating Campaign Budget in excess of \$1 million.

(l) The Lease by Way of Concession (the "Lease") shall be amended to provide that to the extent that the City carries any insurance relating to the Leased Premises, as said term is defined in the Lease, the City, at its option, may pay the premiums related to such insurance coverage from the Capital Repair Fund, as said term is defined in the Lease.

(m) The Franchise Commitment Agreement shall be amended to provide that the NFL shall notify the City of the identity of the new owner selected to own the Cleveland franchise and, in the event that the City has an objection, such objection shall be communicated to Commissioner of the NFL.

(n) In addition to the amounts required under the Lease, the Lease shall be amended to require that the Lessee shall pay the City an annual rental in an amount equal to \$250,000.

(o) Any reference in the agreements relating to any specific provider of legal services to the city shall be removed.

(p) The Stadium Financing Agreement shall provide that the consultant retained by the City to

market the PSL's shall consult with City Council on a timely basis and from time to time as City Council may direct on the status of the Premium Seat Campaign.

(q) As determined by the Director of OEO, the goals for contracting and hiring the Project shall be:

(1) construction contracts 40% MBE/FBE

(2) Hiring
40% Minority
20% Female

(3) 75% City Residents

(r) That the City shall use its best efforts to negotiate an agreement with the NFL to limit the number of seats subject to PSL's and the City shall have the authority to modify the limits on the maximum and average prices for PSL's to accomplish this purpose.

Section 13. Upon execution of the final agreements by the City and the NFL, the Director of Law shall immediately provide the City Council with true and correct copies of the same."

12. Renumber existing Section 12 as new "Section 14".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 1. Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Those voting nay: Councilman Polensek. Read second time. Read third time in full. Passed. Yeas 13. Nays 8. Those voting yea were Councilmen: Britt, Coats, Johnson, Miller, Patmon, Patton, Robinson, Rokakis, Rybka, Westbrook, White, Willis, Zone. Those voting nay were Councilmen: Jackson, Lewis, McGuirk, Melena, O'Malley, Paulenske, Polensek, Smith.

Ordinance No. 303-96 passed as a non-emergency measure.

Ord. No. 304-96.

By Mayor White.

An emergency ordinance determining the method of making the public improvement of constructing a new stadium facility; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of the public improvement and related purchases, for retaining necessary consultants, and to acquire necessary interests in real property; and to enter into agreements with the State of Ohio and the Greater Cleveland Regional Transit Authority to assist in the making of the public improvement.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; when amended as follows:

1. In Section 1, line 3, between "utility" and "relocations" insert "installations."

2. In Section 4, lines 9 and 10, strike "after a full and complete canvass" and insert in lieu thereof "through use of requests for proposal".

3. Insert a new Section 5 to read as follows:

"Section 5. That the President of Council is hereby authorized to employ by contract a consultant for the purpose of observing the implementation of the Improvement. The selection of said consultant shall be made by the Council and the compensation to be paid for such services shall be fixed by the Council. The contract herein authorized shall be prepared by the Director of Law, approved by the Council President,

and certified by the Director of Finance."

4. In existing Section 7, at the end following "property," insert "The Director of Law shall employ best efforts to obtain a real property tax exemption for the new stadium facility."

5. Renumber existing Section 5, 6, 7, 8, 9, 10, and 11, respectively, to new "Section 6", "Section 7", "Section 8", "Section 9", "Section 10", "Section 11", and "Section 12".

6. In existing Section 10, line 1, after "That any" insert the following: "concrete or other similar materials resulting from the demolition of the existing Cleveland Municipal Stadium may be donated to the Cuyahoga County Commissioners for reef maintenance and expansion purposes. That any remaining".

7. Insert a new sentence at the end of existing Section 11 to read as follows:

"If the cost of the Improvement, including all contracts, purchases and property interests, exceed \$230 million, the Director of Parks, Recreation and Properties shall notify the Council of this fact and shall publish such notice in the City Record."

8. Insert a new Section 13 to read as follows:

"Section 13. That in the event any provisions of this ordinance, or the documents authorized by this ordinance, conflict with the provisions contained in Section 12 of Ordinance No. 303-96, the provisions of Section 12 of Ordinance No. 303-96 shall prevail."

9. Renumber existing Section 12 as new "Section 14".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 1. Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Those voting nay: Councilman Polensek. Read second time. Read third time in full. Passed. Yeas 13. Nays 8. Those voting yea were Councilmen: Britt, Coats, Johnson, Miller, Patmon, Patton, Robinson, Rokakis, Rybka, Westbrook, White, Willis, Zone. Those voting nay were Councilmen: Jackson, Lewis, McGuirk, Melena, O'Malley, Paulenske, Polensek, Smith.

Ordinance No. 304-96 passed as a non-emergency measure.

Ord. No. 305-96.

By Mayor White.

An emergency ordinance authorizing the acquisition by lease purchase of a sports facility, authorizing a ground lease and lease purchase agreement with respect to the sports facility and authorizing and approving other documents relating to the sports facility and the financing thereof.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; when amended as follows:

1. Strike the 6th and 7th Whereas clauses in their entirety and insert in lieu thereof the following:

"Whereas, for the foregoing purposes it has been proposed that Municipal Stadium be demolished and that the new sports facility be constructed; and"

2. In the existing 9th Whereas clause, at "D.", line 3, between "Lehman Brothers" and "and" insert "McDonald and Company Securities, Inc., SBK-Brooks Investment Corp."

3. In Section 4, the second paragraph of division (a), line 5, after "limitation" insert a colon; and in line 9 after "below" add the following: **"; the cost of funding a renewal and replacement reserve that may be used to make payments on the Certificates and to make capital improvements to the Leased Premises, which reserve shall be in an amount determined by the Director of Finance but not to exceed \$5,000,000, (which determination shall be confirmed by the Director of Finance or the Director's signing the Letter of Representations described below);"**.

4. In Section 4, at division (b), line 6, after "reserves for the Certificates" insert the following: **"and for capital improvements"**.

Amendments agreed to.

The rules were suspended, Yeas 20. Nays 1. Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Those voting nay: Councilman Polensek. Read second time. Read third time in full. Passed. Yeas 13. Nays 8. Those voting yea were Councilmen: Britt, Coats, Johnson, Miller, Patmon, Patton, Robinson, Rokakis, Rybka, Westbrook, White, Willis, Zone. Those voting nay were Councilmen: Jackson, Lewis, McGuirk, Melena, O'Malley, Paulenske, Polensek, Smith.

Ordinance No. 305-96 passed as a non-emergency measure.

Ord. No. 306-96.

By Mayor White.

An emergency ordinance providing for the issuance and sale of Notes in the principal amount not to exceed \$20,000,000, in anticipation of the issuance of bonds, and the issuance and sale of Bonds in the principal amount no to exceed \$20,000,000 to pay a portion of the costs of constructing a sports facility, including the costs of demolition of Municipal Stadium and site preparation therefor, payable from City Nontax Revenues, and related matters.

Approved by Directors of Parks, Recreation, and Properties, Finance, Law; when amended as follows:

1. Strike the existing 7th Where-as clause in its entirety.

2. In Section 7, line 3, between "Lehman Brothers" and "and" insert **"McDonald and Company Securities, Inc., SBK-Brooks Investment Corp."**.

3. Re-number existing "Section 11, Sale of Notes," to **"Section 11A, Sale of Notes."**

4. Re-number existing "Section 11, Security," to **"Section 11B, Security."**

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 1. Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Those voting nay: Councilman Polensek. Read second time. Read third time in full. Passed. Yeas 13. Nays 8. Those voting yea were Councilmen: Britt, Coats, Johnson, Miller, Patmon, Patton, Robinson, Rokakis, Rybka, Westbrook, White, Willis, Zone. Those voting nay were Councilmen: Jackson, Lewis, McGuirk, Melena, O'Malley, Paulenske, Polensek, Smith.

Ordinance No. 306-96 passed as a non-emergency measure.

MOTION

The Council adjourned at 9:45 p.m. to meet on Monday, March 11, 1996 at 7:00 p.m.

Artha Woods

Clerk of Council

**OFFICIAL PROCEEDINGS
CITY COUNCIL**

Cleveland, Ohio March 11, 1996.

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

Councilmen present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-Turner and Directors Sobol Jordan, Hyer, Konicek, Cunningham, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod, Thomas, Morrison and Willis.

Absent: Mayor White.

Pledge of Allegiance.

MOTION

On the motion of Mr. Coats, the reading of the minutes of the last meeting be dispensed with and the journal approved.

COMMUNICATIONS

File No. 410-96.

From the City of Bedford Heights, Ohio re:Resolution No. 96-025, opposing the Cleveland Water Department's proposed rate increases. Received.

File No. 461-96.

From the Village of Chagrin Falls, Ohio re: Resolution No. 1996-17 (as amended) opposing the Cleveland Water Department's proposed rate increases. Received.

File No. 462-96.

From the Department of Public Safety re: Reporting Gift from University Hospitals of Cleveland. Received.

File No. 463-96.

From the Department of Public Safety re: Reporting Gift from Seibert Powder Coatings. Received.

**FROM THE DEPARTMENT
OF LIQUOR CONTROL**

File No. 411-96.

Re: Transfer of Ownership Application - 6109201 - Irene Motanez, 1194 East 71st Street, first floor and basement. (Ward 7). Received.

File No. 412-96.

Re: New Application - 79912664360 - Service Station Holdings, Inc., dba BP Site #4359, 13900 Kinsman Road and gas pumps. (Ward 3). Received.

File No. 413-96.

Re: New Application - 79912664537 - Service Station Holding, Inc., dba BP Site #4536, 2780 East 116th Street and gas pumps. (Ward 6). Received.

File No. 414-96.

Re: Transfer of Ownership Application - 0341755 - Ayad St. Clair Deli, Inc., 10109 St. Clair Avenue, first floor only. (Ward 8). Received.

**STATEMENT OF
WORK ACCEPTED**

File No. 415-96.

From the Department of Parks, Recreation and Properties re:Contract No. 46163 for the improvement of Cleveland City Hall, Phase IV, exterior rehabilitation. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 447-96. Mattie L. Burt.

Res. No. 448-96. Opal Rita Johnson.

Res. No. 449-96. James Matthews, Sr.

Res. No. 450-96. Julia Green.

Res. No. 451-96. Joseph M. Hudak.

CONGRATULATORY RESOLUTIONS

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

Res. No. 452-96. Inductees of East Tech School National Honor Society.

Res. No. 453-96. Gloria W. Brown.

Res. No. 454-96. Birthright, Inc., of Cleveland.

Res. No. 455-96. Father John Kumse, St. Mary's Church.

Res. No. 456-96. Dorthy Gorjup.

Res. No. 457-96. St. Peter's A.M.E. Zion Church.

Res. No. 458-96. Detective William C. Leonard.

Res. No. 459-96. Rev. Frank J. Micksen.

Res. No. 460-96. George Knaus.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 416-96.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1411-95, passed February 12, 1996, relating to the establishment of a Community Reinvestment area in the area of 11424-32 Cedar Glen Parkway

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. 1411-95, passed February 12, 1996, is hereby amended to read as follows:

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the area located at 11424-32 Cedar Glen Parkway Avenue (Parcel No. 121-14-301 to **121-14-325**) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That existing Section 1 of Ordinance No. 1411-95, passed

February 12, 1996, is hereby repealed.

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

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

Ord. No. 417-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed twenty computers and not to exceed ten laser printers, 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 contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed twenty (20) computers and not to exceed ten (10) laser printers, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 21032.

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. 418-96.

By Councilman Jackson (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to the New Village Corporation, to construct an ornamental fence with a gate and a planting strip, approximately 330 feet long and 3.5-feet wide, which will encroach into the right-of-way of Central Avenue S.E. between East 36th and East 37th Streets at Central Commons Subdivision No. 4.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to the

New Village Corporation, General Partner, whose address is Glenville Enterprise Center; 540 East 105th Street; Cleveland, Ohio 44108; its successors and assigns, for the construction, use and maintenance of an ornamental fence and a gate and also a planting strip approximately 330.00 feet long and approximately 3.5 feet wide along the Central Commons Subdivision No. 4 building front, bearing the house numbers of 3604, 3612, 3628, 3636, 3644, 3652, and 3664; and which fence, gate, and planting strip will encroach into the public right-of-way of Central Avenue S.E. between East 36th and East 37th Streets, at the locations more fully described as follows:

ENCROACHMENT/FENCE & PLANTING STRIP/IN R/W OF CENTRAL AVENUE S.E.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Southerly 3.5 feet of Central Avenue S.E. (60.00 feet wide) extending Easterly from the Easterly line of East 36th Street (60.00 feet wide) to the Westerly line of East 37th Street (66.00 feet wide), be the same more or less but subject to all legal highways.

Section 2. That said fence, gate and planting strip will be constructed within the public right-of-way of Central Avenue S.E. at the locations aforesaid in Section 1., and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

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

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

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

Ord. No. 419-96.

By Councilmen Jackson and Rokakis (by departmental request).

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

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

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

Section 1. That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of

\$1,950,941.00 from the State of Ohio Department of Development, to conduct the State Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the Director of Community Development is authorized to enter into contract with individual landlords, tenants, contractors and the following non-profit organizations for the provision of weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program: Cleveland Housing Network, Cudell Improvement, Inc., Hough Area Partners in Progress, Mt. Pleasant Now Development Corporation, Neighborhood Housing Services and Lutheran Housing Corporation.

Section 3. That the cost of said contracts shall not exceed, in the aggregate, \$1,950,941.00 and shall be paid from Fund Nos. 13 SF 851, 13 SF 852 and 13 SF 853.

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

Ord. No. 420-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 816-95, passed June 5, 1995, as amended by Ordinance No. 1666-95, passed October 23, 1995, relating to the Storefront Renovation Program.

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

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

Section 1. That Section 1 of Ordinance No. 816-95, passed June 5, 1995, as amended by Ordinance No. 1666-95, passed October 23, 1995, is hereby amended to read as follows:

Section 1. That the Director of the Department of Community Development is hereby authorized to expend Community Development Block Grant funds in the amount of **\$1,040,000** from Fund Nos. 14 SF 018, 14 SF 020 and 14 SF 021, Request No. 21658 for the operation of the Storefront Renovation Program for all related services including: to enter into rebate contracts with program applicants and to reimburse eligible administrative costs to local development corporations for implementation of the program.

Section 2. That existing Section 1 of Ordinance No. 816-95, passed June 5, 1995, as amended by Ordinance No. 1666-95, passed October 23, 1995, is hereby repealed.

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

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

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

Ord. No. 421-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

Whereas, the City does not provide a summer tennis program at its summer recreational centers, but desires to support such a program; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract during June through August, 1996, with the National Junior Tennis League of Cleveland to provide youth tennis services.

Section 2. That the cost of such contract shall not exceed \$25,000.00 and shall be paid from Fund No. 01-70-04-0380, Request No. 21398.

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

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

Ord. No. 422-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance to supplement Ordinance No. 1093-95, passed June 19, 1995, by adding new Section 3 thereof, relating to an agreement with the United States for construction of a confined disposal facility at Burke Lakelakefront Airport; and to renumber existing Section 3 to new Section 4.

Whereas, pursuant to Ordinance No. 1093-95, passed June 19, 1995, this Council authorized a commitment by the City to make alterations and relocations of transportation systems, storm drains, sewer outfalls, utilities, and other relocations and alterations made necessary by the project; and

Whereas, no provision for funding was authorized by that ordinance; 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. To supplement Ordinance No. 1093-95, passed June 19, 1995, by adding new Section 3 thereof to read as follows:

Section 3. That the funds for construction of any sewer extensions shall be paid from Fund No. 60 SF

114, Request No. 20844, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project. The Director of Port Control is further authorized to establish an escrow account for these funds, if necessary.

Section 2. That existing Section 3 of Ordinance No. 1093-95, passed June 19, 1995, is hereby renumbered to new "Section 4".

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. 423-96.
By Councilmen Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6926 and 6930 Kinsman Road to Roosevelt Smith.

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 Nos. 125-17-060 and 125-17-061, as more fully described in Section 2 below, to Roosevelt Smith.

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. 125-17-060

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. 329, bounded and described as follows:

Beginning at the intersection of the Southerly line of Kinsman Road, S.E., 60 feet wide, with the Westerly line of land conveyed by Israel Hubbard to N.A. Gilbert by deed recorded in Volume 452, Page 272 of Cuyahoga County Records; thence Southerly along the Westerly line of said land so conveyed to N.A. Gilbert 83 feet; thence Easterly par-

allel with Kinsman Road, S.E., 40 feet to the Westerly line of land conveyed by N.A. Gilbert and wife, to Miriam E. Devey by deed recorded in Volume 461, Page 544 of Cuyahoga County Records; thence Northerly along the Westerly line of said land so conveyed to Miriam E. Devey 83 feet to the Southerly line of Kinsman Road, S.E., thence Westerly along said Southerly line of Kinsman Road, S.E., 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 125-17-061

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. 329, and forming a parcel of land bounded and described as follows:

Beginning in the Southwesterly line of Kinsman Road, S.E., (60 feet wide), at the most Easterly corner of a parcel of land conveyed to Miriam E. Devey, by deed dated April 20, 1889 and recorded in Volume 461, Page 544 of Cuyahoga County Records; thence Northwesterly, along said Southwesterly line of Kinsman Road, S.E., about 35 feet to the most Easterly corner of a parcel of land conveyed to F.M. Haefele, by deed dated July 14, 1905 and recorded in Volume 978, Page 559 of Cuyahoga County Records.

Thence Southwesterly along the Southeasterly line of said land conveyed to F.M. Haefele and Catherine Haefele, about 92 feet to a point distant Northeasterly measured along said Southeasterly line of land conveyed to F.M. and Catherine Haefele, 57 feet from the Northeasterly line of Berwick Road, Southeasterly, thence Southeasterly, along a line parallel with said Northeasterly line of Berwick Road, S.E., about 37 feet to the Southeasterly line of a parcel conveyed to M.E. Devey, by deed dated March 3, 1908 and recorded in Volume 1143, Page 452 of Cuyahoga County Records; thence Northeasterly, along said Southeasterly line of land so conveyed to M.E. Devey, about 17.50 feet to the most Easterly corner thereof; thence Northwesterly along the Northeasterly line of said land conveyed to M.E. Devey about 2 feet to the Southeasterly line of said land conveyed to Miriam E. Devey; thence Northeasterly along said Southeasterly line of land conveyed to Miriam E. Devey, to the place of beginning, 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.

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

Ord. No. 424-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed for various building maintenance services, excluding janitorial services, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

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

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 21494)

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. 425-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20939)

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. 426-96.

By Councilmen Paulenske, Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Alcoholism Services of Cleveland, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of property at 3950 Chester Avenue, for use as a location for its occupation services center.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with the Alcoholism Services of Cleveland, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of property at 3950 Chester Avenue, for use as a location for its occupational services center.

Section 2. That the terms of said loan shall be determined by the Director of Economic Development in accordance with applicable Federal regulations, State and local law, and said director is authorized to amend said terms, from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the costs of said contract shall not exceed One Million Two Hundred Fifty Thousand Dollars (\$1,250,000.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22254.

Section 4. That the Director of Economic Development is hereby authorized to accept collateral as said director shall deem adequate 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 to and expended from Fund No. 18 SF 004, Loan Fees Fund.

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

Ord. No. 427-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a 1996 LDI GMC truck-mounted paint striper from Linear Dynamics, Inc., in exchange for a 1992 LDI Ford truck-mounted striper, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of

Public Safety is authorized to accept a 1996 LDI GMC truck-mounted paint striper from Linear Dynamics, Inc. in exchange for a City-owned 1992 LDI Ford truck-mounted striper, for the Division of Traffic Engineering and Parking, Department of Public Safety. The Director of Public Safety is authorized to sign such documents or agreements necessary to effectuate the exchange of paint stripers, on the basis of the proposal of Linear Dynamics, Inc. dated October 5, 1995.

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. 428-96.

By Councilmen Robinson and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1996 Federal AIDS prevention Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the estimated amount of \$78,645.00, plus such other funds as may become available during the grant period, from the Ohio Department of Health, to conduct the 1996 Federal AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 428-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 429-96.

By Councilmen Robinson and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol & Drug Addiction Services Board of Cuyahoga County for the 1996 Target Cities Program.

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the estimated amount of \$105,000.00, plus such other funds as may become available during the grant period, from the Alcohol & Drug Addiction Services Board of Cuyahoga County, to conduct the 1996 Target Cities Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 429-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 430-96.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all those portions of East 69th Street and East 70th Street.

Whereas, this Council is satisfied that there is good cause for vacate all those portions of East 69th and East 70th Streets, as hereinafter described, 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 it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as;

Being all that portion of EAST 69TH STREET (50.00 feet wide), extending Northerly from the Easterly prolongation of the Southerly line of Sublot Number in the W.V. Craw Subdivision as recorded in Volume 4 of Maps, Page 17 of Cuyahoga County Records, to its Northerly terminus. **AND**

Being all that portion of EAST 70TH STREET (40.00 feet wide), as shown by the recorded plat in Volume 4 of Maps, Page 17 of Cuyahoga County Records, extending from the Northerly line of Quincy Avenue S.E. (80.00 feet wide), Northerly to the Southwesterly line of that portion of said East 70th Street, vacated by Ordinance Number 101220, passed by the Council of the City of Cleveland on March 19, 1934.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 431-96.

By Mayor White and Councilmen Johnson, Rokakis Westbrook and Polensek.

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into contract with the Cleveland Board of Education to conduct the 1996 Middle School Interscholastic Boys and Girls Spring Track Program.

Whereas, pursuant to Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admissions tax can be used to fund recreational, cultural and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a Spring track program in the Cleveland middle schools; 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 Directors of Parks, Recreation and Properties and Finance are hereby authorized to enter into contract with the Board of Education of the Cleveland City School District to conduct the 1996 Middle School Interscholastic Boys and Girls Spring Track Program, for an amount not to exceed \$198,000.00, payable from the fund or funds to which are credited the proceeds of the taxes levied pursuant to Ordinance No. 1025-A-95, passed June 28, 1995, under such terms and conditions as are acceptable to the Director of Law.

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

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

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

Ord. No. 432-96.

By Councilmen Britt and Paulenske.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to

the Alcoholism Services of Cleveland, Inc. to stretch banners on Carnegie Avenue, east of East 96th Street, and on Euclid Avenue, east of East 9th Street, for the period from March 25, 1996 to April 25, 1996, inclusive, publicizing its Walk and Roll against Alcoholism.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Alcoholism Services of Cleveland, Inc. to install, maintain and remove banners on the north and south sides of Carnegie Avenue, east of East 96th Street, and on the north and south sides of Euclid Avenue, east of East 9th Street (pole numbers B61-10 and B60-10) for the period from March 25, 1996 to April 25, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 433-96.

By Councilman Miller.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 20.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to mobile peddling upon 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 20; 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 675.08 of the Codified Ordinances, to allow

each person named below to engage in mobile peddling in the public rights of way of Ward 20: Johnny R. Waddell.

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

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

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

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

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

Ord. No. 434-96.

By Councilman Patmon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch a banner on the corner of East 105th Street and St. Clair Avenue for the period from April 3, 1996 to April 29, 1996, inclusive, publicizing its 13th Annual Family, Health and Job Expo.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Pilgrim Church of Christ to install, maintain and remove a banner on the corner of East 105th Street and St. Clair Avenue (between the East Side Market and the Eastown Supermarket) for the period from April 3, 1996 to April 29, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 435-96.

By Councilmen Paulenske, Smith and Rokakis.

An emergency ordinance consenting and approving the issuance of a permit for the Annual Earth Day Walk on April 21, 1996, sponsored by the Earth Day Coalition.

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 Annual Earth Day Walk, sponsored by the Earth Day Coalition, on April 21, 1996, beginning at Gateway Plaza, proceed down the Eagle Street Ramp, turn left at Scranton Road and head south along the Cuyahoga River into Tremont, turn right at Metro-Health Blvd. and then left onto West 25th Street, at Brookside Park Drive, head down into the main Cleveland Zoo entrance and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 436-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for a Turkey Trot Race on November 28, 1996, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Turkey Trot Race, sponsored by Hermes Race Systems, on November 28, 1996, beginning at Burke Lakefront Airport, proceed westbound on N. Marginal around the Stadium to W. 3rd Street, W. 3rd Street southbound to Lakeside, Lakeside east to E. 9th Street, E. 9th Street northbound to the Shoreway

eastbound exit ramp, take the exit ramp west (approximately 100 yards) onto S. Marginal, S. Marginal eastbound to E. 26th Street over to N. Marginal, N. Marginal westbound back to Burke Lakefront Airport, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 437-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for the Triathlon World Championship Professional Race on August 24, 1996, sponsored by National City Bank.

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 Triathlon World Championship Professional Race, sponsored by National City Bank, on August 24, 1996, with the criterium-style cycle course beginning at the E. 9th St. pier, continue on E. 9th St. and make a right turn onto Lakeside Ave., Lakeside to E. 6th St., E. 6th St. to St. Clair, St. Clair to E. 9th St., E. 9th St. Prospect, follow Prospect to Ontario, right onto Ontario, Ontario into Public Square, left onto Superior Ave., right onto W. 3rd St., north on W. 3rd St. and follow Erieside Ave. past the Stadium, the Science Center and the Rock & Roll Hall of Fame to E. 9th St. (completing eight laps of this loop), continue south on E. 9th St. and turn right onto Lakeside to the cycle-to-run transition area on the south side of Lakeside in front of the Convention Center; and the criterium-style run course beginning from the transition area and proceed east (opposite direction than cycle) on Lakeside to E. 9th St., left onto E. 9th St. to Erieside, Erieside to E. 9th St., continue around the Stadium to W. 3rd St., south on W. 3rd St. to Lakeside, left onto Lakeside towards the finish and transition area, complete four laps of this course totaling 6.2 miles and finish the race on the south side of Lakeside in front of the Hanna Foun-

tains, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 438-96.

By Councilmen Paulenske and Melena.

An emergency ordinance consenting and approving the issuance of a permit for the Triathlon World Championship Amateur Race (40K Bike Race and a 10K Running Race) on August 25, 1996, sponsored by National City Bank.

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 Triathlon World Championship Amateur Race (40K Bike Race and a 10K Running Race), sponsored by National City Bank, on August 25, 1996, with the 40K Bike Race beginning at the North Coast Harbor, south on E. 9th St. to Lakeside, Lakeside to E. 13th St., E. 13th St. to Payne, proceed on the left side of Payne to E. 55th St., left onto E. 55th St. and stay on the left side of the street to S. Marginal, left turn heading westbound on S. Marginal until E. 24th St. area, turn right onto the bridge over the Memorial Shoreway, ride the Shoreway past E. 9th St., proceed westbound to West Blvd., completing a triangle turnaround carrying the cyclists back to the Shoreway heading eastbound to the E. 9th St. entrance, at the exit ramp make two left turns heading westbound on the Shoreway, proceed to West Blvd. to complete the triangle turn around, then head east on the Shoreway and continue until the Lakeside exit ramp, Lakeside to W. 3rd St., W. 3rd St. around the Stadium on Erieside to E. 9th St. and turn left into the transition area at E. 9th St.; and the 10K Running Course beginning on E. 9th St. to Erieside, around the Stadium to W. 3rd St., W. 3rd St. to Lakeside, continue on Lakeside under the Shoreway to W. 10th St., W. 10th St. to St. Clair, St. Clair to W. 3rd St. W. 3rd St. to Superior, proceed southeast around Public Square in front of the Terminal

Tower to eastbound Euclid Avenue, east on Euclid to E. 30th St., E. 30th St. to Payne, Payne to E. 13th St., E. 13th St. to Euclid, staying on the right side of the street until Public Square, where the runners will continue in front of the BP Building to Superior, left onto Superior to W. 3rd St., right onto W. 3rd St. and then left onto St. Clair, west on St. Clair to W. 6th St. and turn right, north on W. 6th St. where runners will make their final right turn onto Lakeside to the finish line in front of the Hanna Fountains, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 439-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for a Rock & Roll Run on September 2, 1996, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Rock & Roll Run, sponsored by Hermes Race Systems, on September 2, 1996, beginning on Erieside in front of the Rock & Roll Hall of Fame, proceed westbound on Erieside to W. 3rd Street, W. 3rd Street to Lakeside, Lakeside to W. 6th Street, W. 6th Street to St. Clair, St. Clair eastbound to E. 6th Street, E. 6th Street north to Lakeside, Lakeside to W. 3rd Street, W. 3rd Street back around the Stadium to Erieside and finish at E. 9th Street, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 440-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Cavs Run on September 29, 1996, 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 Cavs Run, sponsored by Hermes Race Systems, on September 29, 1996, beginning on Huron Rd. in front of Gund Arena, proceed to Ontario, Ontario north to Public Square, through Public Square to St. Clair, St. Clair east to E. 6th St., E. 6th St. north to Lakeside, Lakeside to W. 3rd St., W. 3rd St. north around the Stadium to Erieside, Erieside to E. 9th St., E. 9th St. southbound to Prospect, Prospect to Huron and finish in front of Gund Arena on Huron Rd., provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 441-96.

By Councilmen Paulenske and Smith.

An emergency ordinance consenting and approving the issuance of a permit for a One Mile Fun Walk/Jog Run, a 5K Run and a 10K Relay Race on August 4, 1996, sponsored by Hermes Race Systems.

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a One Mile Fun Walk/Jog Run, a 5K Run and a 10K Relay Race, sponsored by Hermes Race Systems, on August 4, 1996, with the One Mile Fun Walk/Jog Run beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica; the 5K Run beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Columbus, turn around at Columbus and continue on Riverbed to Elm, continue on Elm and finish back at Nautica; and the 10K Relay Race beginning with the Lead Runner at the Nautica Complex on Main Ave., Main to Elm, Elm to Hemlock, Hemlock to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica, and the other Runners beginning at the Nautica Complex on Main Ave., Main to Elm, Elm to Spruce, Spruce to Center, Center to Riverbed, Riverbed to Elm, continue on Elm and finish back at Nautica, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 442-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Corporate Challenge Bike Race on July 14, 1996, 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 Corporate Challenge Bike Race, spon-

sored by Hermes Race Systems, on July 14, 1996, beginning at W. 3rd Street at Gate A of the Stadium, proceed around the Stadium eastbound on Erieside to N. Marginal, N. Marginal east to E. 55th Street, E. 55th Street to S. Marginal, S. Marginal west to the Amtrack Shoreway entrance, proceed on the ramp (just south of the Stadium by Gate D), back up to W. 3rd Street to the finish at Gate A, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 443-96.

By Councilman Smith.

An emergency ordinance consenting and approving the issuance of a permit for a St. Ignatius High School Race on September 8, 1996, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a St. Ignatius High School Race, sponsored by Hermes Race Systems, on September 8, 1996, beginning at Lorain Ave. in front of St. Ignatius High School, east on Lorain to Abbey, Abbey to Columbus, Columbus to Carter, Carter to Scranton, Scranton south to Train, Train to Willey, Willey back to Scranton and proceed back along the same route and finish at St. Ignatius High School, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

Ord. No. 444-96.

By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into contract with Banks-Baldwin Law Publishing Company to prepare the 1995 supplement to the Codified Ordinances of Cleveland, Ohio, 1976, and to recodify the Traffic and General Offenses Codes, for the City Council.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into contract with Banks-Baldwin Law Publishing Company for professional services necessary to compile, verify, edit, index, compose, print and package the 1995 supplement to the Codified Ordinances of Cleveland, Ohio, 1976, and to recodify the Traffic and General Offenses Code, payable from funds appropriated for the use of the Council during 1996. The Clerk of Council is further authorized to order by contract or contracts from Banks-Baldwin sufficient copies of the Codified Ordinances.

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

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

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

Ord. No. 445-96.

By Councilman Westbrook.

An emergency ordinance to amend the title and Section 1 of Ordinance No. 98-96, passed January 22, 1996, relating to a requirement contract with Legal News Publishing Company for the printing of the City Record and the furnishing of other printed and accessory services.

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

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

Section 1. That Section 1 of Ordinance No. 98-96, passed January 22, 1996, is hereby amended to read as follows:

Section 1. That the Clerk of Council is hereby authorized to enter into a requirement contract with Legal News Publishing Company for the printing of the City Record and the furnishing of other printed and accessory services for the Clerk of Council for a period not to exceed

eighteen months **commencing upon execution of the contract and expiring June 30, 1997**, in accordance with the specifications upon which the bid of Legal News Publishing Company was received.

Section 2. That existing Section 1 of Ordinance No. 98-96, passed January 22, 1996, is hereby repealed.

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

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

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

Ord. No. 446-96.

By Councilmen Willis, Patmon and Lewis.

An emergency ordinance consenting and approving the issuance of a permit for a Race for the Cure on September 22, 1996, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Race for the Cure, sponsored by Hermes Race Systems, on September 22, 1996, beginning on East Blvd. at Wade Oval, proceed on East Blvd. northbound to Superior Ave., across Superior Ave. down to Martin Luther King Blvd., south on Martin Luther King Blvd. back to Wade Oval and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 206-96.

By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance autho-

rizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning for the 1996 Immunization Action Program.

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

Ord. No. 256-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, for the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

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

1. In Section 1, line 8, strike "723,750.00" and insert in lieu thereof "713,750.00".

Amendment agreed to.

Ord. No. 257-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1994 Ohio income tax master file data.

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

Ord. No. 259-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committee on Finance.

Ord. No. 260-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Local 93, International Association of Firefighters.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committee on Finance.

Ord. No. 261-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Ohio Department of Development for the Public Housing Violence Reduction and Mediation Program.

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

1. In Section 1, line 4, after "Mediation Program" insert "at all public housing family estates throughout the City"

Amendment agreed to.

Ord. No. 372-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Sections 5, 8, 10, 15, 20, 23 and 48 of

Ordinance No. 2114-95, passed November 27, 1995, relating to compensation for various classifications.

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

1. In Section 1, at Section 23, after the title "13. Chief Engineering and Construction Inspector" insert the following:

"14. Chief Horticulturist \$19.64 per hour \$22.07 per hour".
Amendment agreed to.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 138-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXII year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the Federal HOME Grant Program, the 1996 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

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

The rules were suspended. Yeas

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

SECOND READING ORDINANCE PASSED

Ord. No. 1838-95.

By Councilman Paulenske. An ordinance to change the Use District of lands approximately 148' northwest of Superior Avenue, N.E. and approximately 330' southeast of St. Clair Avenue, N.E. between E. 24 and E. 25 Street. (Map Change No. 1888, Sheets Nos. 4 & 5).

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

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

THIRD READING ORDINANCES PASSED

Ord. No. 2052-95.

By Councilman Smith. An ordinance to change Use, Area, and Height Districts of lands on both sides of Lorain Avenue between W. 44 Street and Fulton Road. (Map Change No. 1885, Sheet No. 1)

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

Ord. No. 2053-95.

By Councilman Smith. An ordinance to change the Use District of lands on both sides of Lorain Avenue between West 52 Street and West 44 Street. (Map Change No. 1884, Sheet No. 1)

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

Ord. No. 2119-95.

By Councilman Smith. An ordinance to change the Use District of lands on the northerly side of Trent Avenue, S.W. and the easterly side of W. 40 Street. (Map Change No. 1892, Sheets Nos. 1 & 2)

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

Ord. No. 2247-95.

By Councilman McGuirk. An ordinance establishing the Kamm's Corners Business Revitalization District. (Map Change No. 1889, Sheet No. 12)

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

Ord. No. 2287-95.

By Councilman Brady. An ordinance to change the Use, Area, and Height Districts of lands north of Rusk Court, N.W. between West 106 Street and West 105 Street. (Map Change No. 1895, Sheet No. 2)

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

MOTION

The Council adjourned at 8:00 p.m. to meet on Monday, March 18, 1996 at 7:00 p.m.



Clerk of Council

APPROPRIATION FOR THE YEAR 1996 ORDINANCE NO. 208-96

Ord. No. 208-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1996.

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

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

Section 1. That to provide for the current expenses of the City of Cleveland for the fiscal year ending December 31, 1996, the following sums be and they are hereby appropriated viz:

The sum of Three hundred **Three hundred ninety one million ten thousand five hundred thirty six dollars (\$391,010,536)** from the General Fund;

The sum of **Fifty three million five hundred seventy two thousand three hundred thirty three dollars (\$53,572,333)** from the Special Revenue Funds;

The sum of Twenty two million eight hundred eighty three thousand six hundred sixty four dollars (\$22,883,664) from the Internal Service Funds;

The sum of Three Hundred seventy eight million seven hundred forty nine thousand six hundred forty four dollars (\$378,749,644) from the Enterprise Funds;

The sum of Five million six hundred thirty three thousand eight hundred ninety two dollars (\$5,633,892) from Trust and Agency Funds;

The sum of Forty four million one hundred forty two thousand forty three dollars (\$44,142,043) from the Debt Service Fund;

And identified as File No. 208-96-A, in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1996

GENERAL FUND

| | |
|--|--------------------|
| Legislative Branch | \$3,474,942 |
| Municipal Court | 19,414,201 |
| Executive Branch | |
| Office of the Mayor | 1,686,991 |
| Department of Public Safety | 226,113,748 |
| Community Relations Board | 728,278 |
| Department of Public Service | 30,734,641 |
| Department of Parks, Recreation & Properties | 34,343,778 |

| | | |
|--|----------------------|----------------------|
| Boxing & Wrestling Commission | | 8,415 |
| Urban Planning & Development | | 9,994,599 |
| Department of Public Health | | 10,629,197 |
| Department of Aging | | 252,903 |
| Support Functions | | 27,371,652 |
| Transfers to Other Funds | | \$26,257,191 |
| TOTAL EXECUTIVE BRANCH | | \$368,121,393 |
| TOTAL GENERAL FUND | | \$391,010,536 |
| Special Revenue Funds | | \$53,572,333 |
| Internal Service Funds | | 22,883,664 |
| Enterprise Funds | | 378,749,644 |
| Trust and Agency Funds | | 5,633,892 |
| Debt Service Funds | | 44,142,043 |
| TOTAL APPROPRIATIONS FOR 1996 | | \$895,992,112 |
| GENERAL GOVERNMENT | | |
| LEGISLATIVE BRANCH | | |
| COUNCIL AND CLERK OF COUNCIL | | |
| | | \$3,474,942 |
| I. Personnel and Related Expenses | \$2,314,442 | |
| II. Other Expenses | 1,160,500 | |
| MUNICIPAL COURT | | |
| MUNICIPAL COURT-JUDICIAL DIVISION | | |
| | | \$11,607,841 |
| I. Personnel and Related Expenses | \$10,138,564 | |
| II. Other Expenses | 1,469,277 | |
| MUNICIPAL COURT-HOUSING DIVISION | | |
| | | 1,447,794 |
| I. Personnel and Related Expenses | 1,394,777 | |
| II. Other Expenses | 53,017 | |
| MUNICIPAL COURT-CLERK'S DIVISION | | |
| | | 6,358,566 |
| I. Personnel and Related Expenses | 4,849,313 | |
| II. Other Expenses | 1,509,253 | |
| TOTAL MUNICIPAL COURT | \$19,414,201 | \$19,414,201 |
| EXECUTIVE BRANCH | | |
| OFFICE OF THE MAYOR | | |
| | | \$1,686,991 |
| I. Personnel and Related Expenses | \$1,461,057 | |
| II. Other Expenses | 225,934 | |
| DEPARTMENT OF PUBLIC SAFETY | | |
| PUBLIC SAFETY ADMINISTRATION | | |
| | | \$10,591,113 |
| I. Personnel and Related Expenses | \$9,824,815 | |
| II. Other Expenses | 766,298 | |
| DIVISION OF POLICE | | |
| | | 135,402,198 |
| I. Personnel and Related Expenses | 125,887,719 | |
| II. Other Expenses | 9,514,479 | |
| DIVISION OF FIRE | | |
| | | 64,323,042 |
| I. Personnel and Related Expenses | 61,945,353 | |
| II. Other Expenses | 2,377,689 | |
| DIVISION OF EMERGENCY MEDICAL SERVICES | | |
| | | 11,922,074 |
| I. Personnel and Related Expenses | 11,105,871 | |
| II. Other Expenses | 816,203 | |
| DIVISION OF TRAFFIC ENGINEERING | | |
| | | 3,233,856 |
| I. Personnel and Related Expenses | 2,455,268 | |
| II. Other Expenses | 778,588 | |
| DIVISION OF DOG POUND | | |
| | | 641,465 |
| I. Personnel and Related Expenses | 509,200 | |
| II. Other Expenses | 132,265 | |
| TOTAL DEPARTMENT OF PUBLIC SAFETY | \$226,113,748 | \$226,113,748 |

| | | |
|--|---------------------|---------------------|
| COMMUNITY RELATIONS BOARD | | \$728,278 |
| I. Personnel and Related Expenses | \$669,298 | |
| II. Other Expenses | 58,980 | |
| DEPARTMENT OF PUBLIC SERVICE | | |
| PUBLIC SERVICE ADMINISTRATION | | \$289,217 |
| I. Personnel and Related Expenses | \$277,549 | |
| II. Other Expenses | 11,668 | |
| DIVISION OF ARCHITECTURE | | 607,762 |
| I. Personnel and Related Expenses | 552,194 | |
| II. Other Expenses | 55,568 | |
| DIVISION OF WASTE COLLECTION & DISPOSAL | | 25,200,994 |
| I. Personnel and Related Expenses | 15,744,964 | |
| II. Other Expenses | 9,456,030 | |
| DIVISION OF ENGINEERING AND CONSTRUCTION | | 4,636,668 |
| I. Personnel and Related Expenses | 4,130,335 | |
| II. Other Expenses | 506,333 | |
| TOTAL DEPARTMENT OF PUBLIC SERVICE | \$30,734,641 | \$30,734,641 |
| DEPARTMENT OF PARKS, RECREATION AND PROPERTIES | | |
| PARKS, RECREATION AND PROPERTIES ADMINISTRATION | | \$685,856 |
| I. Personnel and Related Expenses | \$521,287 | |
| II. Other Expenses | 164,569 | |
| DIVISION OF RESEARCH, PLANNING & DEVELOPMENT | | 707,611 |
| I. Personnel and Related Expenses | 623,188 | |
| II. Other Expenses | 84,423 | |
| DIVISION OF RECREATION | | 9,281,905 |
| I. Personnel and Related Expenses | 6,949,296 | |
| II. Other Expenses | 2,332,609 | |
| DIVISION OF ON STREET PARKING | | 1,010,916 |
| I. Personnel and Related Expenses | 975,116 | |
| II. Other Expenses | 35,800 | |
| DIVISION OF PROPERTY MANAGEMENT | | 10,026,144 |
| I. Personnel and Related Expenses | 7,871,598 | |
| II. Other Expenses | 2,154,546 | |
| DIVISION OF PARK MAINTENANCE & PROPERTIES | | 12,631,346 |
| I. Personnel and Related Expenses | 9,576,735 | |
| II. Other Expenses | 3,054,611 | |
| TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES | \$34,343,778 | \$34,343,778 |
| BOXING AND WRESTLING COMMISSION | | 8,415 |
| I. Personnel and Related Expenses | 8,265 | |
| II. Other Expenses | 150 | |
| URBAN PLANNING AND DEVELOPMENT | | |
| DEPARTMENT OF COMMUNITY DEVELOPMENT | | |
| DIVISION OF ADMINISTRATIVE SERVICES | | \$82,642 |
| I. Personnel and Related Expenses | \$82,642 | |
| DIVISION OF BUILDING & HOUSING | | 5,833,350 |
| I. Personnel and Related Expenses | 5,128,853 | |
| II. Other Expenses | 704,497 | |
| DIRECTOR'S OFFICE | | 97,604 |
| I. Personnel and Related Expenses | 97,604 | |
| DIVISION OF NEIGHBORHOOD DEVELOPMENT | | 494,409 |
| I. Personnel and Related Expenses | 244,409 | |
| II. Other Expenses | 250,000 | |

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|---|--------------------|--------------------|
| DIVISION OF NEIGHBORHOOD SERVICES | | 75,996 |
| I. Personnel and Related Expenses | 75,996 | |
| TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT | \$6,584,001 | \$6,584,001 |
| REGULATORY BOARDS & COMMISSIONS | | |
| LANDMARKS COMMISSION | | \$89,205 |
| I. Personnel and Related Expenses | \$77,243 | |
| II. Other Expenses | 11,962 | |
| BOARD OF BUILDING STANDARDS & APPEALS | | 110,642 |
| I. Personnel and Related Expenses | 96,422 | |
| II. Other Expenses | 14,220 | |
| BOARD OF ZONING APPEALS | | 245,696 |
| I. Personnel and Related Expenses | 225,805 | |
| II. Other Expenses | 19,891 | |
| BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS | | 81,486 |
| I. Personnel and Related Expenses | 77,921 | |
| II. Other Expenses | 3,565 | |
| FAIR CAMPAIGN FINANCE COMMISSION | | 10,000 |
| II. Other Expenses | 10,000 | |
| TOTAL REGULATORY BOARDS | \$537,029 | \$537,029 |
| DEPARTMENT OF ECONOMIC DEVELOPMENT | | |
| ECONOMIC DEVELOPMENT ADMINISTRATION | | \$1,190,569 |
| I. Personnel and Related Expenses | \$1,151,010 | |
| II. Other Expenses | 39,559 | |
| TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT | \$1,190,569 | \$1,190,569 |
| OFFICE OF EQUAL OPPORTUNITY | | \$474,082 |
| I. Personnel and Related Expenses | \$386,969 | |
| II. Other Expenses | 87,113 | |
| CITY PLANNING COMMISSION | | \$1,152,378 |
| I. Personnel and Related Expenses | \$1,091,336 | |
| II. Other Expenses | 61,042 | |
| DIVISION OF HARBORS | | \$56,540 |
| I. Personnel and Related Expenses | \$56,540 | |
| TOTAL URBAN PLANNING AND DEVELOPMENT | \$9,994,599 | \$9,994,599 |
| DEPARTMENT OF PUBLIC HEALTH | | |
| PUBLIC HEALTH AND WELFARE ADMINISTRATION | | \$288,789 |
| I. Personnel and Related Expenses | \$167,067 | |
| II. Other Expenses | 121,722 | |
| DIVISION OF CORRECTION | | 5,257,912 |
| I. Personnel and Related Expenses | 4,149,930 | |
| II. Other Expenses | 1,107,982 | |
| PUBLIC HEALTH | | \$2,887,120 |
| I. Personnel and Related Expenses | \$2,300,671 | |
| II. Other Expenses | 586,449 | |
| DIVISION OF THE ENVIRONMENT | | 2,195,376 |
| I. Personnel and Related Expenses | 1,962,184 | |
| II. Other Expenses | 233,192 | |
| TOTAL DEPARTMENT OF PUBLIC HEALTH | \$10,629,197 | \$10,629,197 |
| DEPARTMENT OF AGING | | |
| DEPARTMENT OF AGING | | \$252,903 |
| I. Personnel and Related Expenses | \$199,336 | |
| II. Other Expenses | 53,567 | |
| TOTAL DEPARTMENT OF AGING | \$252,903 | \$252,903 |

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| SUPPORT FUNCTIONS | | |
| FINANCIAL AND LEGAL ADMINISTRATION | | |
| DEPARTMENT OF FINANCE | | |
| FINANCE ADMINISTRATION | | \$289,820 |
| I. Personnel and Related Expenses | \$238,970 | |
| II. Other Expenses | 50,850 | |
| DIVISION OF ACCOUNTS | | 1,043,513 |
| I. Personnel and Related Expenses | 706,678 | |
| II. Other Expenses | 336,835 | |
| DIVISION OF ASSESSMENTS & LICENSES | | 928,013 |
| I. Personnel and Related Expenses | 776,308 | |
| II. Other Expenses | 151,705 | |
| DIVISION OF TREASURY | | 414,232 |
| I. Personnel and Related Expenses | 346,449 | |
| II. Other Expenses | 67,783 | |
| DIVISION OF PURCHASES & SUPPLIES | | 649,857 |
| I. Personnel and Related Expenses | 551,889 | |
| II. Other Expenses | 97,968 | |
| BUREAU OF INTERNAL AUDIT | | 400,107 |
| I. Personnel and Related Expenses | 170,117 | |
| II. Other Expenses | 229,990 | |
| DIVISION OF FINANCIAL REPORTING AND CONTROL | | 951,840 |
| I. Personnel and Related Expenses | 851,440 | |
| II. Other Expenses | 100,400 | |
| TOTAL DEPARTMENT OF FINANCE | \$4,667,382 | \$4,667,382 |
| OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN. | | \$444,632 |
| I. Personnel and Related Expenses | \$422,057 | |
| II. Other Expenses | 22,575 | |
| DEPARTMENT OF LAW | | \$6,758,992 |
| I. Personnel and Related Expenses | \$4,722,870 | |
| II. Other Expenses | 2,036,122 | |
| TOTAL FINANCIAL AND LEGAL ADMINISTRATION | \$11,881,006 | \$11,881,006 |
| PERSONNEL ADMINISTRATION | | |
| OFFICE OF PERSONNEL | | \$1,235,065 |
| I. Personnel and Related Expenses | \$944,745 | |
| II. Other Expenses | 290,320 | |
| CIVIL SERVICE COMMISSION | | 1,011,340 |
| I. Personnel and Related Expenses | 646,006 | |
| II. Other Expenses | 365,334 | |
| TOTAL PERSONNEL ADMINISTRATION | \$2,246,405 | \$2,246,405 |
| NON DEPARTMENTAL | | |
| COUNTY AUDITOR DEDUCTIONS | | \$857,000 |
| II. Other Expenses | \$857,000 | |
| OTHER ADMINISTRATIVE | | 12,387,241 |
| II. Other Expenses | 12,387,241 | |
| TOTAL NON DEPARTMENTAL | \$13,244,241 | \$13,244,241 |
| TOTAL SUPPORT FUNCTIONS | \$27,371,652 | \$27,371,652 |
| TRANSFERS TO OTHER FUNDS | | \$26,257,191 |
| II. Other Expenses | \$26,257,191 | |
| TOTAL GENERAL FUND | \$391,010,536 | \$391,010,536 |

SPECIAL REVENUE FUNDS

| | | |
|--|---------------------|---------------------|
| RESTRICTED INCOME TAX FUND | | \$27,697,867 |
| I. Capital | \$15,897,867 | |
| II. Debt Service | 11,800,000 | |
| STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND | | 23,874,466 |
| I. Personnel and Related Expenses | 12,677,057 | |
| II. Other Expenses | 11,197,409 | |
| SCHOOLS RECREATION & CULTURAL ACTIVITIES FUND | | 2,000,000 |
| II. Other Expenses | 2,000,000 | |
| TOTAL SPECIAL REVENUE FUNDS | \$53,572,333 | \$53,572,333 |

INTERNAL SERVICE FUNDS

| | | |
|---|--------------|--------------|
| INFORMATION SYSTEMS SERVICES-TELEPHONE EXCHANGE | | \$4,225,278 |
| I. Personnel and Related Expenses | \$340,994 | |
| II. Other Expenses | 3,884,284 | |
| INFORMATION SYSTEMS SERVICES | | 3,110,587 |
| I. Personnel and Related Expenses | 1,559,981 | |
| II. Other Expenses | 1,550,606 | |
| DIVISION OF MOTOR VEHICLE MAINTENANCE | | 13,621,926 |
| I. Personnel and Related Expenses | 4,326,864 | |
| II. Other Expenses | 9,295,062 | |
| DIVISION OF PRINTING AND REPRODUCTION | | 823,065 |
| I. Personnel and Related Expenses | 524,694 | |
| II. Other Expenses | 298,371 | |
| CITY STOREROOM AND CENTRAL WAREHOUSE | | 1,102,808 |
| I. Personnel and Related Expenses | 94,808 | |
| II. Other Expenses | 1,008,000 | |
| TOTAL INTERNAL SERVICE FUNDS | \$22,883,664 | \$22,883,664 |

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

| | | |
|--------------------------------------|---------------|---------------|
| UTILITIES ADMINISTRATION | | \$944,619 |
| I. Personnel and Related Expenses | \$736,462 | |
| II. Other Expenses | 208,157 | |
| UTILITIES FISCAL CONTROL | | 1,615,080 |
| I. Personnel and Related Expenses | 1,479,011 | |
| II. Other Expenses | 136,069 | |
| DIVISION OF WATER | | 169,465,250 |
| I. Personnel and Related Expenses | 62,229,605 | |
| II. Other Expenses | 107,235,645 | |
| DIVISION OF WATER POLLUTION CONTROL | | 17,227,809 |
| I. Personnel and Related Expenses | 7,053,890 | |
| II. Other Expenses | 10,173,919 | |
| DIVISION OF CLEVELAND PUBLIC POWER | | 112,949,523 |
| I. Personnel and Related Expenses | 22,611,270 | |
| II. Other Expenses | 90,338,253 | |
| TOTAL DEPARTMENT OF PUBLIC UTILITIES | \$302,202,281 | \$302,202,281 |

DEPARTMENT OF PORT CONTROL

| | | |
|--|--------------|--------------|
| DIVISIONS OF CLEVELAND HOPKINS & BURKE LAKEFRONT AIRPORTS-OPERATIONS | | \$54,624,240 |
| I. Personnel and Related Expenses | \$15,550,812 | |
| II. Other Expenses | 39,073,428 | |
| AIRPORT DEVELOPMENT FUND | | 850,000 |
| II. Other Expenses | 850,000 | |
| TOTAL DEPARTMENT OF PORT CONTROL | \$55,474,240 | \$55,474,240 |

| DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES | | |
|---|---------------|---------------|
| DIVISION OF CEMETERIES | | \$1,870,901 |
| I. Personnel and Related Expenses | \$1,534,211 | |
| II. Other Expenses | 336,690 | |
| GOLF COURSE FUND | | 1,799,630 |
| I. Personnel and Related Expenses | 905,365 | |
| II. Other Expenses | 894,265 | |
| DIVISION OF PARKING FACILITIES-OFF STREET PARKING | | 10,023,875 |
| I. Personnel and Related Expenses | 823,973 | |
| II. Other Expenses | 9,199,902 | |
| DIVISION OF CONVENTION CENTER & STADIUM-CONVENTION CENTER | | 6,078,658 |
| I. Personnel and Related Expenses | 2,061,028 | |
| II. Other Expenses | 4,017,630 | |
| DIVISION OF CONVENTION CENTER & STADIUM-MARKET | | 1,115,771 |
| I. Personnel and Related Expenses | 378,699 | |
| II. Other Expenses | 737,072 | |
| DIVISION OF PROPERTY MANAGEMENT-EAST SIDE MARKET | | 184,288 |
| I. Personnel and Related Expenses | 64,792 | |
| II. Other Expenses | 119,496 | |
| TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES | \$21,073,123 | \$21,073,123 |
| TOTAL ENTERPRISE FUNDS | \$378,749,644 | \$378,749,644 |
| AGENCY FUND | | |
| CENTRAL COLLECTION AGENCY | | \$5,633,892 |
| I. Personnel and Related Expenses | \$3,700,952 | |
| II. Other Expenses | 1,932,940 | |
| TOTAL AGENCY FUND | \$5,633,892 | \$5,633,892 |
| DEBT SERVICE FUND | | |
| SINKING FUND COMMISSION | | \$44,142,043 |
| I. Personnel and Related Expenses | \$79,968 | |
| II. Other Expenses | 350,950 | |
| III. Debt Service | 43,711,125 | |
| TOTAL DEBT SERVICE FUND | \$44,142,043 | \$44,142,043 |

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 208-96-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1995 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1996 or prior years. The Mayor's Estimate File No. 208-96-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1996 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

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

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force 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.

Schedule of Items asked for in the Mayor's Estimate refused or changed by Council and the reason for such changes. (Published pursuant to Section 30 of the Charter.)

The following changes are made to provide for reductions in various departments and increases in other departments of City Government resulting from additional revenue sources in the amount of \$2,450,000; to correct the total of the 1996 Appropriation Ordinance No. 208-96.

| | | |
|---|--|----------|
| 1. Increase in request for Municipal Court-Housing Division By the Sum of | | \$30,000 |
|---|--|----------|

| | | |
|---|-------------|-------------|
| By adding to: | | |
| I. Personnel and Related Expenses | \$30,000 | |
| Council and Clerk of Council | | \$38,000 |
| By the Sum of | | |
| By adding to: | | |
| II. Other Expenses | \$38,000 | |
| Office of the Mayor | | |
| By the Sum of | | \$100,000 |
| By adding to: | | |
| I. Personnel and Related Expenses | \$100,000 | |
| Division of Police | | |
| By the Sum of | | \$100,000 |
| By adding to: | | |
| II. Other Expenses | \$100,000 | |
| Division of Recreation | | |
| By the Sum of | | \$410,000 |
| By adding to: | | |
| I. Personnel and Related Expenses | \$360,000 | |
| II. Other Expenses | 50,000 | |
| Division of Property Management | | |
| By the Sum of | | \$300,000 |
| By adding to: | | |
| I. Personnel and Related Expenses | \$300,000 | |
| Department of Aging | | |
| By the Sum of | | \$30,000 |
| By adding to: | | |
| I. Personnel and Related Expenses | \$30,000 | |
| Transfers to Other Subfunds | | |
| By the Sum of | | \$2,168,000 |
| By adding to: | | |
| II. Other Expenses | \$2,168,000 | |
| Schools Recreation & Cultural Activities Fund | | |
| By the Sum of | | \$2,000,000 |
| By adding to: | | |
| II. Other Expenses | \$2,000,000 | |
| 2. Reduction in request for | | |
| Division of Police | | |
| By the Sum of | | \$50,000 |
| By subtracting from: | | |
| I. Personnel and Related Expenses | 50,000 | |
| Division of Fire | | |
| By the Sum of | | \$41,000 |
| By subtracting from: | | |
| I. Personnel and Related Expenses | \$41,000 | |
| Office of Equal Opportunity | | |
| By the Sum of | | \$50,000 |
| By subtracting from: | | |
| I. Personnel and Related Expenses | \$50,000 | |
| Department of Law | | |
| By the Sum of | | \$175,000 |
| By subtracting from: | | |
| I. Personnel and Related Expenses | \$100,000 | |
| II. Other Expenses | \$75,000 | |
| Office of Personnel | | |
| By the Sum of | | \$25,000 |
| By subtracting from: | | |
| I. Personnel and Related Expenses | \$25,000 | |
| Other Administrative | | |
| By the Sum of | | \$385,000 |
| By subtracting from: | | |
| II. Other Expenses | \$385,000 | |

Ordinance No. 208-96 is herein published following the Public Hearings and before the second and third reading and final passage and reflects the necessary amendments required by this schedule.

THE CALENDAR

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

ORDINANCES

Ord. No. 206-96.

By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Plan-

ning for the 1996 Immunization Action Program.

Ord. No. 256-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, for the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the

Cleveland Municipal Court.

Whereas, in *Argersinger v. Hamilton* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is therefore obligated to provide an indigent defendant appointed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by the Legal Aid Society of Cleveland; and

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

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

Section 1. That the Director of Finance, for the Cleveland Municipal Court, is hereby authorized and directed to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 1996 through December 31, 1996, at the estimated cost of **\$713,750.00**, payable from Fund No. 01-01-15-0320, Request No. 21811.

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

Ord. No. 257-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1994 Ohio income tax master file data.

Ord. No. 259-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Fraternal Order of Police, Lodge No. 8.

Ord. No. 260-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Local 93, International Association of Firefighters.

Ord. No. 261-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Ohio Department of Development for the Public Housing Violence Reduction and Mediation Program.

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

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

Section 1. That the Director of Law is hereby authorized to apply for and accept a grant in the amount of \$48,600, from the Ohio Department of Development, to conduct the Public Housing Violence Reduction and Mediation Program, **at all public housing family estates throughout the City** for the purposes set forth in the application and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 261-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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. 372-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, relating to compensation for various classifications.

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

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

Section 1. That Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, are hereby amended to read, respectively, as follows:

Section 5. Secretary of Civil Service Commission, Secretaries to Director, and Executive Assistants to the Mayor.

That the salary of the Secretary of the Civil Service Commission, the salary of the Secretary to each Director of a Department, and the salaries of four Executive Assistants to the Mayor shall be fixed by the Mayor in accordance with the following schedule:

| | Minimum | Maximum |
|---|-------------|-------------|
| 1. Four Executive Assistants to the Mayor..... | \$35,410.47 | \$85,183.26 |
| 2. Special Assistant to the Mayor..... | \$20,410.00 | \$54,345.33 |
| 3. Secretary to Directors of Departments..... | \$36,590.39 | \$77,959.26 |
| 4. Secretary of the Civil Service Commission..... | \$25,011.85 | \$49,058.84 |

Section 8. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|---|------------------|------------------|
| 1. Accountant I..... | \$ 6.36 per hour | \$13.83 per hour |
| 2. Accountant II..... | \$ 7.06 per hour | \$15.17 per hour |
| 3. Accountant III..... | \$ 7.96 per hour | \$16.82 per hour |
| 4. Accountant Clerk I..... | \$ 4.81 per hour | \$11.20 per hour |
| 5. Accountant Clerk II..... | \$ 5.46 per hour | \$12.11 per hour |
| 6. Activities Therapist..... | \$ 9.15 per hour | \$10.65 per hour |
| 7. Aids Support Services Coordinator | \$10.49 per hour | \$11.91 per hour |
| 8. Air Pollution Control, Engineer I | \$ 8.43 per hour | \$17.79 per hour |
| 9. Air Pollution Control, Engineer II | \$ 8.96 per hour | \$18.74 per hour |
| 10. Air Pollution Control, Engineer III | \$ 9.50 per hour | \$19.75 per hour |
| 11. Air Pollution Engineer | \$12.04 per hour | \$13.88 per hour |
| 12. Air Pollution Inspector I..... | \$ 9.48 per hour | \$14.30 per hour |
| 13. Air Pollution Inspector II | \$ 7.53 per hour | \$15.96 per hour |
| 14. Air Pollution Technician I | \$ 7.12 per hour | \$15.17 per hour |
| 15. Air Pollution Technician II | \$ 7.53 per hour | \$15.96 per hour |
| 16. Air Pollution Technician III | \$ 8.43 per hour | \$17.79 per hour |
| 17. Airport Information Representative | \$ 8.31 per hour | \$11.62 per hour |
| 18. Airport Operations Agent I | \$11.74 per hour | \$14.37 per hour |
| 19. Airport Operations Agent II | \$14.74 per hour | \$16.91 per hour |

| | Minimum | Maximum |
|---|------------------|------------------|
| 20. Airport Safety Man | \$24,502.40 | \$30,585.56 |
| 21. Architect | \$ 9.73 per hour | \$20.91 per hour |
| 22. Assistant Buyer | \$ 6.71 per hour | \$14.51 per hour |
| 23. Assistant City Planner | \$ 7.12 per hour | \$15.17 per hour |
| 24. Assistant Civil Engineer | \$ 7.12 per hour | \$15.17 per hour |
| 25. Assistant Electrical Engineer | \$ 7.12 per hour | \$15.17 per hour |
| 26. Assistant Mechanical Engineer | \$ 7.12 per hour | \$15.17 per hour |
| 27. Assistant Plan Examiner | \$ 7.53 per hour | \$15.96 per hour |
| 28. Associate Programmer | \$ 7.55 per hour | \$16.26 per hour |
| 29. Bacteriologist | \$ 7.96 per hour | \$16.82 per hour |
| 30. Bill Collector | \$ 8.31 per hour | \$11.62 per hour |
| 31. Building Inspector | \$11.82 per hour | \$15.43 per hour |
| 32. Camera Room Operator | \$ 6.04 per hour | \$13.20 per hour |
| 33. Caseworker I | \$ 5.73 per hour | \$12.62 per hour |
| 34. Caseworker II | \$ 6.36 per hour | \$13.83 per hour |
| 35. Cashier/Starter | \$ 6.36 per hour | \$13.83 per hour |
| 36. Chemist | \$ 8.90 per hour | \$18.13 per hour |
| 37. Chief Miscellaneous Investigator | \$ 7.53 per hour | \$15.96 per hour |
| 38. Citizens Information Representative | \$ 6.04 per hour | \$13.20 per hour |
| 39. Civil Engineer | \$ 9.50 per hour | \$20.91 per hour |
| 40. Claims Examiner | \$ 7.53 per hour | \$15.96 per hour |
| 41. Clerk Typist | \$ 7.62 per hour | \$ 8.66 per hour |
| 42. Clinical Laboratory Assistant | \$ 6.36 per hour | \$13.20 per hour |
| 43. Clinical Laboratory Technician I | \$ 7.12 per hour | \$15.17 per hour |
| 44. Clinical Laboratory Technician II | \$ 7.37 per hour | \$16.26 per hour |
| 45. Cocaine Treatment Counselor I | \$ 8.56 per hour | \$12.55 per hour |
| 46. Cocaine Intake Specialist | \$ 9.95 per hour | \$11.30 per hour |
| 47. Community Development Code Enforcement Inspector I | \$14.08 per hour | \$16.83 per hour |
| 48. Community Development Code Enforcement Inspector II | \$14.89 per hour | \$17.79 per hour |
| 49. Community Development Code Enforcement Inspector III | \$15.70 per hour | \$18.74 per hour |
| 50. Community Development Code Enforcement Inspector/Heating I | \$14.08 per hour | \$16.83 per hour |
| 51. Community Development Code Enforcement Inspector/Heating II | \$14.89 per hour | \$17.79 per hour |
| 52. Community Development Code Enforcement Inspector/Heating III | \$15.70 per hour | \$18.74 per hour |
| 53. Community Development Code Enforcement Inspector/Refrigeration I | \$14.08 per hour | \$16.83 per hour |
| 54. Community Development Code Enforcement Inspector/Refrigeration II | \$14.89 per hour | \$17.79 per hour |
| 55. Community Development Code Enforcement Inspector/Refrigeration III | \$15.70 per hour | \$18.74 per hour |
| 56. Community Development Code Enforcement Inspector/Trainee | \$ 9.97 per hour | \$13.57 per hour |
| 57. Community Development Planner | \$ 9.87 per hour | \$20.12 per hour |
| 58. Community Health Aide | \$ 4.81 per hour | \$11.20 per hour |
| 59. Community Relations Representative I | \$ 6.04 per hour | \$13.20 per hour |
| 60. Community Relations Representative II | \$ 7.53 per hour | \$15.96 per hour |
| 61. Community Relations Representative III | \$ 9.51 per hour | \$19.75 per hour |
| 62. Composing Equipment Operator | \$ 6.71 per hour | \$14.51 per hour |
| 63. Computer Monitor Assistant | \$ 8.43 per hour | \$ 9.58 per hour |
| 64. Computer Operator | \$ 7.53 per hour | \$15.96 per hour |
| 65. Consumer Protection Specialist | \$ 5.73 per hour | \$12.62 per hour |
| 66. Cook | \$ 9.45 per hour | \$10.92 per hour |
| 67. Copy Center Operator | \$ 5.67 per hour | \$12.11 per hour |
| 68. Cost Construction Estimator | \$ 8.34 per hour | \$15.53 per hour |
| 69. Customer Service Representative | \$ 8.31 per hour | \$11.62 per hour |
| 70. Data Control Clerk | \$ 5.24 per hour | \$11.63 per hour |
| 71. Data Conversion Operator | \$ 8.23 per hour | \$10.52 per hour |
| 72. Dental Assistant | \$ 4.71 per hour | \$10.98 per hour |
| 73. Development Officer | \$ 8.96 per hour | \$18.73 per hour |
| 74. Dietician | \$ 9.08 per hour | \$13.82 per hour |
| 75. Drug and Alcohol Counselor | \$ 9.05 per hour | \$10.28 per hour |
| 76. Electrical Engineer | \$ 9.50 per hour | \$20.91 per hour |
| 77. Electronic Engineer | \$ 9.45 per hour | \$21.29 per hour |
| 78. Elevator Inspector | \$11.81 per hour | \$16.83 per hour |
| 79. Environmental Technician | \$10.59 per hour | \$12.63 per hour |
| 80. Family Planning Clerk | \$ 7.22 per hour | \$ 9.69 per hour |
| 81. Financial Analyst | \$ 7.12 per hour | \$15.17 per hour |
| 82. Financial Counselor | \$ 7.94 per hour | \$15.96 per hour |
| 83. Fuel System Technician | \$ 8.96 per hour | \$14.09 per hour |
| 84. General Health Aide | \$ 4.81 per hour | \$11.20 per hour |
| 85. General Storekeeper | \$ 7.96 per hour | \$16.82 per hour |

| | Minimum | Maximum |
|--|------------------|------------------|
| 86. Geriatric Outreach Worker | \$ 7.12 per hour | \$15.17 per hour |
| 87. Guard | \$ 6.55 per hour | \$11.19 per hour |
| 88. Head Cook | \$ 5.46 per hour | \$12.10 per hour |
| 89. Head Storekeeper | \$ 7.11 per hour | \$15.18 per hour |
| 90. Health Educator I | \$ 6.36 per hour | \$13.83 per hour |
| 91. Health Educator II | \$ 7.12 per hour | \$15.17 per hour |
| 92. Heating Inspector | \$11.81 per hour | \$15.43 per hour |
| 93. HIV Educator | \$ 8.17 per hour | \$ 8.83 per hour |
| 94. House Connection Inspector | \$10.31 per hour | \$12.90 per hour |
| 95. House of Correction Guard | \$10.10 per hour | \$11.90 per hour |
| 96. Housing Inspector | \$12.11 per hour | \$13.73 per hour |
| 97. Human Resources Contract Specialist | \$ 9.73 per hour | \$20.90 per hour |
| 98. Human Resources On-the-Job Training Specialist | \$10.21 per hour | \$17.78 per hour |
| 99. Human Resources Planner | \$10.74 per hour | \$22.09 per hour |
| 100. Human Resources Special Projects Coordinator | \$10.21 per hour | \$17.78 per hour |
| 101. Income Tax Tracer | \$ 6.36 per hour | \$13.83 per hour |
| 102. Industrial Hygiene Engineer | \$ 9.73 per hour | \$20.90 per hour |
| 103. Industrial Nuisance Inspector | \$ 6.36 per hour | \$13.83 per hour |
| 104. Information Control Analyst | \$ 6.81 per hour | \$14.49 per hour |
| 105. Inspector of Weights and Measures | \$ 5.73 per hour | \$12.62 per hour |
| 106. Institutional Guard | \$ 9.50 per hour | \$11.90 per hour |
| 107. Instrument Repairman | \$ 8.21 per hour | \$13.82 per hour |
| 108. Instrumentation Technician I | \$13.99 per hour | \$14.85 per hour |
| 109. Instrumentation Technician II | \$15.61 per hour | \$16.36 per hour |
| 110. Intake Specialist | \$ 4.81 per hour | \$11.20 per hour |
| 111. Job Retraining Assistant | \$ 7.12 per hour | \$15.17 per hour |
| 112. Junior Cashier | \$ 5.24 per hour | \$11.62 per hour |
| 113. Junior Chemist | \$ 5.46 per hour | \$12.11 per hour |
| 114. Junior City Planner | \$ 6.36 per hour | \$13.83 per hour |
| 115. Junior Civil Engineer | \$ 6.36 per hour | \$13.83 per hour |
| 116. Junior Clerk | \$ 8.21 per hour | \$ 9.69 per hour |
| 117. Junior Draftsman | \$ 5.46 per hour | \$12.11 per hour |
| 118. Junior Engineering Aide | \$ 5.46 per hour | \$12.11 per hour |
| 119. Laboratory Assistant | \$ 6.04 per hour | \$13.20 per hour |
| 120. Laboratory Helper | \$ 4.77 per hour | \$10.44 per hour |
| 121. Landscape Architect | \$ 9.50 per hour | \$19.75 per hour |
| 122. Lead Pressman | \$ 8.93 per hour | \$15.38 per hour |
| 123. Life Guard | \$ 4.25 per hour | \$ 9.06 per hour |
| 124. Life Guard Captain | \$ 7.14 per hour | \$ 9.06 per hour |
| 125. Mechanical Engineer | \$ 9.50 per hour | \$20.91 per hour |
| 126. Messenger | \$ 4.77 per hour | \$10.44 per hour |
| 127. Meter Reader | \$10.63 per hour | \$13.56 per hour |
| 128. Minority Business Consultant | \$11.15 per hour | \$23.27 per hour |
| 129. Miscellaneous Investigator | \$ 5.46 per hour | \$12.11 per hour |
| 130. Monitoring, Auditing and Evaluation Coordinator | \$13.65 per hour | \$15.40 per hour |
| 131. Office Machine Operator | \$ 8.21 per hour | \$10.16 per hour |
| 132. Offset Duplicating Machine Operator | \$ 5.46 per hour | \$12.11 per hour |
| 133. On The Job Training Specialist | \$12.71 per hour | \$14.88 per hour |
| 134. Park and Recreation Planner | \$ 9.51 per hour | \$19.75 per hour |
| 135. Parking Attendant | \$ 6.31 per hour | \$11.20 per hour |
| 136. Parking Meter Collector | \$ 6.32 per hour | \$11.17 per hour |
| 137. Parking Meter Serviceman | \$11.30 per hour | \$11.77 per hour |
| 138. Permit Processing Specialist | \$ 7.00 per hour | \$ 9.38 per hour |
| 139. Pharmacist | \$10.74 per hour | \$22.09 per hour |
| 140. Pharmacodependent Rehabilitation Counselor I | \$ 6.49 per hour | \$10.72 per hour |
| 141. Pharmacodependent Rehabilitation Counselor II | \$ 7.57 per hour | \$12.67 per hour |
| 142. Photographer | \$ 9.08 per hour | \$15.17 per hour |
| 143. Photographic Laboratory Technician | \$ 6.80 per hour | \$13.20 per hour |
| 144. Photo-Litho Operator | \$ 5.48 per hour | \$12.11 per hour |
| 145. Physical Director | \$ 8.33 per hour | \$13.65 per hour |
| 146. Plan Examiner | \$ 7.96 per hour | \$18.06 per hour |
| 147. Play Director | \$ 4.25 per hour | \$ 9.55 per hour |
| 148. Police Radio Technician | \$13.58 per hour | \$14.69 per hour |
| 149. Pressman | \$ 7.89 per hour | \$14.89 per hour |
| 150. Preventive Health Counselor | \$13.59 per hour | \$15.44 per hour |
| 151. Preventive Health Educator | \$ 8.89 per hour | \$10.37 per hour |
| 152. Principal Cashier | \$ 7.24 per hour | \$16.26 per hour |
| 153. Principal Clerk | \$10.19 per hour | \$13.83 per hour |
| 154. Print Shop Helper | \$ 8.80 per hour | \$10.24 per hour |
| 155. Private Secretary | \$ 6.71 per hour | \$14.51 per hour |
| 156. Program Analyst | \$16.64 per hour | \$21.04 per hour |
| 157. Programmer | \$ 8.96 per hour | \$18.74 per hour |
| 158. Programmer Analyst | \$ 9.73 per hour | \$20.90 per hour |
| 159. Property Clerk | \$11.37 per hour | \$23.29 per hour |
| 160. Psychiatric Social Worker | \$12.48 per hour | \$15.13 per hour |
| 161. Psychologist I | \$10.74 per hour | \$20.13 per hour |

| | Minimum | Maximum |
|------|---|-----------------------------------|
| 162. | Psychologist II | \$12.88 per hour \$23.73 per hour |
| 163. | Public Health Nursing Aide | \$ 8.82 per hour \$ 9.67 per hour |
| 164. | Public Health Sanitarian I | \$10.59 per hour \$12.92 per hour |
| 165. | Public Health Sanitarian II | \$11.89 per hour \$14.47 per hour |
| 166. | Public Health Sanitarian III | \$12.84 per hour \$15.09 per hour |
| 167. | Public Information Officer | \$ 7.38 per hour \$15.96 per hour |
| 168. | Quality Assurance Analyst | \$ 8.96 per hour \$18.73 per hour |
| 169. | Radio Dispatcher | \$14.38 per hour \$14.74 per hour |
| 170. | Radio Technician | \$13.58 per hour \$14.69 per hour |
| 171. | Receptionist | \$ 6.06 per hour \$10.68 per hour |
| 172. | Records Manager | \$ 9.84 per hour \$11.19 per hour |
| 173. | Recreation Aide | \$ 4.25 per hour \$ 7.46 per hour |
| 174. | Recreation Instructor | \$ 4.81 per hour \$11.20 per hour |
| 175. | Recreation Instructor I | \$ 5.24 per hour \$11.93 per hour |
| 176. | Recreation Instructor II | \$ 5.46 per hour \$12.41 per hour |
| 177. | Recreation Instructor III | \$ 6.83 per hour \$13.12 per hour |
| 178. | Recreation Program Supervisor | \$ 6.83 per hour \$12.18 per hour |
| 179. | Redevelopment Advisor | \$ 7.96 per hour \$16.82 per hour |
| 180. | Redevelopment Coordinator | \$ 8.38 per hour \$18.74 per hour |
| 181. | Refrigeration Inspector | \$11.82 per hour \$15.43 per hour |
| 182. | Refugee Outreach Worker | \$ 8.40 per hour \$10.43 per hour |
| 183. | Registered Animal Health Technician | \$ 7.94 per hour \$11.20 per hour |
| 184. | Rehabilitation Advisor | \$ 6.71 per hour \$14.51 per hour |
| 185. | Sanitarian Aide | \$ 9.63 per hour \$10.86 per hour |
| 186. | Secretary | \$ 6.30 per hour \$12.11 per hour |
| 187. | Secretary to Director of Consumer Affairs | \$ 9.51 per hour \$19.75 per hour |
| 188. | Senior Assistant Architect | \$ 7.96 per hour \$16.82 per hour |
| 189. | Senior Assistant City Planner | \$ 7.96 per hour \$16.82 per hour |
| 190. | Senior Assistant Civil Engineer | \$ 7.96 per hour \$16.82 per hour |
| 191. | Senior Assistant Electrical Engineer | \$ 7.96 per hour \$16.82 per hour |
| 192. | Senior Assistant Mechanical Engineer | \$ 7.96 per hour \$16.82 per hour |
| 193. | Senior Assistant Traffic Engineer | \$ 7.96 per hour \$16.82 per hour |
| 194. | Senior Bacteriologist | \$ 6.71 per hour \$14.51 per hour |
| 195. | Senior Cashier | \$ 6.36 per hour \$13.83 per hour |
| 196. | Senior Chemist | \$ 7.53 per hour \$15.96 per hour |
| 197. | Senior Clerk | \$ 8.53 per hour \$11.76 per hour |
| 198. | Senior Computer Operator | \$ 8.96 per hour \$18.74 per hour |
| 199. | Senior Data Conversion Operator | \$ 5.73 per hour \$12.62 per hour |
| 200. | Senior Development Officer | \$12.63 per hour \$24.59 per hour |
| 201. | Senior Draftsman | \$ 6.36 per hour \$13.83 per hour |
| 202. | Senior Engineering Draftsman and Photographer | \$ 7.12 per hour \$15.17 per hour |
| 203. | Senior Information Control Analyst | \$ 7.38 per hour \$15.96 per hour |
| 204. | Senior Laboratory Technician | \$10.86 per hour \$12.53 per hour |
| 205. | Senior Landscape Architect | \$ 9.73 per hour \$20.90 per hour |
| 206. | Senior Site Inspector - Demolition | \$ 8.43 per hour \$17.78 per hour |
| 207. | Sewer Service Man | \$12.43 per hour \$13.19 per hour |
| 208. | Site Inspector | \$ 7.53 per hour \$15.96 per hour |
| 209. | Social Worker for Homeless | \$13.82 per hour \$15.70 per hour |
| 210. | Starter (Golf) | \$ 4.49 per hour \$ 9.27 per hour |
| 211. | S.T.D. Clerk | \$ 7.88 per hour \$ 8.96 per hour |
| 212. | Stenographer I | \$ 8.11 per hour \$10.18 per hour |
| 213. | Stenographer II | \$ 8.94 per hour \$11.36 per hour |
| 214. | Stenographer III | \$ 7.37 per hour \$12.62 per hour |
| 215. | Stock Clerk | \$ 5.46 per hour \$12.47 per hour |
| 216. | Storekeeper | \$ 6.36 per hour \$14.21 per hour |
| 217. | Street Obstruction Inspector | \$ 6.04 per hour \$13.20 per hour |
| 218. | Surveyor | \$ 8.96 per hour \$18.74 per hour |
| 219. | Tax Auditor I | \$ 7.12 per hour \$15.17 per hour |
| 220. | Tax Auditor II | \$ 7.96 per hour \$16.82 per hour |
| 221. | Technical Specialist | \$ 7.53 per hour \$15.96 per hour |
| 222. | Technical Specifications Writer | \$ 9.08 per hour \$16.83 per hour |
| 223. | Telephone Operator | \$ 5.24 per hour \$11.62 per hour |
| 224. | Telephone Supervisor | \$ 5.46 per hour \$12.11 per hour |
| 225. | Timekeeper | \$ 5.46 per hour \$12.11 per hour |
| 226. | Traffic Engineer | \$ 9.50 per hour \$19.75 per hour |
| 227. | Traffic Sign and Marking Technician | \$11.35 per hour \$12.11 per hour |
| 228. | Typist | \$ 8.23 per hour \$10.52 per hour |
| 229. | Urban Planning and Development Technician | \$ 5.73 per hour \$12.62 per hour |
| 230. | Utility Adjuster | \$ 8.83 per hour \$13.40 per hour |
| 231. | Vector Control Assistant | \$ 8.90 per hour \$10.11 per hour |
| 232. | Veteran's Counselor | \$ 7.38 per hour \$13.74 per hour |
| 233. | Water Hydraulic Repairman | \$12.43 per hour \$13.19 per hour |
| 234. | Water Meter Repairman | \$12.43 per hour \$13.55 per hour |
| 235. | Water Pipe Repairman | \$11.25 per hour \$13.55 per hour |
| 236. | Water Serviceman | \$ 9.05 per hour \$11.25 per hour |
| 237. | Water System Construction Inspector | \$10.48 per hour \$16.82 per hour |

Section 10. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|---|----------------|----------------|
| 1. Assistant Superintendent of Distribution | \$29,828.64 | \$32,690.86 |
| 2. Chief Meter Reader | 26,776.62 | 29,422.13 |
| 3. Chief Radio Dispatcher-Water | 30,533.44 | 33,467.12 |
| 4. Data Conversion Supervisor | 24,070.17 | 26,523.53 |
| 5. Engineer of Hydraulic Surveys | 37,550.06 | 41,401.80 |
| 6. Meter Reader Supervisor | 29,215.14 | 32,806.06 |
| 7. Sewer Construction Unit Leader | 31,650.11 | 34,641.66 |
| 8. Sewer Maintenance Unit Leader | 23,962.24 | 29,986.71 |
| 9. Sewer Maintenance Unit Leader Operator | 28,605.94 | 31,381.34 |
| 10. Supervisor of Radio Service | 30,553.44 | 35,386.58 |
| 11. Unit Supervisor | 26,835.06 | 33,157.50 |
| 12. Water Hydraulic Unit Leader | 28,446.57 | 31,651.96 |
| 13. Water Hydraulic Supervisor | 32,237.05 | 35,717.51 |
| 14. Water Meter Department Unit Leader | 28,446.55 | 31,651.96 |
| 15. Water Meter Department Supervisor | 32,237.05 | 35,717.51 |
| 16. Water Pipe Repair Unit Leader..... | 28,446.57 | 32,424.22 |
| 17. Water Pipe Repair Supervisor | 32,242.61 | 36,489.78 |

Section 15. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|--------------------------------|------------------|------------------|
| 1. Machinist | \$12.96 per hour | \$15.42 per hour |
| 2. Machinist Unit Leader | \$13.46 per hour | \$17.45 per hour |
| 3. Machinist Helper | \$11.32 per hour | \$13.03 per hour |

Section 20. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification.

| | Minimum | Maximum |
|--|------------------|------------------|
| 1. Emergency Medical Dispatcher (Probationary) | \$ 8.50 per hour | \$ 8.50 per hour |
| 2. Emergency Medical Dispatcher | \$20,741.97 | \$28,553.22 |
| 3. Emergency Medical Technician | \$22,499.00 | \$31,770.99 |

Section 23. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

| | Minimum | Maximum |
|--|-------------------------|-------------------------|
| 1. Accident and Safety Inspector | \$13.28 per hour | \$15.28 per hour |
| 2. Airport Field Foreman | \$13.19 per hour | \$15.19 per hour |
| 3. Arborist I | \$11.53 per hour | \$13.53 per hour |
| 4. Arborist II | \$13.43 per hour | \$15.43 per hour |
| 5. Arborist III | \$15.20 per hour | \$17.20 per hour |
| 6. Assistant Gardener | \$ 8.98 per hour | \$10.98 per hour |
| 7. Assistant Manager of Parks and Urban Forestry | \$14.80 per hour | \$16.80 per hour |
| 8. Assistant Superintendent of Waste Collection | \$15.20 per hour | \$17.20 per hour |
| 9. Cemetery Foreman | \$13.19 per hour | \$15.19 per hour |
| 10. Cemeteries Maintenance Man I | \$10.29 per hour | \$12.29 per hour |
| 11. Cemeteries Maintenance Man II | \$16.24 per hour | \$18.24 per hour |
| 12. Cemetery Supervisor | \$15.20 per hour | \$17.20 per hour |
| 13. Chief Engineering and Construction Inspector | \$16.74 per hour | \$18.74 per hour |
| 14. Chief Horticulturist | \$19.64 per hour | \$22.07 per hour |
| 15. Cold Patch and Cracksealing Foreman | \$15.30 per hour | \$17.30 per hour |
| 16. Cold Patch and Crack Sealing Worker | \$11.35 per hour | \$13.35 per hour |
| 17. Crematory and Mausoleum Operator | \$11.53 per hour | \$13.53 per hour |
| 18. District Paving Repair Foreman | \$20.86 per hour | \$22.86 per hour |
| 19. Engineering and Construction Inspector | \$12.40 per hour | \$14.40 per hour |
| 20. Gardener | \$ 9.85 per hour | \$11.85 per hour |
| 21. General Construction Foreman | \$21.08 per hour | \$23.08 per hour |
| 22. General Shop Foreman | \$15.20 per hour | \$17.20 per hour |
| 23. Greenskeeper | \$13.73 per hour | \$15.73 per hour |
| 24. Ground Maintenance Crew Foreman | \$11.14 per hour | \$13.14 per hour |
| 25. Ground Maintenance Foreman | \$13.20 per hour | \$15.20 per hour |
| 26. Ground Maintenance Man | \$10.29 per hour | \$12.29 per hour |
| 27. Horticulturist | \$17.53 per hour | \$19.53 per hour |
| 28. Horticulturist Maintenance Foreman | \$13.20 per hour | \$15.20 per hour |
| 29. Labor Foreman | \$13.19 per hour | \$15.19 per hour |
| 30. Lead Program Assistant | \$11.19 per hour | \$13.19 per hour |
| 31. Mechanical Handyman | \$10.74 per hour | \$12.74 per hour |
| 32. Maintenance Foreman | \$12.60 per hour | \$14.60 per hour |
| 33. Municipal Service Laborer | \$10.29 per hour | \$12.29 per hour |
| 34. Parking Coordinator | \$13.96 per hour | \$15.96 per hour |
| 35. Practical Nurse | \$10.23 per hour | \$12.23 per hour |

| | Minimum | Maximum |
|--|------------------|------------------|
| 36. Radio Operator | \$11.85 per hour | \$13.85 per hour |
| 37. Real Estate Maintenance Man | \$10.92 per hour | \$12.92 per hour |
| 38. Set-Up Foreman | \$10.98 per hour | \$12.98 per hour |
| 39. Shop Foreman | \$13.19 per hour | \$15.19 per hour |
| 40. Sidewalk Inspector | \$11.30 per hour | \$13.30 per hour |
| 41. Street Cleaning District Foreman | \$13.19 per hour | \$15.19 per hour |
| 42. Street Maintenance Foreman | \$13.19 per hour | \$15.19 per hour |
| 43. Street Maintenance General Foreman | \$15.20 per hour | \$17.20 per hour |
| 44. Street Permit Supervisor | \$10.25 per hour | \$12.25 per hour |
| 45. Street Sweeper-Waste Collection | \$ 9.99 per hour | \$11.99 per hour |
| 46. Tire Shredder | \$10.82 per hour | \$12.82 per hour |
| 47. Waste Collection Foreman | \$13.19 per hour | \$15.19 per hour |
| 48. Waste Collection Foreman I | \$14.52 per hour | \$16.52 per hour |
| 49. Waste Collection Transfer Foreman | \$15.09 per hour | \$17.09 per hour |
| 50. Waste Collector | \$10.29 per hour | \$12.29 per hour |
| 51. Waste Collector Cushman Operator | \$10.58 per hour | \$12.58 per hour |
| 52. Watchman | \$ 8.57 per hour | \$10.57 per hour |
| 53. Watchman Supervisor | \$10.87 per hour | \$12.87 per hour |

Section 48. Division of Fire; Various Positions.

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

| | Minimum | Maximum |
|------------------------------|------------------|------------------|
| 1. Battalion Chief | 57,630.85 | 58,130.85 |
| 2. Captain | 49,612.80 | 50,112.80 |
| 3. Lieutenant | 42,690.69 | 43,200.69 |
| 4. Firefighter | | |
| Journeyman | 36,741.97 | 37,241.97 |
| Apprentice - Medic III | 33,774.43 | 33,774.43 |
| Apprentice - Medic II | 33,274.43 | 33,274.43 |
| Apprentice - Medic I | 32,274.43 | 33,274.43 |
| Trainee | \$ 8.50 per hour | \$ 8.84 per hour |

Section 2. That existing Sections 5, 8, 10, 15, 20, 23 and 48 of Ordinance No. 2114-95, passed November 27, 1995, are hereby repealed, effective April 1, 1995.

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.

BOARD OF CONTROL

March 6, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 6, 1996, at 10:30 a.m., with Mayor White presiding.

Present: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Absent: None.

Others: Willie Williamson, Acting Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 125-96.

By Director Hyer.

Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 23-96, adopted by the Board on January 17, 1996, approving the bid of Bruder, Inc., as the lowest and best for Building Materials on items 8, 11 and 12, is amended by increasing the base requisition 80697 from \$2500.00 to \$6332.04.

Be it further resolved that all other provisions of said Resolution No. 23-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib,

Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 126-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Shaker Paper Company for an estimated quantity of paper stock and envelopes - Items: 17, 20, 22, 28, 29, 51, and 169, for the Division of Printing and Production, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on the 10th day of November, 1995, pursuant to the authority of Ordinance No. 1764-95, passed November 20, 1995, which on the basis of the estimated quantity would amount to Twenty-Five Thousand Nine Hundred Eighty-Five and 20/100 Dollars, (\$25,985.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 79786 which shall be certified against such contract in the sum of Thirteen Thousand and 00/100 Dollars (\$13,000.00).

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

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

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 127-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Unisource Worldwide, Incorporated, for an estimated quantity of paper stock and envelopes - Items: #16 and #52, for the Division of Printing and Reproduction, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on the 10th day of November, 1995, pursuant to the authority of Ordinance No. 1764-95, passed November 20, 1995, which on the basis of the estimated quantity would amount to Ten Thousand Three Hundred Forty-Three Dollars and 40/100 Dollars, (\$10,343.40), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial

amount of such contract of the following:

Requisition No. 79785 which shall be certified against such contract in the sum of Ten Thousand Three Hundred Forty-Three and 40/100 Dollars, (\$10,343.40).

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, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 128-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Gateway Electric Company, Inc., for the public improvement of replacing the low and first high service pump units at the Nottingham Waterworks facility, Phase II, including a contract allowance of \$90,000.00 for the Division of Water, Department of Public Utilities, received on January 17, 1996, pursuant to the authority of Ordinance No. 1507-92, passed August 19, 1992, for a gross price, for the improvement in the aggregate amount of One Million Three Hundred Eighty-five Thousand Eight Hundred Dollars (\$1,385,800.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Gateway Electric Company, Inc., for the above mentioned public improvement is hereby approved:

SUBCONTRACTORS WORK

Leader Electric Co.
Conduit, Switchgear
Panel
(2%, FBE)

Romeo Electric Co.
Meters, Valves,
Control Stations
(7%, MBE)

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 129-96.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of Delta Star, Inc., for the following: Substation Power Transformers, Item A-3 (including Item B-3, 5-year warranty and, Item B-5, 10 days of service engineering assistance) for the Division of Cleveland Public Power, Department of Public Utilities, received on the 24th day of August, 1995, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the

basis of order quantity would amount to \$433,497.00, (Net), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Be it further resolved by the Board of Control of the City of Cleveland that Resolution No. 725-95, adopted by this Board on September 20, 1995, approving the bid of Delta Star, Inc., as the lowest and best for substation power transformers, all items, hereby is rescinded.

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 130-96.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the bid of Standard Sign, Inc., for an estimated quantity of materials to repair and replace airfield signage (10% discount off list price) 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 25th day of January, 1996, pursuant to the authority of Ordinance No. 1757-95, passed November 20, 1995, which on the basis of the estimated quantity would amount to One Hundred Twenty Thousand and no/100 (\$120,000.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 81318 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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Standard Signs, Inc., for materials to repair and replace airfield signage for the Various Divisions of the Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE

Central Electric Supply
3190 East 65th St.
Cleveland, Ohio 44127
Lamp sockets for
airfield signs
(MBE - \$240.00)

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 131-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid

of Euclid Transmission, Inc., for an estimated quantity of Rebuilt Transmissions (All Items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 16th day of February, 1996, pursuant to the authority of Ordinance No. 1747-95, passed November 27, 1995, which on the basis of the estimated quantity would amount to approximately One Hundred Twenty-Three Thousand and Seven Hundred Three and 55/100 Dollars, (\$123,703.55), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 70596 which shall be certified against such contract in the sum of Fifteen Thousand and no/100 Dollars, (\$15,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor to Euclid Transmission, Inc., for the purchase of Rebuilt Transmissions (All Items), hereby is approved:

Logical Services, Inc.
\$24,686.71
MBE - 20%

Yeas: None.

Nays: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Absent:None.

Resolution No. 132-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Good Mechanic Auto Company of Richfield, dba G & M Auto Company for an estimated quantity of Towing Services (All Items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 27th day of November, 1995, pursuant to the authority of Ordinance No. 1745-95, passed February 9, 1996, which on the basis of the estimated quantity would amount to approximately Forty-Eight Thousand Seven Hundred and no/100 Dollars, (\$48,700.00), (2% 45 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 70611 which shall be certified against

such contract in the sum of Seven Thousand and no/100 Dollars, (\$7,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the following sub-contractor to Good Mechanic Auto Company of Richfield, dba G & M Auto Company, for the purchase of Towing Services (All Items), hereby is approved:

Roger's Towing, Inc.
\$3,504.00
FBE

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 133-96.

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Fire Safety Services, Inc. for an estimated quantity of repair, replace, service and parts of various fire/safety equipment and breathing apparatus, All Items, for the Division of Fire, Department of Public Safety, for the period of two (2) years beginning with the date of execution of a contract, received on January 18, 1996, pursuant to the authority of Ordinance No. 1248-95, passed August 23, 1995, which on the basis of the estimated quantity would amount to sixty nine thousand, eight hundred sixty four and no/100 Dollars (\$69,864.00), 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. 80826
MSA Parts

Labor and materials to repair or replace MSA breathing apparatus, gas testers, explosive meters and hazardous materials equipment.
ALL ITEMS.

which shall be certified against such contract in the sum of Ten thousand and no/100 Dollars (\$10,000.00).

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

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 134-96.

By Director Spellman.

Be it resolved, by the Board of Control of the City of Cleveland that

that the employment of the following sub-contractor(s) under City Contract No. 49269 entered into with R. P. Carbone Construction Company pursuant to Ordinance No. 1455-94 passed November 21, 1994, and Board of Control Resolution No. 805-95 adopted October 25, 1995, for the public improvement of constructing the Luke Easter Recreation Center, for the Division of Recreation, Department of Parks, Recreation and Properties, hereby is approved:

Resource International

Martin Enterprises, Inc.
Koker Drilling Company
The Osterland Company
R.E.M. Graphics

Royal Landscaping

Melinz Rebar

Cirullo Steel Erection Company
Cleveland Cement Contractors
Commsteel

Western Waterproofing
Courtad Construction Systems
Mentor Erection Company, Inc.

Coon Caulking & Sealants

J & L Door Services

Lorain Glass Company

Acme Arsenal Company

Cincinnati Floor Company

The Company, Inc.

Quality Printing

B-Par

Mussun Sales, Inc.

Folding Equipment Company

Donald H. Kaiser Company

King Products, Inc.

Toilet Room Accessories

Corporation

Porter Athletic Equipment

Company

Service Supply Limited

Kader Company

Waller Duman, Inc.

Patrician Company

Artisan Electrical Contractors, Inc.
Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 135-96.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 135-01-108 located at 9407 Beacon Avenue, S.E. in Ward 3; and

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

Whereas, Estelle Dunn, 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 3 has consented to the proposed sale;

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

3. The proposed purchaser of said parcel is neither tax delinquent nor

in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Estelle Dunn for the sale and development of Permanent Parcel No. 135-01-108 located at 9407 Beacon Avenue, S.E., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 136-96.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 119-32-103 located at 2332 E. 88 Street, in Ward 6; and

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

Whereas, Fairfax Bicentennial Village Development, Ltd., 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 proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Fairfax Bicentennial Village Development, Ltd. for the sale and development of Permanent Parcel No. 119-32-103 located at 2332 E. 88 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved the consideration for said parcel shall be

\$100.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 137-96.

By Director Staib.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Section 141.37 of the Codified Ordinances of the City of Cleveland, 1976, the existing contract between the City of Cleveland and Neil M. Conway, Ph.D., by which Dr. Conway provides professional services for the City of Cleveland's high-complexity blood lead testing laboratory in the Division of Environment, Department of Public Health, be extended for a period not to exceed eight (8) months.

Be it further resolved that the Director of Public Health is authorized to enter into a written contract with Neil M. Conway, Ph.D., provided that the compensation to be paid, including the payment of professional liability insurance premiums by the City of Cleveland for coverage of the services performed under the contract, shall not exceed \$5,400.00, which contract shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 25, 1996

9:30 A.M.

Calendar No. 96-17: 6701 Hubbard Ave., S.E.

Cleveland Hubbard Properties, a limited partnership, owner, and National Plating Co., Inc., tenant, c/o Mark Palik, to erect a 15' x 15' loading dock addition to the south side of the 220' x 110' masonry factory building on a corner acreage parcel located in a General Industry District on the northeast corner of Hubbard Ave. and E. 66 St. at 6701 Hubbard Ave.; said loading dock to be located within the right-of-way of Hubbard Ave. instead of 50' therefrom as required by Section 345.04 of the Codified Ordinances.

Calendar No. 96-28: 3741 Ridge Rd. S.W.

Danmaur Investments Ltd., owner, and Gress & Kennedy Inc. dba Ridge Road Auto Parts & Wrecking Co., tenant, to erect a 60' x 140' one story masonry building on the 339' x 647' (average) irregular shaped parcel, used as a nonconforming auto wrecking yard, located in a Semi-Industry District at 3741 Ridge Rd.; said use as an auto wrecking yard being contrary to the semi-industry use limitations of Section 345.03 and the expansion provisions of Section 359.01 and said premises not conforming to the access drive provisions of Section 349.07 and not conforming to the landscaping provisions of Section 352.10 of the Codified Ordinances.

Calendar No. 96-29: 4400 W. 156 St.

James Yedlick, owner, to erect approximately 21' of 6' high fence & gate to partially enclose the 92' x 60' irregular shaped corner lot located in a One Family District and occupied by a one family dwelling house on the northwest corner of W. 156 St. and Mina Ave. and known as 4400 W. 156 St.; said proposed fence and gate to be contrary to the setback and height restrictions of Section 357.05 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 11, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, March 4, 1996, the following appeals were heard by the Board, and, on, Monday, March 11, 1996 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 96-12: 6634 St. Clair Ave., N.E.

Fawzia Awad, owner, to attach a 4' x 8' double-faced projecting business identification sign.

Calendar No. 96-13: 5104 Franklin Blvd., N.W.

Louis Applebaum, owner, Ali Alawi, tenant, and Michael L. Viccaro, to use as a carry-out restaur-

ant, the easterly storeroom. (Conditional Grant)

Calendar No. 96-15: 2803 York Ave., S.W.

Edward Morrow and Irene Morrow, owners, appealed, under authority of Section 76-6 of the Charter and Section 329.02 of the Codified Ordinances, from refusal to approve a lot split.

Calendar No. 96-16: 3215 W. 98th Street

Gilbert Camargo, owner, to erect approximately 160' of 6' high wood picket fence. (Conditional Grant)

The following appeal was **Withdrawn:**

Calendar No. 96-18: 1519 Lakeview Road, N.E.

The following appeals were **Postponed** to April 1, 1996.

Calendar No. 95-220: 13948 Lorain Avenue.

Calendar No. 96-20: 1415-23 West 28th Street.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
March 6, 1996

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

* * *

Docket A-9-96.

RE: Appeal of National Terminal Apartments Limited Liability Company, Owner of the Property located on the premises known as 1200 West 10th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time pending further information to be submitted by Appellant; Docket A-9-96 will be rescheduled for March 20, 1996.

* * *

Docket A-15-96.

RE: Appeal of Charles C. Pearson, Owner of the Property located on the premises known as 3179 West 25th Street from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated January 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time.

* * *

Docket A-16-96.

RE: Appeal of Vincent J. Fiocco,

Owner of the Residential Property located on the premises known as 5042 Finn Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 6, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by June 20, 1996. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

* * *

Docket A-17-96.

RE: Appeal of Horace L. Williams, Owner of the Property located on the premises known as 1117-21 East 140th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 5, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1117-21 East 140th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

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

* * *

Docket A-20-96.

RE: Appeal of Simmons First National Bank, Mortgagee of the Property located on the premises known as 1380 West 58th Street from a NOTICE OF VIOLATION - NEC of the Commissioner of the Division of Building and Housing dated January 16, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the home owner two weeks (2 wks.) in which to obtain permits and three months (3 mos.) in which to complete abatement of all violations on the property, the property at 1380 West 58th Street is REMANDED to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Williams.

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

Docket A-21-96.

RE: Appeal of Honeywell, Inc., Owner of the Property located on the premises known as 6707 Carnegie Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Commissioner of the Division of Building and Housing dated January 11, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the existing sprinkler system to be deactivated, noting that the code does not require a sprinkler system for this type of building and that the building has an adequate fire alarm system, and noting that the Fire Prevention Bureau concurs with this action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: Mr. Bowes.

* * *

Docket A-23-96.

RE: Appeal of Alice M. Jones, Owner of the Residential Property located on the premises known as 10021-23 Adams Avenue from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated February 5, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six months (6 mos.) in which to abate all violations and to REMAND the property at 10021-23 Adams Avenue to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Bowes.

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

* * *

REVIEW:

Docket A-25-96.

RE: Continuance of Appeal of C.M.H.A./Carver Park Estates, Owner of the Property located on the premises known as 2370 Unwin Road from a NOTICE OF NONCONFORMANCE - NEC of the Commissioner of the Division of Building and Housing dated January 26, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the remedy agreed upon by the Division of Building and Housing and contractors were adequate for the property means of the facility, and that the variance required for these clearances be granted based upon the agreed upon remedies. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Birch.

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Sullivan and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the

Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-6-96—Edward Fields
A-7-96—Edward Fields
A-8-96—Edward Fields
A-12-96—Lawrence Zupancic
A-22-96—Malinda K. Orasoske
A-24-96—C.M.H.A./Carver Park Estates

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

* * *

A separate motion was entered by Mr. Sullivan and seconded by Mr. Williams for Approval and Adoption of the Resolution as presented by the Secretary for the following Docket, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-19-96—Urban Housing Limited

Yeas: Messrs. Denk, Birch, Williams, Sullivan. Nays: Mr. Bowes.

* * *

APPROVAL OF MINUTES:

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

February 21, 1996

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

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

**In the Council Chambers
of City Hall,
Second Floor; Cleveland, Ohio
On Wednesday, March 20, 1996
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing on the Second Floor in Council Chambers of City Hall, Cleveland, Ohio, on Wednesday, March 20, 1996, at 1:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1252-95.

By Councilman Rokakis.
An ordinance to change the Use, Area and Height Districts of lands on the southwesterly side of Bradley Road, S.W. between Jennings Road, S.W. and north of South Ridge Drive. (Map Change No. 1881, Sheet No. 6)

Ord. No. 41-96.

By Councilman Miller.
An ordinance to change the Use and Area Districts of lands east of Rocky River Drive from north of I-480 to south of Midvale Ave., S.W. (Map Change No. 1896, Sheet No. 13)

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

Edward W. Rybka,
Chairman
Committee on City Planning

March 6 and March 13, 1996

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Clubroom B, Convention Center, in accordance with the appended schedule, and will be opened and read in Clubroom B, Convention Center, 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 27, 1996

Painting Roadways, Runways and Paved Surfaces, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 2182-95, passed by the Council of the City of Cleveland.

A PRE-BID MEETING WILL BE HELD ON MARCH 21, 1996 AT 1:00

P.M. IN THE DEPARTMENT OF PORT CONTROL'S 2ND FLOOR CONFERENCE ROOM, 5300 RIVERSIDE DRIVE.

Hardware and Software, for the Department of Finance, as authorized by Ordinance No. 397-95, passed by the Council of the City of Cleveland, April 3, 1995.

March 6 and March 13, 1996

THURSDAY, MARCH 28, 1996

Tennis Court Lighting Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

Repair/Replace Electric Meters on Airfield, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 245-96, passed by the Council of the City of Cleveland.

March 6 and March 13, 1996

THURSDAY, MARCH 29, 1996

Upgrading Terminal HVAC Systems, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2241-94, passed by the Council of the City of Cleveland, May 8, 1995.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 21, 1996 AT 1:00 P.M.

Mowers, Tractor Cutter Attachments, Utility Vehicles, Dump Trucks and Pick Up Trucks, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 202-96, passed by the Council of the City of Cleveland, February 26, 1996.

March 6 and March 13, 1996

THURSDAY, MARCH 28, 1996

J. F. Kennedy Recreation Meeting Room Additions (05-95) Re-Bid, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 807-93, 1113-92, passed by the Council of the City of Cleveland, June 14, 1993 and June 24, 1992, respectively.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 25, 1996 AT 9:30 A.M. AT THE JOHN F. KENNEDY RECREATION CENTER, 14300 HARVARD AVENUE.

Central Commons Subdivision No. 5 and 6, for the Division of Engineering and Construction, Department of Public Service, as authorized by Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

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

Bicentennial Village Phase 2, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

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

Herron Row at Kingsbury Phase II, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1654-91, 1276-92, 1200-93 and 1909-92, passed by the Council of the City of Cleveland.

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

March 13 and March 20, 1996

WEDNESDAY, APRIL 3, 1996

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

March 13 and March 20, 1996

THURSDAY, APRIL 4, 1996

4 x 4 Medium Duty, (4) Door Passenger Vehicle, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 956-92, passed by the Council of the City of Cleveland, June 8, 1992.

Dump Truck with Central Hydraulic System and Reversible Plow, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 12, 1995.

One (1) Sweeper, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 12, 1995.

One (1) Diesel Fuel Tar Kettle with Accessories, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 12, 1995.

March 13 and March 20, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 382-96.

By Councilman Britt.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 8404 Carnegie Avenue.

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. 3349600, Linda D. Greene, DBA Karl's Sunoco Service Station & Carryout, 8404 Carnegie Avenue, 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 issuance of a C1 Liquor Permit to Permit No. 3349600, Linda D. Greene, DBA Karl's Sunoco Service Station & Carryout, 8404 Carnegie Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 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 March 4, 1996.

Effective March 12, 1996.

Res. No. 383-96.

By Councilman Britt.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 8204 Carnegie Avenue, and repealing Res. No. 1526-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 8204 Carnegie Avenue by Res. No. 1526-95, adopted August 23, 1995; 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 D5 and D6 Liquor Permit to 8204 Carnegie Avenue be and the same is hereby withdrawn and Res. No. 1526-95, 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.

Adopted March 4, 1996.

Effective March 12, 1996.

Res. No. 384-96.

By Councilman Lewis.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 9300 Wade Park Drive.

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. 9331538, Wade Park Supermarket Inc., 9300 Wade Park Drive, Cleveland, Ohio 44106; 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. 9331538, Wade Park Supermarket Inc., 9300 Wade Park Drive, Cleveland, Ohio 44106, 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 March 4, 1996.

Effective March 12, 1996.

Res. No. 385-96.

By Councilmen Westbrook, Miller, McGuirk, and Rokakis.

An emergency resolution urging the mayors of the cities of Cleveland and Brook Park to enter into fruitful negotiations to resolve their respective disputes over the existence and future expansion of Cleveland Hopkins International Airport.

Whereas, the cities of Cleveland and Brook Park are involved in extensive litigation which clearly affects the existence and future expansion of Cleveland Hopkins International Airport; and

Whereas, it is in the City of Cleveland's and the City of Brook Park's best interests to timely resolve the disputes existing between them so that both cities benefit by having their energies and limited resources directed on more productive efforts thereby benefiting both communities; now, therefore,

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

Section 1. That this Council hereby urges Mayor Michael R. White and Mayor Thomas Coyne to resolve the litigation involving the existence and future expansion of Cleve-

land Hopkins International Airport in a way that is mutually beneficial to both communities so that valuable public resources may be utilized in more productive efforts.

Section 2. That the Clerk of Council be and she is directed to transmit a certified copy of this resolution to Mayor Thomas Coyne, City of Brook Park.

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 March 4, 1996.

Effective March 12, 1996 without the signature of the Mayor.

Res. No. 386-96.

By Councilman Patmon.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1076 East 105th Street, first floor.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of a C2 and C2X Liquor Permit from Permit No. 5377870, M.A. Hanini Inc., 1076 East 105th Street, first floor, Cleveland, Ohio 44108, to Permit No. 1882981, D.N.A. Selestee Inc., 1076 East 105th Street, first floor, 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 a C2 and C2X Liquor Permit from Permit No. 5377870, M.A. Hanini Inc., 1076 East 105th Street, first

floor, Cleveland, Ohio 44108, to Permit No. 1882981, D.N.A. Selestee Inc., 1076 East 105th Street, first floor, 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 March 4, 1996.

Effective March 12, 1996.

Res. No. 387-96.

By Councilman Paulenske.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 1054 E. 71st Street, first floor.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 2600117, F & CM Supermarket Inc., DBA East Town Deli, 12331 St. Clair Avenue, Cleveland, Ohio 44108, to Permit No. 2244973-0005, Dom's Deli Co. Inc., DBA Dom's, 1054 East 71st Street, first floor, 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 per-

mit 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 and C2X Liquor Permit from Permit No. 2600117, F & CM Supermarket Inc., DBA East Town Deli, 12331 St. Clair Avenue, Cleveland, Ohio 44108, to Permit No. 2244973-0005, Dom's Deli Co. Inc., DBA Dom's, 1054 East 71st Street, first floor, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 4, 1996.

Effective March 12, 1996.

Res. No. 388-96.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1035 East 185th Street and gas pumps.

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. 08983564327, BP Exploration & Oil, Inc., dba BP Food Mart 4327, 1035 East 185th Street and gas pumps, Cleveland, Ohio 44119; and

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

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

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

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

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

Whereas, this objection is based on other legal grounds as set forth

in Revised Code Section 4303.292; and

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 08983564327, BP Exploration & Oil, Inc., dba BP Food Mart 4327, 1035 East 185th Street and gas pumps, Cleveland, Ohio 44119, to Permit No. 3351925, Green Stores Inc., 1035 East 185th Street and gas pumps, Cleveland, Ohio 44119, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted March 4, 1996.

Effective March 12, 1996.

Res. No. 389-96.

By Councilman Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 768 East 200th Street, first floor and basement, and repealing Res. No. 1897-95, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 768 East 200th Street, first floor and basement, by Res. No. 1897-95, adopted October 30, 1995; 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 D5 Liquor Permit to 768 East 200th Street, first floor and basement, be and the same is hereby withdrawn and Res. No. 1897-95, 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 March 4, 1996.

Effective March 12, 1996.

Res. No. 390-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 3770505, Henry's Food & Gift Store Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, to Permit No. 1467414, Hyunsoo Chung & Hee Yung Chung, DBA K & S Food Service, 6506 Fleet Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 3770505, Henry's Food & Gift Store Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, to Permit No. 1467414, Hyunsoo Chung & Hee Yung Chung, DBA K & S Food Service, 6506 Fleet Avenue, 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.

Adopted March 4, 1996.

Effective March 12, 1996.

Res. No. 391-96.

By Councilman White.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3868 East 131st Street.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of a C1 and C2 Liquor Permit from Permit No. 4424370, Kutkut Corp. Inc., DBA Dairy Mart 5-4458, 3868 East 131st Street, Cleveland, Ohio 44120, to Permit No. 0024028, Adam Abeid Inc., DBA Dairy Mart #5-4458, 3868 East 131st Street, Cleveland, Ohio 44120; 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 a C1 and C2 Liquor Permit from Permit No. 4424370, Kutkut Corp. Inc., DBA Dairy Mart 5-4458, 3868 East 131st Street, Cleveland, Ohio 44120, to Permit No. 0024028, Adam Abeid Inc., DBA Dairy Mart #5-4458, 3868 East 131st Street, Cleveland, Ohio 44120, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Sec-

tion 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 March 4, 1996.
Effective March 12, 1996.

Ord. No. 1242-95.
By Councilmen Pianka, Miller, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing a professional services contract with Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; setting forth the scope of services of the professional services agreement; authorizing the Director of Economic Development to enter into a Development Agreement, Purchase Agreement and Escrow Agreement; and the form of those agreements.

Whereas, the City of Cleveland desires to obtain the services of Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; 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 Economic Development is hereby authorized and directed to enter into an agreement with Chelm Properties, Inc. to create a development plan relating to real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport, which property is more fully described in the exhibits to the development agreement on file with the Clerk of Council in File No. 1242-95-A.

Section 2. That the development plan shall include, among other things: site plans and renderings of proposed structures; design standards; environmental assessments and reviews required by the Federal Aviation Administration; marketing studies and financing plans for each development phase; traffic studies containing a plan for minimizing traffic congestion in and near the real property that is the subject of the development agreement; title reviews and surveys; general objectives for development, such as, economic land use, utility and community objectives; use restrictions, building requirements, zoning and enforcement procedures therefor; a communications system, if necessary; preliminary scope of the access road (Grayton Road); detailed plans for infrastructure and other public improvements; a

description of the quality and type of facilities to be included in the development; and such other feasibility studies as may be necessary.

Section 3. That said development plan shall be completed and delivered to the Director of Economic Development within eight months of the date of execution of the contract to create the development plan at a cost not exceeding \$250,000.00, payable from Fund No. 10 SF 501.

Section 4. That the Director of Port Control is authorized, upon approval of the development plan by the City Planning Commission, to submit the development plan, the development agreement, the purchase agreement, escrow agreement, and any other documents relating to the development to the Federal Aviation Administration for approval of land release.

Section 5. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into the development agreement, the purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase agreement, and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as may be requested by the Federal Aviation Administration, for the first phase of development with Cleveland Business Park, Ltd.

Section 6. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into a development agreement, purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as maybe requested by the Federal Aviation Administration for subsequent phases of development with Cleveland Business Park, Ltd.

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 155-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with International Business Machines Corporation for computer software, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

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

Section 1. That it is hereby determined that the within products are non-competitive and cannot be obtained from any source other than

International Business Machines Corporation. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said International Business Machines Corporation on the basis of its January 16, 1996 proposal, for the license of the computer software known as MVS/370, for a one (1) year term commencing February 1, 1996 and expiring January 31, 1997, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21562.

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 156-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with SAS Institute, Inc. for certain software products, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

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

Section 1. That it is hereby determined that the within products are non-competitive and cannot be obtained from any source other than SAS Institute, Inc. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said SAS Institute, Inc. on the basis of its December 5, 1995 proposal, for the license of three (3) software products known as OS SAS, OS SAS/ETS and OS SAS/FSP, for a one (1) year term commencing February 1, 1996 and expiring January 31, 1997, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21557.

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

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 157-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a maintenance agreement without competitive bidding with Decision One Corporation for maintenance for various Braegen computer devices, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

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

Section 1. That it is hereby determined that the within products are non-competitive and cannot be obtained from any source other than Decision One Corporation (fka Bell Atlantic Business Systems Services). Therefore, the Director of Finance is hereby authorized and directed to enter into an agreement with said Decision One Corporation in the estimated sum of \$50,000.00, for maintenance services on various Braegen computer devices, for a one (1) year term commencing December 1, 1995, with an option to renew for an additional one-year term, exercisable by the Director of Finance, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21558.

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 158-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of maintenance for a mainframe computer system and associated subsystems, for the Division of Information Systems Services, Department of Finance, for a period of one year with a one year option to renew.

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

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

Section 1. That the Director of Finance is hereby authorized and

directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance for a computer mainframe system and associated subsystems, for a one (1) year term commencing March 1, 1996, with one (1) an option exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be Paid from Fund No. 70 SF 140, Request No. 21559.

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 207-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Cleveland Foundation for the 1996 Attorney Training Program.

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

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

Section 1. That the Director of Law is hereby authorized to apply for and accept a grant in the amount of \$15,000, from the Cleveland Foundation, to conduct the 1996 Attorney Training Program, for the purposes set forth in the application and according thereto; that the Director of Law is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 207-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed March 4, 1996.
Effective March 12, 1996.

Ord. No. 303-96.
By Mayor White.

An emergency ordinance authorizing the Mayor and various Directors to enter into agreements with the National Football League, Cuyahoga County, Cleveland Develop-

ment Partnership, Cleveland-Cuyahoga County Port Authority and other entities for the financing, construction, operation and maintenance of a new stadium facility and the commitment of an NFL franchise to be located in Cleveland and authorizing and approving related matters.

Whereas, the City of Cleveland ("City") has been engaged in litigation with Cleveland Stadium Corp., the Cleveland Browns, Inc. and other persons and entities concerning the terms and conditions of their leases of Cleveland Municipal Stadium; and

Whereas, the City is prepared to settle the litigation in consideration of the payment by Cleveland Stadium Corp. of the City's damages, administrative costs and expenses, and legal fees and in consideration of certain binding commitments of the National Football League ("NFL") to the City, the most significant of which are: the promise of the NFL, enforceable by specific performance, to place an NFL football franchise and owner in Cleveland no later than the first season of NFL play occurring after construction of a new stadium in Cleveland has been completed; the contribution by the NFL to the costs of construction of the new stadium in amounts between Twenty-Eight Million Dollars (\$28,000,000) and Forty-Eight Million Dollars (\$48,000,000), depending on the final construction budget for the new stadium; the delivery of the Cleveland Browns team name, colors, history, records and heritage to a trust for the benefit of the City and thereafter for assignment to the new owner of the Cleveland NFL franchise; the signing and delivery by the NFL of a lease agreement with the City containing the promises by the NFL that the Cleveland Browns will play all regular season home games in the stadium for not less than 30 years (subject to the option to play one regular season home game every two calendar years in a location other than in the Stadium), that the NFL will cause the new owner of the Cleveland NFL franchise to accept the terms of the lease, including the 30-year obligation to play games in Cleveland and the agreement that the City is entitled to specific performance of that obligation; and

Whereas, the City wishes to continue to provide for the play of professional football and other public attractions in the City as a source of public relaxation and entertainment through the construction, ownership and leasing of a new stadium constituting a "sports facility" as that term is defined in Sec. 307.673 of the Revised Code (the "Act"); and

Whereas, the maintenance of public safety and order during the operation of the stadium will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of the stadium; and

Whereas, the City has been presented with economic feasibility reports which conclude that the acquisition and construction of a stadium and the leasing of it to a professional sports team and the play of NFL football in the facility will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people (through

increased spending of individuals residing both inside and outside the City); and

Whereas, the City has been advised of and is aware of additional impacts of a football franchise, including without limitation: free advertising of the City as a tourism and business location; community pride and solidarity; and community relations by encouraging fans of differing racial, income and ethnic backgrounds to associate and cheer for a common cause; and

Whereas, the stadium may be located in an urban renewal area of the City and the City's development of the stadium in that area and the lease of the stadium to the NFL and the new owner will be undertaken for the foregoing purposes and for the elimination of conditions of blight determined to exist in that area and to prevent the reoccurrence of such conditions of blight; and

Whereas, the attraction of a professional football team to the City will not only enrich the City and serve as a catalyst for development, but will also project an image of civic pride and commitment; and

Whereas, the additional non-economic impacts described above are an essential condition in this Council's decision to authorize the agreements described in this ordinance; and

Whereas, in order to receive the benefits of the NFL commitments and to attract a professional football team to the City it will be necessary for the City to acquire and construct a new stadium and to enter into certain agreements and financing arrangements, all in accordance with the Charter of the City and the Constitution and laws of the State, including the Act; and

Whereas, in order to acquire and construct the stadium and for the City to improve the economic welfare of its people, it is necessary that the City promptly authorize and approve the documents authorized hereby and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual daily operation of a municipal department; now therefore,

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

Section 1. That it is hereby determined that, for the reasons set forth in the preambles to this Ordinance, the provision of a new stadium in the City under the terms of the agreements authorized herein and the use of that stadium for the play of professional football and other events as a source of public relaxation and entertainment constitute a public municipal purpose.

Section 2. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Franchise Commitment Agreement between the City and the NFL, providing for, among other things: approval of an NFL franchise with a home territory of Cleveland, Ohio, commencing no later than the first season of NFL play occurring after a new stadium has been constructed by the City; placing in trust for the benefit of the City and thereafter for assignment to the new owner of the Cleveland NFL franchise "Browns Her-

itage Property" as defined in the Franchise Commitment Agreement, including the Cleveland Browns team, name, color, history, records and heritage; the agreement by the NFL that those promises are enforceable by the City by specific performance; and the financial commitments of the NFL to the costs of construction described in the preamble to this Ordinance. The Franchise Commitment Agreement shall be substantially in the form contained in File No. 303-96-A, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance.

Section 3. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Stadium Financing Agreement between the City and NFL Enterprises, L.P., a Delaware limited partnership jointly owned by all of the existing member clubs that comprise the NFL ("Enterprises"), providing for the contribution by Enterprises of the Twenty-Eight Million Dollars (\$28,000,000) to Forty-Eight Million Dollars (\$48,000,000) commitment of the NFL to the costs of construction of the new stadium (depending on the actual cost of construction of the stadium) and the participation by Enterprises in the administration of the design and construction of the stadium, all subject to the conditions set forth therein and the agreement by the NFL in the Franchise Commitment Agreement to guarantee the payments of Enterprises. The Stadium Financing Agreement shall be substantially in the form contained in the file referenced in Section 2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance.

Section 4. That the Mayor and the Director of Parks, Recreation and Properties are hereby authorized to accept contributions from the NFL and its affiliates, including NFL Enterprises, L.P., and from any owner of an NFL franchise, toward paying a portion of the cost of the stadium improvements or making payment on obligations of the City issued for the purpose of making the stadium improvements. To the extent that any contributions are paid to the City, they are hereby appropriated for the purposes set forth in the Stadium Financing Agreement and for the purpose of making the stadium improvement.

Section 5. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Lease By Way Of Concession between the City and the NFL (and to be assigned by the NFL to the new owner of the Cleveland NFL franchise) providing that the Cleveland NFL franchise shall play for 30 years all regular season home games in the new stadium (except for not more than one special game event every two years that may be located outside of the City), and the City shall have the right to specific performance of that 30-year play obligation. The Lease shall be substantially in the form

contained in the file referenced in Section 2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance.

Section 6. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Finance are hereby authorized and directed to enter into a Cooperative Agreement among the City, the County of Cuyahoga, Ohio, the Cleveland-Cuyahoga County Port Authority and the NFL providing for the contribution by Cuyahoga County of the excise tax on alcohol and cigarettes from August 1, 2005 through July 31, 2015, approved by the voters on November 7, 1995, to pay costs of construction of a stadium and the cooperation of the City, County, Port Authority and NFL in matters relating to the acquisition, construction, lease and financing of the stadium. The Cooperative Agreement shall be substantially in the form contained in the file referenced in Section 2, and with such changes as are necessary to be consistent with the provisions contained in Section 12 of this Ordinance. Any funds received by the City pursuant to the Cooperative Agreement are hereby appropriated for the purposes set forth in the Cooperative Agreement and for the purpose of acquiring and constructing the stadium improvements.

Section 7. That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties, are hereby authorized and directed to enter into a Termination Of Lease between the City and Cleveland Stadium Corp. and the Cleveland Browns, Inc., providing for payment to the City by Cleveland Stadium Corp. of damages to the City in the amount of \$9.3 million, payable in four equal annual installments commencing in December 1996, and payment of the actual City administrative costs and expenses in an amount not to exceed \$500,000 and the actual legal and other professional fees and expenses in an amount not to exceed \$1,750,000, respectively. The Termination Of Lease shall be substantially in the form contained in the file referenced in Section 2, with such changes as may be approved by the Mayor and the Director of Parks, Recreation and Properties based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing the Termination of Lease. Such payments are hereby appropriated for the purposes of paying City administrative costs and expenses and legal and other professional fees and expenses.

Section 8. That the Director of Economic Development is hereby authorized to accept a loan in the amount of up to Ten Million Dollars (\$10,000,000) from the Cleveland Development Partnership I, an Ohio limited partnership, or any other development partnership affiliated with Cleveland Tomorrow ("CDP"), for the purposes of financing a portion of the costs of the design and construction of the stadium (the "CDP Loan").

(a) The Director of Economic Development and the Director of

Finance each are hereby authorized to file all papers and execute all documents necessary to apply for the CDP Loan, to enter into contracts with CDP and receive the funds; and said funds be and they hereby are appropriated for the purposes of financing the design and construction of the new stadium.

(b) The terms of the CDP Loan shall be negotiated and approved by the Director of Finance and shall include a loan term not greater than thirty (30) years and provision for interest on the unpaid principal of the loan at a weighted average rate not greater than six per cent (6%) per year. Principal of the CDP Loan shall be paid on the dates and in the years and amounts approved by the Director of Finance and set forth in the CDP Loan agreement, provided that the first principal payment shall be made not later than the fifteenth year following the commencement of the CDP Loan. Interest on the outstanding principal amount of the CDP Loan shall accrue from the commencement of the CDP Loan until the principal amount is paid or provided and interest shall be paid on the dates approved by the Director of Finance. Subject to the foregoing, the CDP Loan may include provision for advances on an interim basis with interim repayment terms, in the event the permanent loan is not made, for a period of years and at an interest rate different from the terms for the permanent loan. The CDP Loan shall be prepayable in whole or in part without penalty or premium on any date at the option of the City. The CDP Loan may provide for deferral of principal and interest payments until such dates as may be negotiated by the Director of Finance, and may contain such other loan terms as may be determined by the Director of Finance to be necessary or appropriate to permit the City's contributions to the costs of the new stadium to be accomplished on terms in the best interests of the City consistent with the authorizations of this Council.

The obligations of the City to repay the CDP Loan shall be evidenced by bonds or other obligations of the City as defined in Revised Code Section 307.673 (the "Obligations"). The Obligations shall be issued in registered form and shall not be transferrable or exchangeable without the prior written consent of the Director of Finance; shall be issued in the denominations and shall be numbered as determined by the Director of Finance; shall be payable as to principal and interest on the respective dates and in the respective amounts provided in the CDP Loan; shall be signed by the Mayor and the Director of Finance of the City provided that either or both of those signatures may be facsimile and shall bear the seal of the City or a facsimile thereof. The Director of Law shall prepare the Obligations and shall endorse thereon her approval of the form and correctness by her manual or facsimile signature. The Director of Finance is hereby appointed to act as the registrar and paying agent for the Obligations, and she shall keep all the books and records necessary for the registration, transfer and payment of the Obligations. The debt charges on the Obligations shall be payable in lawful money of the United States of America without

deduction for the services of the registrar as paying agent. Principal and interest shall be payable when due upon presentation of the Obligations at the office of the registrar for her endorsement thereon of the payments made. The Obligations may be issued from time to time in one or more series if so provided in the CDP Loan. The Obligations shall be special obligations of the City and payment of the principal and interest on the Obligations shall be made solely from the Nontax Revenues of the City. As used herein, Nontax Revenues means all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund from properly imposed licenses and permits; (e) investment earnings on the City's General Fund and which are credited to the City's General Fund; (f) investment earnings of other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; and (i) gifts and donations.

(c) The Director of Economic Development is authorized to amend the terms of the CDP Loan, from time to time, if requested to do so by the Director of Finance.

(d) The proceeds of the CDP Loan shall be deposited in such fund or funds as determined by the Director of Finance.

(e) The Director of Law is hereby authorized to prepare all documents required to implement and effectuate the CDP Loan.

Section 9. The Mayor, Director of Finance, Director of Parks, Recreation and Properties and Director of Law are authorized and directed to take any and all such actions and to execute and deliver any and all additional documents, certificates, and instruments that are consistent with the provisions of this ordinance and as may in their judgment be necessary or appropriate to carry out the transactions contemplated to be performed by the City under the Franchise Commitment Agreement, the Stadium Financing Agreement, the Lease, the Cooperative Agreement, and the Termination of Lease authorized herein, and under or pursuant to such other instruments and agreements that are incorporated or referenced therein.

Section 10. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including the Charter of the City and any applicable provisions of Section 121.22 Ohio Revised Code.

Section 11. That each section of this Ordinance and each part of each section hereof is hereby declared to be independent, and the finding or holding of any section or part of any section hereof to be invalid or void shall not be deemed

or held to affect the validity of any other section or part of any section of this Ordinance.

Section 12. That the applicable agreements authorized by this ordinance shall contain provisions consistent with the following:

(a) That any reference to the site of the new stadium facility shall not identify a specific site but shall refer to the following process for selecting the site between a location within the downtown Cleveland lakefront area and a location in close proximity to the Gateway Sports Complex Area:

1. The choice of the site for the new stadium facility between the two proposed locations shall be evaluated by a Site Committee consisting of six (6) members: three members to be appointed by the Mayor and three members to be appointed by the City Council. All appointments shall be made on or before March 11, 1996. The Site Committee shall be co-chaired by one member selected by each appointing authority.

2. The review process by the Site Committee shall be completed within a forty-five (45) day period commencing on March 12, 1996.

3. In evaluating the two locations, the Site Committee shall be constrained to choose a location meeting the following criteria:

A. A total estimated project cost of \$230 million, including all hard and soft costs and all related infrastructure improvements;

B. The timetable established in the Stadium Finance Agreement;

C. The design criteria established in the Stadium Finance Agreement; and

D. A financing package for the new stadium facility which guarantees a non-municipal contribution, that is, a contribution exclusive of municipal and Cleveland Tomorrow sources, to the project of \$28 million if the project costs a total of \$220 million and such contribution to the project increasing up to \$48 million if the project costs a total of \$250 million.

4. The Site Committee shall solicit proposals for alternative uses for the North Coast Harbor Community Development Plan Area.

5. Upon completion of its evaluation, the Site Committee shall submit its written recommendation to the Mayor. With consideration of the recommendations of the Site Committee and the NFL Commissioner, the Mayor, in concurrence with the City Planning Commission, shall select the site of the new stadium facility.

(b) The City has agreed to provide certain public funds to construct and finance the Stadium and lease it to the NFL/New Owner. Such financing consists of a trustee issuing and selling Certificates of Participation, in rental payments to be made by the City under the lease of the Stadium, as authorized in Ordinance No. 305-96, an interim borrowing as authorized by Ordinance No. 306-96, to pay costs of the Stadium pending issuance of the Certificates of Participation; the City borrowing \$10 million from the Cleveland Development Partners I, the City allocating utilities funds to this project and advances made in anticipation of those transactions (collectively, the "City Financial Obligation"). It is expressly understood and agreed that (i) the City's obligation to provide financing for

the implementation of the Improvement is limited to its obligations to create and service the City Financial Obligation and (ii) the City shall not be deemed or obligated to incur any cost or expense with respect to the construction, maintenance or operation of the Stadium except as expressly provided in the Franchise Commitment Agreement, the Stadium Financing Agreement and the Lease. In addition, the City and the NFL expressly agree and understand that the City shall not be called upon to pay any portion or advance any funds toward, without limitation, relocation expenses, funds advanced by the NFL, (except upon advancement of the project as provided in the Stadium Financing Agreement) training facilities, the purchase or subsidy of loges, tickets, seat licenses or any other expense not specifically agreed to herein;

(c) The Law Director shall use her best efforts to secure tax-exemption on the Improvement and the related real property. The NFL shall be required to cooperate with the City in the City's efforts to obtain an appropriate tax-exemption of the Improvement.

(d) Any agreement or instrument which requires notice of any kind to the City shall include the Cleveland City Council, and shall be delivered to the Council President at the following address by the person or entity required to provide such notice: Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114, ATTENTION: Cleveland City Council President.

(e) The Lessee shall use commercially reasonable efforts to sell naming rights to a telecommunications company, financial institution, technology company, airline or other transportation company or major Cleveland-area employer. The Lessee shall not permit any name to be given to the New Stadium without prior approval of the City Council, which approval shall not be withheld unless the proposed name

(i) violates applicable law or (ii) would reasonably cause embarrassment to the City (such as names containing slang, barbarisms or profanity, that could be construed to encourage the use of tobacco or alcohol by minors, that relate to any illicit drugs or any sexually oriented business or enterprise, or that contain an overt political reference). The City shall be deemed to have given its approval to any name requested by the Lessee unless, within thirty (30) days following the Lessee's request for such approval, the City notifies the Lessee of its disapproval and furnishes the reason for such disapproval in reasonable detail.

(f) Within thirty (30) days following the execution of the agreements, and on the 1st day of each February in 1997 and 1998, the NFL shall cause NFL Charities to contribute \$100,000 per year in cash or, if agreed to by the City, in equipment to the City for use in the Cleveland Myny Football Association programs. Upon the granting of the Cleveland franchise, the NFL will use good faith efforts to cause the owner of the new Cleveland franchise to support Cleveland municipal youth football programs at levels mutually agreeable to the City and the New Owner.

(g) At the inception of the public financing, an amount not less than

Three Million Dollars (\$3,000,000) and not more than Five Million Dollars (\$5,000,000) shall be deposited in a newly established reserve fund, which purpose shall be limited to (i) providing emergency funding for the Capital Repair Fund and (ii) any shortfall in revenues to pay the Certificates of Participation portion of the City Financial Obligation.

(h) In the event that the new stadium facility is located within Downtown Cleveland Lakefront area, the NFL will cause the New Owner to become a party to the Common Area Maintenance Agreement between the City, The Port Authority, The Rock and Roll Hall of Fame and Museum, Inc., and the Great Lakes Museum of Science, Environment and Technology.

(j) All agreements relating to the Improvement shall state a preference for local products and services, whether professional or otherwise.

(k) The Stadium Financing Agreement shall be amended to provide that (i) the Seating Campaign Budget, as said term is defined therein, shall not exceed \$1 million, exclusive of the value of in-kind services provided by other persons or entities including but not limited to Cleveland Tomorrow, (ii) the City shall not be required to pay more than one-half (1/2) of the actual cash expenditures of the Seating Campaign Budget up to but not exceeding \$500,000 and (iii) funds contributed by the City to the Seating Campaign Budget shall be expended in equal proportion as funds contributed by the NFL. Any balance remaining in the Seating Campaign Budget after the conclusions of the campaign shall be divided equally between the City and the NFL. Other than its obligation to contribute to the Seating Campaign Budget as aforesaid, the City shall have no other obligation to fund or otherwise contribute to the development or implementation of any marketing or other sales campaign for the sale of Premium Leases, PSL's, or season tickets, as said terms are defined in the Stadium Financing Agreement. The NFL shall be solely responsible for any cost of the Seating Campaign Budget in excess of \$1 million.

(l) The Lease by Way of Concession (the "Lease") shall be amended to provide that to the extent that the City carries any insurance relating to the Leased Premises, as said term is defined in the Lease, the City, at its option, may pay the premiums related to such insurance coverage from the Capital Repair Fund, as said term is defined in the Lease.

(m) The Franchise Commitment Agreement shall be amended to provide that the NFL shall notify the City of the identify of the new owner selected to own the Cleveland franchise and, in the event that the City has an objection, such objection shall be communicated to Commissioner of the NFL.

(n) In addition to the amounts required under the Lease, the Lease shall be amended to require that the Lessee shall pay the City an annual rental in an amount equal to \$250,000.

(o) Any reference in the agreements relating to any specific provider of legal services to the city shall be removed.

(p) The Stadium Financing Agreement shall provide that the consultant retained by the City to market the PSL's shall consult with

City Council on a timely basis and from time to time as City Council may direct on the status of the Premium Seat Campaign.

(q) As determined by the Director of OEO, the goals for contracting and hiring the Project shall be:

(1) construction contracts 40% MBE/FBE

(2) Hiring
40% Minority
20% Female

(3) 75% City Residents

(r) That the City shall use its best efforts to negotiate an agreement with the NFL to limit the number of seats subject to PSL's and the City shall have the authority to modify the limits on the maximum and average prices for PSL's to accomplish this purpose.

Section 13. Upon execution of the final agreements by the City and the NFL, the Director of Law shall immediately provide the City Council with true and correct copies of the same.

Section 14. 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 March 8, 1996.

Effective April 17, 1996.

Ord. No. 304-96.
By Mayor White.

An emergency ordinance determining the method of making the public improvement of constructing a new stadium facility; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of the public improvement and related purchases, and to acquire necessary interests in real property; and to enter into agreements with the State of Ohio and the Greater Cleveland Regional Transit Authority to assist in the making of 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, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a new stadium facility, including but not limited to all site improvements, utility installations, relocations and upgrades, street relocation, environmental improvements, appurtenances necessary and incidental thereto, and demolishing the existing Cleveland Municipal Stadium (the "Improvement"), for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each

distinct component part of said Improvement may be treated as a separate Improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a gross price basis.

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said Improvement, including, but not limited to the rental of necessary equipment, to be purchased or procured by the Commissioner of Purchases and Supplies for a gross price for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

Section 4. That, the Director of Parks, Recreation and Properties is hereby authorized and directed to employ by contract one or more firms of consultants, including but not limited to architects, engineers, construction manager services, asbestos, environmental, and demolition 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 implement the Improvement.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for such employment as may be determined through use of requests for proposal by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The services shall be performed in such phases as are determined to be necessary by the Director of Parks, Recreation and Properties. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 5. That the President of Council is hereby authorized to employ by contract a consultant for the purpose of observing the implementation of the Improvement. The selection of said consultant shall be made by the Council and the compensation to be paid for such services shall be fixed by the Council. The contract herein authorized shall be prepared by the Director of Law, approved by the Council President, and certified by the Director of Finance.

Section 6. That the Director of Parks, Recreation and Properties is hereby authorized to enter into such other agreements as are necessary to complete the planning, construction and demolition incidental to the implementation of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 7. That, notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby autho-

riized to acquire such interest(s) in real property as are necessary for the purpose of implementing the improvement.

Section 8. That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City all documents necessary to acquire such interest(s) in real property as are necessary for the purpose of implementing the Improvement and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property. The Director of Law shall employ best efforts to obtain a real property tax exemption for the new stadium facility.

Section 9. That the Director of Parks, Recreation and Properties is hereby authorized to enter into one or more agreements with the Greater Cleveland Regional Transit Authority to assist in the implementation of the Improvement. To the extent that any funds are received by the City pursuant to such agreement(s), they are hereby appropriated for the purposes set forth in the agreement(s) and for the purpose of making the Improvement.

Section 10. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept one or more grants from the State of Ohio for the purpose of paying a portion of the cost of implementing the Improvement or making payment on obligations of the City issued for the purpose of implementing the Improvement. The Director of Parks, Recreation and Properties is further authorized to file all papers and execute all documents necessary to effectuate the grant(s). Any funds received by the City pursuant to the grant agreement(s) are hereby appropriated for the purposes set forth in the grant agreement(s) and for the purpose of implementing the Improvement.

Section 11. That any concrete or other similar materials resulting from the demolition of the existing Cleveland Municipal Stadium may be donated to the Cuyahoga County Commissioners for reef maintenance and expansion purposes. That any remaining salvage materials from the demolition of the existing Cleveland Municipal Stadium are hereby declared to be no longer needed for a municipal purpose. The Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies are hereby authorized to sell such salvage materials at such price and under such terms and conditions as they determine necessary to protect the City's interest.

Section 12. That the costs of the Improvement and all contracts, purchases, and property acquisition herein contemplated shall be paid from the fund or funds to which are credited any monies accepted or received in accordance with Sections 8 and 9 of this ordinance, the fund or funds to which are credited the proceeds from any taxes levied pursuant to Ordinance No. 1025-A-95, passed June 29, 1995, the fund or funds to which are credited any monies accepted or received from the National Football League, its affiliates and from any owner of an NFL franchise and the Cleveland Development Partnership and any other development partnership affiliated with Cleveland Tomorrow, the fund or funds to which are credited

any public financing for a purpose which includes the making of the Improvement and from Fund Nos. 10 SF 006, 52 SF 001, 54 SF 001 and 58 SF 001. If the cost of the Improvement, including all contracts, purchases and property interests, exceed \$230 million, the Director of Parks, Recreation and Properties shall notify the Council of this fact and shall publish such notice in the City Record.

Section 13. That in the event any provisions of this ordinance, or the documents authorized by this ordinance, conflict with the provisions contained in Section 12 of Ordinance No. 303-96, the provisions of Section 12 of Ordinance No. 303-96 shall prevail.

Section 14. 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 March 8, 1996.

Effective April 17, 1996.

Ord. No. 305-96.

By Mayor White.

An emergency ordinance authorizing the acquisition by lease purchase of a sports facility, authorizing a ground lease and lease purchase agreement with respect to the sports facility and authorizing and approving other documents relating to the sports facility and the financing thereof.

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio (the "State") has provided and wishes to continue to provide a source of public relaxation and entertainment through the construction and leasing of a sports facility as that term is defined in Sec. 307.673 of the Revised Code (the "Act") for the playing of professional football games and the presentation of other entertainment and public attractions; and

Whereas, the maintenance of public safety and order during the operation of such a sports facility will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of that sports facility; and

Whereas, the City has reviewed various economic feasibility reports which conclude that the acquisition and construction of such a sports facility and the leasing of it to a professional sports team will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people through increased spending of individuals residing both inside and outside the City; and

Whereas, the attraction of a professional football team to the City would not only enrich the City and serve as a catalyst for development, but would also project an image of civic pride and commitment; and

Whereas, in order to attract a professional football team to the City it will be necessary for the City to acquire and construct a new sports facility; and

Whereas, for the foregoing purposes it has been proposed that

Municipal Stadium be demolished and that the new sports facility be constructed; and

Whereas, it will be necessary for the City to enter into certain financing arrangements and other agreements all in accordance with the Charter of the City and the Constitution and laws of the State, including the Act in order to finance the cost of a new sports facility; and

Whereas, in order to implement the financing arrangements with respect to the sports facility, it will be necessary for the City to take the following actions:

A. Execute and deliver a ground lease (the "Ground Lease") under which the City will convey to the Cleveland-Cuyahoga County Port Authority or other Ohio governmental body (the "Lessor") a leasehold interest in the real property upon which the sports facility is to be constructed (the "Facility Site") for a term of not more than the term of the Lease by Way of Concession between the City and the NFL providing for the lease of the sports facility to a professional football team;

B. Execute and deliver a lease purchase agreement (the "Facility Lease") under which the City (a) will sublease the Facility Site and lease the sport facility (collectively, with the Facility Site, the "Leased Premises") from the Lessor for an Initial Term, as defined in the Facility Lease, and for Renewal Terms, as defined in the Facility Lease, upon appropriations being made by this Council of funds sufficient to enable the City to pay the Base Rent and Additional Rent, as defined in the Facility Lease, during the Initial Term and Renewal Terms (each a "Lease Term") and (b) will have an obligation, which will constitute a "public obligation" as defined in Ohio Revised Code Section 133.01, to pay Base Rent and Additional Rent during each Lease Term subject to such appropriations;

C. Approve a trust agreement (the "Trust Agreement") between the Lessor and a corporate trustee (the "Trustee") pursuant to which (a) the Lessor will assign its interest in the Ground Lease and the Facility Lease to the Trustee, (b) the Lessor will direct the Trustee to and the Trustee will execute not to exceed \$175,000,000 aggregate principal amount of Certificates of Participation (the "Certificates") in the payments of Base Rent to be made by the City under the Facility Lease, which Certificates will constitute "fractionalized interests in public obligations", as defined in Ohio Revised Code Section 133.01, and (c) proceeds of the sale of the Certificates will be used to pay the cost of the sports facility;

D. Execute a letter of representations (the "Letter of Representations") to A.G. Edwards & Sons, Inc., Pryor, McClendon, Counts & Co., Inc., Smith Barney Inc., Grigsby Brandford & Co., Inc., Lehman Brothers, McDonald and Company Securities, Inc., SBK-Brooks Investment Corp. and Key Capital Markets, Inc. (collectively, the "Original Purchaser"), the Lessor, and/or and the Trustee evidencing the approval of a certificate purchase agreement (the "Purchase Agreement") between the Original Purchaser, the Lessor and the Trustee setting forth the purchase price and other terms upon which the Original Purchaser will purchase the Certificates from

the Trustee;

E. Provide certain information relating to the sports facility and the City to the Original Purchaser for inclusion in a disclosure document to be used in connection with the initial offering of the Certificates by the Original Purchaser; and

Whereas, in order to acquire and construct a sports facility and for the City to improve the economic welfare of its people, it is necessary that the City promptly authorize and approve the Ground Lease, the Facility Lease, the Trust Agreement and other documents authorized hereby and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual daily operation of a municipal department; now therefore,

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

Section 1. Public Municipal Purpose. It is hereby determined that, for the reasons set forth in the preambles to this ordinance, the acquisition and financing by the City of the sports facility pursuant to the Ground Lease and the Facility Lease and the use of the sports facility as a source of public relaxation and entertainment constitute a public municipal purpose.

Section 2. Ground Lease, Facility Lease and Trust Agreement. The Mayor and the Director of Finance are each authorized and directed to sign and deliver the Ground Lease and the Facility Lease and to signify approval of the Trust Agreement in substantially the forms as are now on file with the Clerk of Council after approval thereof by the Director of Law. The Ground Lease, the Facility Lease and the Trust Agreement are approved in substantially the forms as are now on file with the Clerk of Council, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City that are approved by the Mayor and the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Ground Lease and the Facility Lease or amendments thereto and the signifying of approval of the Trust Agreement or amendments thereto. This approval of the Trust Agreement is subject to the consent of the City (evidenced by the signing of the Letter of Representations) to the appointment of the Trustee which shall be a trust company or bank having the powers of a trust company in or outside of the State and authorized to exercise corporate trust powers in the State and having a reported capital and surplus of not less than \$50,000,000.

Section 3. Leased Premises. This Council hereby determines that the Leased Premises are essential to the proper, efficient and economic operation of the City.

Section 4. Determination of Base Rent and Sale of the Certificates.

(a) **Base Rent.** The Director of Finance is hereby authorized and directed to negotiate and provide for the terms of the Base Rent, as defined in the Facility Lease, including the aggregate principal component thereof, which for the Initial Term and all Renewal Terms in aggregate shall not exceed \$175,000,000 and the interest components thereof, which interest

components or variable rate interest components, the weighted average of which fixed rate interest components shall not exceed 8% per annum, provided that if the interest rate component is not to be excluded from gross income for federal income tax purposes, the fixed interest rate components shall not exceed 12%, and the maximum of which variable rate interest components shall not exceed 15% per annum.

The City acknowledges that the principal component of the Facility Lease shall be equal to the principal amount of the Certificates and shall be that amount which, together with other funds to be made available for the acquisition and construction of the sports facility, shall be sufficient to pay the cost of the sports facility as defined in Section 307.673(A)(4) of the Act, including without limitation: the cost of providing any reserves that the Director of Finance determines are necessary and appropriate for the Certificates to be issued on the terms most favorable to the City as the payor on the public obligations in which the Certificates constitute fractionalized interests (which determination shall be confirmed by the Director of Finance by the Director's signing of the Letter of Representations described below); the cost of funding a renewal and replacement reserve that may be used to make payments on the Certificates and to make capital improvements to the Leased Premises, which reserve shall be in an amount determined by the Director of Finance but not to exceed \$5,000,000, (which determination shall be confirmed by the Director of Finance or the Director's signing the Letter of Representations described below); and the costs of issuance of the Certificates, which shall not exceed 4% of the aggregate principal amount of the Certificates (exclusive of any original issue discount), and which the Director of Finance determines are necessary and reasonable in light of the character of the Certificates (which determination shall be confirmed by the Director of Finance by the Director's execution of the Letter of Representations). The City further acknowledges that the payment schedule for the Certificates shall include interest components on the principal amount thereof which shall be based upon the interest components of the Base Rent. The Certificates may be issued in one or more series which may differ as to interest rate components, credit enhancement, priority of payment and other terms. The Base Rent to be payable under and in accordance with the Facility Lease during the Initial Term of the Facility Lease and any Renewal Terms, shall be an amount sufficient to cover the amount of principal of and interest component on the outstanding Certificates of any series that are due and payable during that Initial Term or Renewal Term, and such Base Rent shall be specified or determined in an exhibit to the Facility Lease; provided, however, that the City's payment of Base Rent and Additional Rent is Subject to Appropriation and Certification as provided in the Facility Lease and nothing in the Facility Lease, the Certificates or the Trust Agreement constitutes a pledge by the Lessee, or an obligation of the Lessee, of any taxes or other moneys to the payments due thereunder.

(b) Purchase Agreement. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, the Letter of Representations attached as Exhibit A to the Purchase Agreement, in substantially the form as is now on file with the Clerk of this Council after approval thereof by the Director of Law, signifying approval of the Purchase Agreement and setting forth the schedule of Base Rent and the principal components and interest components thereof, the costs of issuance of the Certificates and the reserves for the Certificates and for capital improvements and approving the appointment of the Trustee. The Purchase Agreement and the Letter of Representations are approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Letter of Representations or amendments thereto.

(c) Primary Offering Disclosure. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, a disclosure document is appropriate relating to the initial offering of the Certificates, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Certificates, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document.

(d) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Certificates, the City agrees, as the only obligated person with respect to the Certificates under SEC Rule 15c2-12 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate in substantially the form as is now on file with the Clerk of Council after approval thereof by the Director of Law, with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's

continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(e) Application for Rating or Insurance. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on a series of Certificates by one or more nationally-recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on a series of Certificates, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy the reserve requirement for a series of Certificates is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Certificates.

Section 5. Other Instruments. The Mayor, the Director of Finance, the Director of Law and the Clerk of Council are each hereby authorized and directed to take any and all other actions and to execute any and all other instruments, including but not limited to interest rate hedges, swap agreements, forward purchase agreements, certificates and documents as may in their judgment be necessary, desirable, advisable or appropriate in connection with the execution and delivery of the Ground Lease and the Facility Lease, the execution and delivery of the Certificates by the Trustee and the purchase of the Certificates by the Original Purchaser in order to give effect to the transactions contemplated to be performed on the part of the City under the Ground Lease, the Facility Lease and the Letter of Representations.

Section 6. Tax Covenants. The Director of Finance, as the fiscal officer, or any other officer having responsibility for executing the Facility Lease, is, alone or in conjunction with any of the foregoing or with any other officer or employee of the City, authorized and directed (a) to cooperate with the Original Purchaser and the Trustee by making, on behalf of the City, such covenants and representations in the Facility Lease as are appropriate and necessary so that (a) the Lease and the Certificates will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as obligations to which Section 103(a) of the Code applies, and (b) the interest components of the Lease and on the Certificates will not be treated as an item of tax preference under Section 57 of the Code and to the effect that the City will take or cause to be taken such actions that may be required of it for the interest components of the Lease and on the Certificates to be and remain excluded from gross income for federal

income tax purposes and that it will not take or authorize to be taken any actions that would adversely affect that exclusion.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for execution of the Facility Lease 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 Facility Lease and the Certificates as the City is permitted to 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 Lease and the Certificates or the interest components thereof or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or 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 interest components of the Lease and on the Certificates, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript for the Certificates, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds from the sale of the Certificates, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of and the tax status of the Certificates. Notwithstanding the foregoing or any other provisions of this ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of the Purchase Agreement and Letter of Representations that it is necessary and appropriate and in the best interests of the City for the interest components of the Base Rent to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section 6.

Section 7. Compliance with Open Meeting Law. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including the Charter of the City and any applicable provisions of Section 121.22 Ohio Revised Code.

Section 8. Severability. Each section of this ordinance and each part of each section hereof is hereby declared to be independent, and the finding or holding of any section or part of any section hereof to be invalid or void shall not be deemed

or held to affect the validity of any other section or part of any section of this ordinance.

Section 9. Effective Date. For the reasons set forth in the preamble hereto, 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 March 8, 1996.

Effective April 17, 1996.

Ord. No. 306-96.

By Mayor White.

An emergency ordinance providing for the issuance and sale of Notes in the principal amount not to exceed \$20,000,000, in anticipation of the issuance of bonds, and the issuance and sale of Bonds in the principal amount not to exceed \$20,000,000 to pay a portion of the costs of constructing a sports facility, including the costs of demolition of Municipal Stadium and site preparation therefor, payable from City Nontax Revenues, and related matters.

Whereas, the City of Cleveland, Ohio (the "City") has provided and wishes to continue to provide a source of public relaxation and entertainment through the construction and leasing of a sports facility, as that term is defined in Sec. 307.673 of the Revised Code, for the playing of professional football games and the presentation of other entertainment and public attractions; and

Whereas, the maintenance of public safety and order during the operation of such a sports facility will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of that sports facility; and

Whereas, the City has reviewed various economic feasibility reports which conclude that the acquisition and construction of such a sports facility and the leasing of it to a professional sports team will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people through increased spending of individuals residing both inside and outside the City; and

Whereas, the attraction of a professional football team to the City would not only enrich the City and serve as a catalyst for development, but would also project an image of civic pride and commitment; and

Whereas, in order to attract a professional football team to the City it will be necessary for the City to acquire and construct a new sports facility; and

Whereas, the existing Municipal Stadium is located in the urban renewal area known as the City's North Coast Harbor Community Development Plan Area (the "Plan Area"); and

Whereas, this Council has determined to authorize the issuance and sale of the Notes described in Section 3 in order to advance funds to pay for the costs of demolition of Municipal Stadium and site preparation for the sports facility; and

Whereas, the Director of Finance as fiscal officer of this City has cer-

tified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 8, to be issued in anticipation of the bonds, is 20 years; and

Whereas, this Ordinance constitutes an emergency measure providing for the daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that the issuance of the Notes and Bonds authorized by this Ordinance are needed to provide funds to proceed in a timely manner with the construction of the sports facility pursuant to City agreements with the National Football League and to ensure an NFL franchise will be located in the City at the earliest possible time; now, therefore

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

Section 1. Issuance of Bonds. It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$20,000,000 (the Bonds) to pay a portion of the costs of constructing a sports facility, including the costs of demolition of Municipal Stadium and site preparation therefor (the "Project"), including costs of issuance of the Bonds, and to retire any Notes provided in Section 8 hereof. The Director of Finance shall determine the principal amount of the Bonds based on the amount she determines is necessary to pay costs of the Project in light of the anticipated timing of the issuance of any other obligations to pay costs of the Project. The principal amount of the Bonds issued shall be set forth in the certificate providing for the final terms of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the Final Terms Certificate). The Notes may be retired from the proceeds of other obligations issued other than the Bonds or from other monies available for such purpose and the Bonds may be issued to pay costs of the Project without the prior issuance of the Notes.

Section 2. Terms of Bonds.

(a) **Definitions.** In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means, with respect to Capital Appreciation Bonds, if any, as described below, the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date to the stated maturity of the Bonds, will equal a \$5,000 Maturity Amount or any integral multiple thereof and, with respect to any Current Interest Bonds, \$5,000 or any integral multiple thereof.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Compound Accreted Amount" means, with respect to Capital Appreciation Bonds, if any, the original principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per \$5,000 Maturity

Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Final Terms Certificate. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for such Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the original principal amount of that Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Interest Accretion Dates" means, with respect to Capital Appreciation Bonds, if any, semi-annual dates commencing not later than December 1, 1998.

"Interest Payment Dates" means, with respect to Capital Appreciation Bonds, if any, the principal and interest due and payable at the stated maturity of the Bonds.

"Maturity Amount" means, with respect to Capital Appreciation Bonds, if any, the principal and interest due and payable at the stated maturity of that Bond.

"Principal Payment Dates" means annually on the first day of the same month each year commencing no later than December 1, 2006 and ending no later than December 1, 2030, for a total of not to exceed 30 payments.

(b) **General.** The Bonds shall be issued in one lot and only as fully registered Bonds and shall be dated no later than December 1, 1997, as established by the Director of Finance in the Final Terms Certificate. In accordance with her determination of the best interest of and financial advantages to the City, the Director of Finance may designate in the Final Terms Certificate certain maturities of the Bonds as "Capital Appreciation Bonds" with the remaining maturities designated as the "Current Interest Bonds," as further described in this Ordinance.

(c) **Interest and Denominations.** The Current Interest Bonds, if any, shall be issued in an aggregate principal amount as established by the Director of Finance in the Final Terms Certificate, and shall be issued in denominations of \$5,000 or any integral multiple thereof, but in no case as to a particular maturity date exceeding the principal amount of Current Interest Bonds maturing on that date. The Current Interest Bonds shall bear the rate or rates of interest per year (computed on a 360-day per year basis) as shall be specified by the Director of Finance (subject to the parameters set forth hereafter in this Section) in the

Final Terms Certificate; provided, that the Current Interest Bonds of any one stated maturity all shall bear the same rate of interest. Interest on the Current Interest Bonds shall be payable at such rate or rates semiannually (the CIB Interest Payment Dates), commencing no later than December 1, 1998, until the principal amount has been paid or provided for. The Current Interest Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The Capital Appreciation Bonds, if any, shall be issued in an aggregate principal amount set forth in the Final Terms Certificate, shall bear interest from the Closing Date at the compounding rate or rates of interest (computed on a 360-day per year basis), accrued and compounded on each Interest Accretion Date and payable at maturity, which will result in the aggregate Maturity Amounts payable at maturity, as shall be determined by the Director of Finance (subject to the parameters set forth hereafter in this Section) in the Final Terms Certificate; provided, that the Capital Appreciation Bonds of any one stated maturity all shall bear the same compounding rate of interest. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond exceeds the original principal amount of that Capital Appreciation Bond as of that date. Capital Appreciation Bonds shall be issued in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date.

The rate or rates of interest per year to be borne by the Bonds, as specified by the Director of Finance in the Final Terms Certificate, shall be such that the Bonds (taking into account the Current Interest Bonds and the Capital Appreciation Bonds, if any) shall have a True Interest Rate (as hereinafter defined) not exceeding 9% per year, provided that if the interest rate is not to be excluded from gross income for federal income tax purposes, the True Interest Rate shall not exceed 11%. As used in this paragraph, "True Interest Rate" means the rate determined by doubling the semi-annual interest rate, computed semi-annually, necessary to discount all payments of principal and interest on the Bonds to the purchase price of the Bonds, exclusive of any accrued interest.

(d) Principal Maturities. The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) as specified in the Final Terms Certificate on the Principal Payment Dates in the principal amounts such that the total principal and interest payment on the Bonds in any fiscal year in which principal is payable (beginning with the second such fiscal year) will not be more than three times the total of the principal and interest payments in the immediately preceding year.

Consistent with the foregoing and in accordance with her determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Final Terms Certificate (i) the

principal amount of Bonds, if any, maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, (ii) the Principal Payment Date or Dates, if any, on which Bonds not subject to mandatory sinking fund redemption (Serial Bonds) shall mature; (iii) the Principal Payment Date or Dates, if any, on which Bonds subject to mandatory sinking fund redemption (Term Bonds) shall be stated to mature; (iv) the Principal Payment Date or Dates on which any Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and (v) the number of annual Principal Payment Dates (not to exceed 30).

(e) Redemption. The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. Term Bonds, if any, shall be subject to mandatory redemption in part by lot and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount of any Current Interest Bonds or the Compounded Accreted Value of any Capital Appreciation Bonds redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates for which provision is made above (such Dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar (as defined in Section 4 of this Ordinance) for payment of principal of and interest on Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the forty-fifth day preceding the applicable Mandatory Redemption Date, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the applicable Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for

cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled. Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against any subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) for Term Bonds stated to mature on that Principal Payment Date, in the order directed by the Director of Finance.

(ii) Optional Redemption. If provided by the Director of Finance in the Final Terms Certificate, the Current Interest Bonds shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, as determined by the Director of Finance in the Final Terms Certificate; provided that the earliest optional redemption date shall not be earlier than December 1, 2006, and the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of this Council by adoption of a resolution or passage of an Ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be called as selected by, and selected in a manner determined by, the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof,

shall be made by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register (as defined in Section 6 of this Ordinance) maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 5 of this Ordinance, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the

Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

Section 3. Execution of Bonds. The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon her approval of the form and correctness by her manual or facsimile signature. The Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

Section 4. Bond Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Bond Registrar) after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Bond Registrar in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and

for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal and any premium on the Current Interest Bonds shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest on a Current Interest Bond shall be paid on each CIB Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 6) at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date). The debt charges on the Capital Appreciation Bonds shall be payable when due upon presentation and surrender of the Capital Appreciation Bonds at the principal corporate trust office of the Bond Registrar.

Section 6. Transfer and Exchange of Bonds. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any Authorized denomination upon presentation and surrender at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of

the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of a Bond during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing or to transfer or exchange any Bond selected for redemption, in whole or in part.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered

owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 7. Sale of Bonds. The Bonds are sold at private sale to A.G. Edwards & Sons, Inc., Pryor, McClendon, Counts & Co., Inc., Smith, Barney Inc., Grigsby Bradford & Co., Inc., Lehman Brothers McDonald and Company Securities, Inc., SBK-Brooks Investment Corp. and Key Capital Markets, Inc. (collectively, the Original Purchaser) at a purchase price of not less than 97% of par plus any accrued interest from the date of the Bonds to the date of their delivery to the Original Purchaser, with the principal amount of the Bonds (including respective principal amounts of Current Interest Bonds and Capital Appreciation Bonds), final purchase price, interest rate or rates, annual principal installments, Serial Bonds, Term Bonds, Mandatory Redemption Dates and Mandatory Sinking Fund Redemption Requirements, any optional redemption provisions, and such other terms and conditions, all as set forth in the Final Terms Certificate in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement described below. The Director of Finance shall sign and deliver, in the name of and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser in substantially the form as is now on file with the Clerk of Council. The Bond Purchase Agreement is approved, together with any

changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto. The Director of Finance shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Clerk of Council, the Director of Finance, the Director of Law and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments, including but not limited to interest rate hedges, swap agreements and forward purchase agreements and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 8. Issuance of Notes. It is necessary for the reasons set forth in the preambles to this Ordinance to issue and this Council determines that notes in the aggregate principal amount not to exceed \$20,000,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 7% per year (computed on a 360-day per year basis), payable at maturity or at any date of earlier prepayment as provided for in Section 9 of this Ordinance and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate or certificates awarding the Notes in accordance with Section 11 of this Ordinance (the Certificate of Award). The Notes may be issued from time to time in one or more series if so provided in the Certificate of Award, provided that a separate Certificate of Award shall be executed for each series and the last series of Notes shall be authorized and sold not later than December 31, 1997.

Section 9. Payment of Principal. The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser, and shall be payable, without deduction for services of any paying agent. The Director of Finance may serve as the City's paying agent for the Notes or the Director of Finance shall designate a bank or trust company to serve as the City's paying agent (the Paying Agent) after determining that payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Notes of each series shall be dated the date of issuance of the respective series and shall mature on a date to be determined in the Certificate of Award for the respective series, provided that such date shall not be later than twelve months from the date of issuance of the respective series of Notes. If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity as pro-

vided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Paying Agent, by certified or registered mail to the original purchaser of the Notes not less than seven days prior to the date of that deposit, unless that notice is waived by the original purchaser of the Notes. If money for prepayment is on deposit with the Paying Agent on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Director of Finance the Original Purchaser of the Notes shall arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment and surrender and cancellation.

Section 10. Execution of Notes. The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note, and may be issued as fully registered securities in accordance with Section 133.40 of the Revised Code and in book-entry or other certificated form in accordance with Section 9.96 of the Revised Code if it is determined by the Director of Finance that the issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the denominations of \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any whole multiple thereof and are not exchangeable for other Notes in denominations less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 11A. Sale of Notes. The Notes shall first be offered at par and accrued interest to the Trustees of the Sinking Fund and, if the Trustees refuse to take any or all of them, the Director of Finance shall offer them to the Mayor and the Director of Law for purchase for credit of the Treasury Investment Account and, if not purchased for the Treasury Investment Account, the Notes shall be sold at not less than par plus any accrued interest by the Director of Finance to the Original Purchaser. The Director of Finance shall sign the Certificate or Certificates of Award referred to in Section 8 evidencing that sale, cause the Notes to be prepared, and have

the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Clerk of Council, the Director of Law and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, purchase agreement and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance for the issuance of the Notes. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

Section 11B. Security. The Bonds and the Notes are special obligations of the City, and the principal and interest on the Bonds and Notes are payable solely from Nontax Revenues and, with respect to the Bonds, such payment is secured by a pledge of those Nontax Revenues established by and as provided in this Ordinance which are on deposit in the Stadium Bond Fund, as described below.

There is hereby created by the City a separate fund named the "Stadium Bond Fund" (the "Bond Fund") into which Nontax Revenues shall be deposited in accordance with the following provisions. "Nontax Revenues", as used herein, means, all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including, but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund from properly imposed licenses and permits; (e) investment earnings on the City's General Fund and which are credited to the City's General Fund; (f) investment earnings of other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; and (i) gifts and donations.

The City hereby covenants and agrees that on the first day of each month, the City shall deposit into the Bond Fund from Nontax Revenues selected by the City (i) commencing the later of the first day of the month following issuance of the Bonds or the first day of the sixth month preceding the first CIB Interest Payment Date on the Bonds, an amount equal to one-sixth of the interest payment due on the next following CIB Interest Payment Date, and (ii) commencing the first day of the twelfth month preceding the first Principal Payment Date, an amount equal to one-twelfth of the principal payment due on the next following Principal Payment Date; in each case, less any interest earnings accumulated in the Bond Fund which have not theretofore been used as a credit against a prior payment obligation.

Moneys in the Bond Fund shall be used solely and exclusively to pay principal and interest on the Bond when due.

The City hereby covenants and agrees that so long as the Notes and the Bonds are outstanding, it will appropriate and maintain sufficient Nontax Revenues each year to make each payment due under this Section and to pay principal and interest on the Notes and Bonds when due; provided, however, the payments due hereunder and under the Notes and Bonds are payable solely from Nontax Revenues, which Nontax Revenues are hereby selected by the City as moneys that are not raised by taxation. The Notes and Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the City, and the owners of the Bonds have no right to have taxes levied by the City for the payment of principal and interest on the Bond.

Nothing herein shall be construed as requiring the City to use or apply to the payment of principal and interest on the Notes or the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Notes or the Bonds.

Section 12. Proceeds of Notes and Bonds. The proceeds from the sale of the Notes or Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes or Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Sinking Fund.

If Notes are issued, the par value to be received from the sale of the Bonds or any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

Section 13. Disclosure; Rating; Insurance. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes or Bonds, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes or Bonds, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes or Bonds, the City agrees, as the only obligated person with respect to the Notes or Bonds

under SEC Rule 15c2-12 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate with respect to the Bonds and, if required under the Rule, with respect to the Notes, in substantially the form as is now on file with the Clerk of Council after approval thereof by the Director of Law, with such modifications as may be appropriate under the Rule in connection with the issuance of Notes, and with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on the Notes or Bonds by one or more nationally-recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on the Notes or Bonds, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy any reserve requirement for the Notes or Bonds is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of the Notes or Bonds.

Section 14. Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and Bonds in such manner and to such extent as may be necessary so that (a) neither the Notes nor the Bonds will (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes and Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken

such actions that may be required of it for the interest on the Notes and Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and Bonds 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 Notes and Bonds as the City is permitted to 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 Notes and Bonds 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 or 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 Notes and Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and Bonds, 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 Notes and Bonds.

Notwithstanding the foregoing or any other provisions of this Ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of the Bond Purchase Agreement that it is necessary and appropriate and in the best interests of the City for the interest on the Notes or the Bonds to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section 14 with respect to the Notes or Bonds, as the case may be.

Section 15. Delivery of Ordinance. The Clerk of Council is directed to

deliver a certified copy of this Ordinance and the Certificate or Certificates of Award and Final Terms Certificate to the County Auditor.

Section 16. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Bonds or Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 17. Validity. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes and Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes and Bonds have been performed and have been met, in regular and due form as required by law.

Section 18. Open Meeting. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 19. Effective Date. For the reasons set forth in the preambles of this Ordinance, which are made a part hereof, this Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed March 8, 1996.

Effective April 17, 1996.

Ord. No. 377-96.
By Councilmen Britt, Willis and Patmon.

An emergency ordinance consenting and approving the issuance of a permit for the Cleveland Clinic Road Race (Beat Goes On) on June 15, 1996, 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 Clinic Road Race (Beat Goes On), sponsored by Hermes Race Systems, on June 15, 1996, beginning on E. 96th St. at the Cleveland Clinic, proceed east on Euclid Ave. to Ford, north on Ford to Bellflower, Bellflower to East Blvd., East Blvd. around Wade Oval to E. 105th St., E. 105th St. back to Euclid Ave., west on Euclid Ave. and finish back at the Cleveland Clinic on E. 9th St., provided that the applicant sponsor shall

meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 4, 1996.
Effective March 12, 1996.

**Ord. 378-96.
By Councilmen Melena and Westbrook.**

An emergency ordinance consenting and approving the issuance of a permit for the Clifton Arts Festival Run on June 8, 1996, 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 Clifton Arts Festival Run, sponsored by Hermes Race Systems, on June 8, 1996, beginning at the old St. John Hospital at W. 80th St. and Detroit, east on Detroit to Lake, west on Lake to West Blvd., north on West Blvd. into the Lakefront State Park, once out of park continue westbound on Edgewater Dr. to W. 115th St., south on W. 115th St. to Lake, then to W. 116th St. and to the finish at Clifton and W. 116th St., provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 4, 1996.
Effective March 12, 1996.

**Ord. No. 379-96.
By Councilman Patmon.
An emergency ordinance consenting and approving the issuance of a permit for the 9th Annual Miles**

Standish Miler Fun Run on May 29, 1996 (raindate: May 30, 1996), sponsored by the Miles Standish Elementary School.

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 9th Annual Miles Standish Miler Fun Run, sponsored by the Miles Standish Elementary School, on May 29, 1996 (raindate: May 30, 1996), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd., south on East Blvd. to Superior Ave., turn around and head north on East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 4, 1996.
Effective March 12, 1996.

**Ord. No. 380-96.
By Councilman Paulenske.
An emergency ordinance consenting and approving the issuance of a permit for a Cleveland Indians Running Race on March 31, 1996, sponsored by Hermes Race Systems.**

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

Be it ordained by the Council of the City of Cleveland

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Cleveland Indians Running Race, sponsored by Hermes Race Systems, on March 31, 1996, beginning on Ontario St. just north of Carnegie Ave., proceeding northbound through Public Square to St. Clair, eastbound on St. Clair to E. 6th St., northbound on E. 6th St. to Lakeside, westbound on Lakeside to W. 3rd St., north on W. 3rd St. around the Stadium to E. 9th St., southbound on E. 9th St. to Eagle, then westbound to Gateway Plaza and the finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary

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

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

Passed March 4, 1996.
Effective March 12, 1996.

**Ord. No. 381-96.
By Councilmen Willis and Patmon.**

An emergency ordinance consenting and approving the issuance of a permit for a Childrens Run on May 11, 1996, sponsored by Hermes Race Systems.

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

Be it ordained by the Council of the City of Cleveland

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Childrens Run, sponsored by Hermes Race Systems, on May 11, 1996, beginning at Wade Oval, run just around Wade Oval using East Blvd. (approximately six times), provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed March 4, 1996.
Effective March 12, 1996.

**FAIR CAMPAIGN
FINANCE COMMISSION**

CITY OF CLEVELAND

c/o Louis J. Erste,
Terminal Tower
Suite 843
50 Public Square
Cleveland, Ohio 44113

ANNOUNCEMENT

The following candidates for the office of a member of City Council to represent the residents of the ward(s) noted below have agreed to abide by the voluntary campaign

expenditure limitations established by Section 23-1 of the City Charter and Section 110.03 of the Codified Ordinances of the City of Cleveland.

Ward 2

Kevin L. Bishop
Robert J. White

The candidates listed above have signed and had notarized an affidavit stating their intent to comply with voluntary campaign expenditure limits, as required of those who choose to comply by Section 110.03(b) of the Codified Ordinances of the City of Cleveland.

Sabra T. Scott
Chair

Cynthia A. Prior
Vice-Chair

Louis J. Erste
Treasurer

March 14, 1996

COUNCIL COMMITTEE MEETINGS

Thursday, March 7, 1996

Committee of the Whole (Stadium): 9:30 A.M. — Present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rybka, Smith, Westbrook, White, Willis, Zone. Excused: Rokakis.

Friday, March 8, 1996

Committee of the Whole (Stadium): 9:30 A.M. — Present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Monday, March 11, 1996

Finance Committee (Budget): 9:30 A.M. — Present: Rokakis, Chrm.;

Westbrook, V-Chrm.; Lewis, McGuirk, Patmon, Smith, Johnson, Polensek, Robinson. Excused: Coats, Rybka.

Finance Committee: 3:00 P.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Lewis, McGuirk, Patmon, Smith, Johnson, Polensek, Robinson. Excused: Coats, Rybka.

Tuesday, March 12, 1996

Finance Committee (Budget): 10:00 A.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Lewis, McGuirk, Patmon, Smith, Johnson, Polensek. Excused: Robinson, Rybka.

Wednesday, March 13, 1996

Finance Committee (Budget): 9:30 A.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Lewis, McGuirk, Patmon, Smith, Polensek, Robinson, Rybka. Excused: Johnson.

Index to Council Proceedings

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

Board of Education

Cleveland Board of Education — conduct 1996 Middle School — Interscholastic Boys and Girls Spring Track (O 431-96)..... 358

City Council

Banks-Baldwin Law Publishing Company — 1995 supplement to Codified Ordinances — recodify the Traffic and general offenses codes — city council (O 444-96)..... 362

City Planning Commission

Authorizing the Mayor — accept XXII year grant — pursuant title I — Housing and Community Development — Act of 1974 — Community Development — accept grant — United States — Urban Development — Federal Home Grant Program (O 138-96)..... 363
Constructing a new stadium — authorizing the director of Parks, Recreation and Properties — enter into contract — public improvement and related purchases — enter into agreement with the State of Ohio — Greater Cleveland Region (O 304-96)..... 353-359
Permit — New Village Corporation — construct an ornamental fence — encroach into Central Avenue S.E. — East 36th and East 37th — Central Commons Subdivision No. 4 (O 418-96)..... 355

City Planning Department

148' northwest of Superior Avenue, N.E. and approximately 330' southeast of St. Clair Avenue, N.E. between East 24th Street and East 25th Street (O 1838-95)..... 363
Both sides of Lorain Avenue between W. 44th Street and Fulton Road — change use, area and height districts (O 2052-95)..... 363
Both sides of Lorain Avenue between West 52nd Street and West 44th Street (O 2053-95)..... 363
Change area and Height — Rusk Court, N.W. between — West 106 Street— West 105 Street (O 2287-95)..... 363
Kamm's Corners Business Revitalization District — Establishing (O 2247-95)..... 363
Northerly side of Trent Avenue, S.W. and easterly side of West 40th Street — change Use District (O 2119-95)..... 363
Southwesterly side of Bradley Road, S.W. between Jennings Road, S.W. and north of South Ridge Drive (O 1252-95)..... 381
Vacate portions — East 69th Street — East 70th (R 430-96)..... 358

Cleveland Hopkins International Airport (CHIA)

Development agreement — Chalm Management Company — property — north of Cleveland
Hopkins Airport — Port Control Department (O 1242-95) 385

Cleveland Indians

Consenting and approving — issuance a permit — Cleveland Indians Running Race — March
31, 1996 (O 380-96) 399

Clifton Arts Festival

Consenting and approving — issuance a permit for — Clifton Arts Festival — June 8, 1996
(O 378-96) 399

Codified Ordinances

Amend Section 1 of Ordinance No. 1411-95 — passed February 12, 1996 — establishment
community reinvestment area — 11424-32 Cedar Glen Parkway Avenue (O 416-96) 354
Amend Section 1 of Ordinance No. 816-95 — passed June 5, 1995 — Amended by Ordinance
No. 1666-95 — passed October 23, 1995 — Storefront Renovation Program (O 420-96)..... 355
Amend Section 5, 8, 10, 15, 20, 23 and 48 — Ordinances No. 2114-95 passed November 27,
1995 — relating to compensation (O 372-96) 362-371
Amend title — Section 1 of Ordinance No. 98-96 — passed January 22, 1996 — Legal News
Publishing Company — printing City Record (O 445-96)..... 362
Authorizing and Directing — Director of Finance — Cleveland Municipal Court — enter
into contract — Legal Aid Society — indigents charged with violation of ordinances
(O 256-96) 362-370
Supplement Ordinance No. 1091-95 — passed June 19, 1995 — United States construction
— disposal facility — Burke Lakefront Airport — existing Section 3 to Section 4
(O 422-96) 356

Communications

Gift — Seibert Powder Coating (F 463-96)..... 354
Gift — University Hospitals (F 462-96) 354
Opposing Cleveland Water Department — Proposed rate increase — Resolutions No. 1996-17
(F 461-96) 354
Opposing the Cleveland Water Department — proposed rate increases — Resolution No.
96-025 (F 410-96) 354

Community Development

Amend Section 1 of Ordinance No. 1411-95 — passed February 12, 1996 — establishment
community reinvestment area — 11424-32 Cedar Glen Parkway Avenue (O 416-96) 354
Amend Section 1 of Ordinance No. 816-95 — passed June 5, 1995 — Amended by Ordinance
No. 1666-95 — passed October 23, 1995 — Storefront Renovation Program (O 420-96)..... 355
Authorizing the Mayor — accept XXII year grant — pursuant title I — Housing and
Community Development — Act of 1974 — Community Development — accept grant
— United States — Urban Development — Federal Home Grant Program (O 138-96)..... 363
Grant — State of Ohio Department of Development — conduct State Home Weatherization
Program — contract — organizations, landlords, tenants and contractors
(O 419-96) 355

Condolences

Burt, Mattie L. (R 447-96)..... 354
Green, Julia (R 450-96) 354
Hudak, Joseph M. (R 451-96)..... 354
Johnson, Opal Rita (R 448-96)..... 354
Sr. Matthews, James (R 449-96) 354

Congratulations

Birthright Inc. of Cleveland (R 454-96) 354
Brown, Gloria W. (R 453-96) 354
Detective Leonard, William C. (R 458-96) 354
Father John Kumse, St. Mary's Church (R 455-96) 354
Gorjup, Dorothy (R 456-96)..... 354
Inductees of East Tech High School National Honor Society (R 452-96) 354
Knaus, George (R 460-96)..... 354
Rev. Mickens, Frank J. (R 459-96) 354
St. Peter's A.M.E. Zion Church (R 457-96)..... 354

Economic Development Department

| | |
|--|-----|
| Alcoholism Services — provide economic development — acquisition of property at 3950 Chester Avenue — occupation services center (O 426-96) | 357 |
|--|-----|

Finance Department

| | |
|--|---------|
| Accept 1996 LDI GMC truck - mounted paint — Linear Dynamics Inc. — exchange 1992 LDI Ford truck-mounted striper — Division of Traffic engineering and Parking (O 427-96) | 357 |
| Alcoholism Services — provide economic development — acquisition of property at 3950 Chester Avenue — occupation services center (O 426-96) | 357 |
| Amend Section 1 of Ordinance No. 816-95 — passed June 5, 1995 — Amended by Ordinance No. 1666-95 — passed October 23, 1995 — Storefront Renovation Program (O 420-96)..... | 355 |
| Amend Section 5, 8, 10, 15, 20, 23 and 48 — Ordinances No. 2114-95 passed November 27, 1995 — relating to compensation (O 372-96) | 362-371 |
| Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96)..... | 362-371 |
| Authorizing and Directing — Director of Finance — pay cost of extraction — 1994 Ohio income tax (O 257-96) | 362-371 |
| Authorizing and Directing — Director of Finance — Cleveland Municipal Court — enter into contract — Legal Aid Society — indigents charged with violation of ordinances (O 256-96) | 362-370 |
| Authorizing and Directing — purchase by contract — maintenance for a mainframe computer — associated subsystem (O 158-96)..... | 386 |
| Authorizing and Directing the Director of Finance — enter into a maintenance agreement — without bidding Decision One Corporation — maintenance for Braegen computer devices (O 157-96)..... | 386 |
| Authorizing and Directing the Director of Finance — enter into license agreement — without bidding — SAS Institute (O 156-96)..... | 385 |
| Authorizing and directing the Director of Finance — enter into license agreement — without bidding International Business Machines — Computer software (O 155-96)..... | 385 |
| Authorizing the Acquisition — Lease Purchase — sport facility (O 305-96)..... | 353-390 |
| Authorizing the Director — Public Health — accept grant — federation for community planning — 1996 immunization action program (O 206-96)..... | 362-370 |
| Authorizing the Director of Law — apply for and accept — grant from Ohio Department of Development — Public Housing Violence Reduction — Mediation Program (O 261-96) | 362-371 |
| Authorizing the Director of Law — apply for grant — Cleveland Foundation — 1996 Attorney Training Program (O 207-96) | 386 |
| Authorizing the Mayor — accept XXII year grant — pursuant title I — Housing and Community Development — Act of 1974 — Community Development — accept grant — United States — Urban Development — Federal Home Grant Program (O 138-96)..... | 363 |
| Authorizing the Mayor — enter into agreements — National Football League, Cuyahoga County, Cleveland Development Partnership — entities financing, construction operation — new stadium — commitment of NFL franchise — located in Cleveland (O 303-96) | 351-386 |
| Constructing a new stadium — authorizing the director of Parks, Recreation and Properties — enter into contract — public improvement and related purchases — enter into agreement with the State of Ohio — Greater Cleveland Region (O 304-96)..... | 353-389 |
| Contract — National Junior Tennis League — provide — summer tennis program (O 421-96) | 356 |
| Grant — Alcohol & Drug Addiction Services — Cuyahoga County 1996 Target Cities Program (O 429-96) | 358 |
| Grant — State of Ohio Department of Development — conduct State Home Weatherization Program — contract — organizations, landlords, tenants and contractors (O 419-96) | 355 |
| Providing issuance and sale — principal amount not to exceed \$20,000,000 — anticipation issuance of bonds — constructing sport facility — demolition of Municipal Stadium — payable from City Nontax Revenues — related matters (O 306-96)..... | 354-393 |
| Supplement Ordinance No. 1091-95 — passed June 19, 1995 — United States construction — disposal facility — Burke Lakefront Airport — existing Section 3 to Section 4 (O 422-96) | 356 |
| contract not exceed twenty computers — not exceed ten laser printers — Motor Vehicle Maintenance Division (O 417-96) | 355 |

Grants

| | |
|--|---------|
| Authorizing the Director of Law — apply for and accept — grant from Ohio Department of Development — Public Housing Violence Reduction — Mediation Program (O 261-96) | 362-371 |
|--|---------|

Health Division

| | |
|--|-----|
| Grant — Alcohol & Drug Addiction Services — Cuyahoga County 1996 Target Cities Program (O 429-96) | 358 |
| Grany — Ohio Department of Health 1996 — Federal AIDS Prevention Program (O 428-96) | 358 |

Health and Welfare Department

| | |
|---|---------|
| Authorizing the Director — Public Health — accept grant — federation for community planning — 1996 immunization action program (O 206-96)..... | 362-370 |
|---|---------|

Human Resources Department

Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96)..... 362-371
 Approving the collective bargaining — agreement with Fraternal Order — Police Lodge No. 8 (O 259-96) 362-371

Kamm's Area Development Corporation

Kamm's Corners Business Revitalization District — Establishing (O 2247-95)..... 363

Land Reutilization Program

Authorizing sale of real property — Land Reutilization Program — located at 6926 and 6930 Kinsman Rd (O 423-96)..... 356

Law Department

Change area and Height — Rusk Court, N.W. between — West 106 Street— West 105 Street (O 2287-95) 363
 Emergency ordinance — current expenses — expenditures City of Cleveland for year 1996 (O 208-96) 363

Liquor Permits

1035 East 185th and gas pump — Objecting — transfer of ownership (R 388-96)..... **383**
 1054 E. 71st — Objecting — transfer of ownership (R 387-96)..... **383**
 1076 East 105th Street — Objecting — transfer of ownership (R 386-96)..... **383**
 3868 East 131st — Objecting — Transfer of ownership (R 391-96)..... **384**
 6506 Fleet Avenue — Objecting — transfer of ownership (R 390-96) **384**
 768 E. 200th St. — withdrawing objection — transfer of ownership — repealing Res. Mo. 1897-95 (R 389-96) **384**
 8204 Carnegie Avenue — withdrawing objection — repealing Res. No. 1526-95 (R 383-96) **382**
 8404 Carnegie — objecting (R 382-96) **382**
 9300 Wade Park Drive — Objecting (R 384-96)..... **382**
 East 116th Street, 2780 — New Application — BP Site #4536 (F 413-96) 354
 East 71st Street, 1194 — Transfer of Ownership — Irene Motanez (F 411-96) 354
 Kinsman Road BP Site #4359 — New Application (F 412-96) 354
 St. Clair Avenue, 10109 — Transfer of ownership — St. Clair Deli (F 414-96)..... 354

Mayor

Cleveland Board of Education — conduct 1996 Middle School — Interscholastic Boys and Girls Spring Track (O 431-96)..... 358
 Urging the Mayor — Cleveland and Brookpark — enter into fruitful negotiations — existence and future expansion of Cleveland Hopkins International Airport (R 385-96) **382**

Miles Standish Elementary School

Consenting and Approving — issuance a permit — 9th Annual Miles Standish Miler — May 29, 1996 (O 379-96) **399**

Parks, Recreation and Properties Department

Authorizing the Acquisition — Lease Purchase — sport facility (O 305-96)..... 353-**390**
 Authorizing the Mayor — enter into agreements — National Football League, Cuyahoga County, Cleveland Development Partnership — entities financing, construction operation — new stadium — commitment of NFL franchise — located in Cleveland (O 303-96) 351-**386**
 Constructing a new stadium — authorizing the director of Parks, Recreation and Properties — enter into contract — public improvement and related purchases — enter into agreement with the State of Ohio — Greater Cleveland Region (O 304-96) 353-**389**
 Contract — National Junior Tennis League — provide — summer tennis program (O 421-96) 356
 Providing issuance and sale — principal amount not to exceed \$20,000,000 — anticipation issuance of bonds — constructing sport facility — demolition of Municipal Stadium — payable from City Nontax Revenues — related matters (O 306-96)..... 354-**393**

Peddlers

Engage Pedding — Ward 20 (O 433-96) 359

Permits

Consenting and Approving — issuance a permit — 9th Annual Miles Standish Miler — May 29, 1996 (O 379-96) **399**
 Consenting and approving — issuance a permit — Cleveland Clinic Road Race — June 15, 1996 — Hermes Race Systems (O 377-96) **398**
 Consenting and approving — issuance a permit — childrens run — May 11, 1996 (O 381-96) **399**

| | |
|---|-----|
| Permit — Alcoholism Services of Cleveland Inc. — Banner Carnegie Avenue — East 9th Street — March 25, 1996 — April 25, 1996 — Walk and Roll against Alcoholism (O 432-96) | 358 |
| Permit — Annual Earth Day Walk — April 21, 1996 — Sponsored by Earth Day Coalition (O 435-96) | 359 |
| Permit — Cleveland Cavs Run — September 29, 1996 (O 440-96) | 361 |
| Permit — Cleveland Corporate Challenge — Bike Race — July 14, 1996 (O 442-96) | 361 |
| Permit — Pilgrim Church of Christ — Banner East 105th Street — St. Clair Avenue — April 3, 1996 to April 29, 1996 — 13th Annual Family Health and Job Expo (O 434-96) | 359 |
| Permit — Race for the Cure — September 22, 1996 (O 446-96) | 362 |
| Permit — Rock & Roll Run — September 2, 1996 (O 439-96) | 360 |
| Permit — St. Ignatius High School Race — September 8, 1996 (O 443-96) | 361 |
| Permit — Triathlon World Championship Professional Race — August 24, 1996 (O 437-96) | 360 |
| Permits — One Mile Fun Walk/Jog Run — 5K Run and 10k Relay Race — August 4, 1996 (O 441-96) | 361 |
| Permits — Triathlon World Championship Amateur Race — 40k Bike Race — 10k Running race — August 25, 1996 (O 438-96) | 360 |
| Permits — Turkey Trot Race — November 28, 1996 (O 436-96) | 359 |

Personnel Department

| | |
|--|---------|
| Approving the collective bargaining — agreement with Local 93 — International Association Firefighters (O 260-96) | 362-371 |
| Approving the collective bargaining — agreement with Fraternal Order — Police Lodge No. 8 (O 259-96) | 362-371 |

Port Control Department

| | |
|---|-----|
| Development agreement — Chalm Management Company — property — north of Cleveland Hopkins Airport — Port Control Department (O 1242-95) | 385 |
| Supplement Ordinance No. 1091-95 — passed June 19, 1995 — United States construction — disposal facility — Burke Lakefront Airport — existing Section 3 to Section 4 (O 422-96) | 356 |

Safety Department

| | |
|--|-----|
| Accept 1996 LDI GMC truck - mounted paint — Linear Dynamics Inc. — exchange 1992 LDI Ford truck-mounted striper — Division of Traffic engineering and Parking (O 427-96) | 357 |
|--|-----|

Service Department

| | |
|---|-----|
| Permit — New Village Corporation — construct an ornamental fence — encroach into Central Avenue S.E. — East 36th and East 37th — Central Commons Subdivision No. 4 (O 418-96) | 355 |
| Vacate portions — East 69th Street — East 70th (R 430-96) | 358 |
| contract not exceed twenty computers — not exceed ten laser printers — Motor Vehicle Maintenance Division (O 417-96) | 355 |

Statement of Work Acceptance

| | |
|---|-----|
| Contract No. 46163 — Cleveland City Hall — Phase IV exterior Rehabilitation (F 415-96) | 354 |
|---|-----|

Utilities Department

| | |
|---|-----|
| Contract — Labor and Materials — repair water mains and appurtenances — Water Division (O 425-96) | 357 |
| Contract — labor and materials — building maintenance services — excluding janitorial services — Cleveland Public Power (O 424-96) | 357 |

Zoning

| | |
|---|-----|
| Change area and Height — Rusk Court, N.W. between — West 106 Street— West 105 Street (O 2287-95) | 363 |
| Kamm's Corners Business Revitalization District — Establishing (O 2247-95) | 363 |
| Northerly side of Trent Avenue, S.W. and easterly side of West 40th Street — change Use District (O 2119-95) | 363 |

Zoning—Public Hearings—City Planning Committee

| | |
|---|-----|
| 148' northwest of Superior Avenue, N.E. and approximately 330' southeast of St. Clair Avenue, N.E. between East 24th Street and East 25th Street (O 1838-95) | 363 |
| Both sides of Lorain Avenue between W. 44th Street and Fulton Road — change use, area and height districts (O 2052-95) | 363 |
| Both sides of Lorain Avenue between West 52nd Street and West 44th Street (O 2053-95) | 363 |
| Change Use and Area — East of Rocky River Drive — North of I-480 — to South I-480 — Midvale Ave., S.W. — Change No. 1896 sheet No. 13 - (O 41-96) | 381 |
| Southwesterly side of Bradley Road, S.W. between Jennings Road, S.W. and north of South Ridge Drive (O 1252-95) | 381 |