

The City Record

Official Publication of the City of Cleveland

December the Twenty-Third, Nineteen Hundred and Ninety-Eight

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cinton, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

DEPT. OF PORT CONTROL - Solomon F. Balraj, Director,
 Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
 Burke Lakefront Airport - Michael C. Barth, Commissioner

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, DECEMBER 23, 1998

No. 4437

CITY COUNCIL

MONDAY, DECEMBER 21, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

NO MEETING

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 4, 1999

9:30 P.M.

Calendar No. 98-238: 1802 Central Avenue

Meridian Properties Inc., owner c/o Bruce Madorsky, and Bakers Local Union 19, lessee c/o Bob Mitchell, appeal to erect a 43' 9" x 4' billboard banner type sign to the south wall at the third floor level of an existing irregular shaped one and five-story masonry storage building on an irregular shaped acreage parcel adjoining the innerbelt freeway at 1802 Central Avenue and located in a Semi-Industry District and a Public Land Protective District; said proposed sign for an off premises activity is a billboard pursuant to Sections 350.03(e)(1) and 350.03(f)(1) and said billboard shall not be permitted in a Public Land Protective District as prohibited in Section 350.10(a) and said billboard must be set back a minimum of 330' from the pavement edge of the freeway and a 100' setback is proposed contrary to Section 350.10(H) and the area of the said billboard type sign is proposed at 175 square feet instead of limited to 25% of the permanent sign area allowed which is 280 square feet times 25% or 70 square feet pursuant to Section 350.12(a) of the Codified Ordinances.

Calendar No. 98-250: 1643-1657 Hamilton Avenue

Mary Coyne Investments L.L.C., owner, and AMPCO System Parking, tenant c/o John Coyne, appeal to demolish an existing 36' x 36' two-story warehouse building and an existing 55' x 95' one-story warehouse building to construct an asphalt parking lot for 57 cars all located on a 198' x 100' parcel located in a Semi-Industry District on the north side of Hamilton Avenue at 1643-1657 Hamilton Avenue; Board of Zoning Appeals approval is required in this portion of downtown that prohibits the establishment of new "non-accessory" surface parking lots unless it can be established that there is no other economically feasible use of a particular property and that denial of the request to establish a surface parking lot would represent a "taking" of the property as stated in Section 349.14(G) of the Codified Ordinances.

Calendar No. 98-251: 10022 Madison Avenue

Marbo Inc., owner c/o Zaremba Group L.L.C. c/o John Wojtila and Revco Discount Drug Centers Inc., appeal to construct a 75' x 135' one-story CVS Pharmacy building and

accessory parking lot on an approximate 232' x 172' corner parcel at the northeast corner of West Boulevard and Madison Avenue and located in a Local Retail and Multi-Family District at 1002 Madison Avenue; said construction being contrary to Section 337.08 where retail is not permitted in a Multi-Family District and contrary to Section 343.01 where a pharmacy is not permitted in a Local Retail Business District and Section 352.10 where 10' of landscaping or screening is required along the northerly property line and 0' is proposed and contrary to the Yards and Courts Requirements of Section 357.07 where a 10' setback along Madison Avenue is required and the proposed parking lot and building are in the 10' setback area and contrary to the Off-Street Parking and Loading requirements of Section 349.07(a)(2) where the proposed driveway is less than 15' between the point of tangency and the outside crosswalk line at the intersection of Madison Avenue and West 100th Street and a 6' median strip is required along the street frontage of West Boulevard and West 100th Street and 0' is proposed, pursuant to the Landscaping and Screening Requirements of Section 352.10 of the Codified Ordinances.

Calendar No. 98-252: 1230 East 152nd Street

Sanford S. Malkin, owner, and Little Hands and Feet Day Care c/o Victoria Smith, tenant, appeal to change the use of an existing 153' x 40' building into a day care center facility for approximately 125 children and 10 employees all located on a 326' x 213' irregular shaped corner parcel and located in a General Industry District near the northwest corner of Woodworth Road and East 152nd Street at 1230 East 152nd Street; said use being contrary to the Access and Maintenance of Off-Street Parking Requirements of Section 349.07 where a parking lot shall be properly graded to allow water drainage within the proposed lot and contrary to Section 352.10 where 6' of landscaping or screening is required along Woodworth Road and 0' is proposed and contrary to the Yards and Courts Requirements where a 10' setback along Woodworth Road is required and 0' is proposed as stated in Section 357.07 of the Codified Ordinances.

Calendar No. 98-253: 3180-3184 West 25th Street

Jeffrey P. Kovar, owner, and D & K Entertainment Inc. and J. Michael Murray, attorney, appeal from the notice of violation dated November 3, 1998 issued by the Division of Building and Housing under Section 327.02(B), where three sets of plans by a registered architect must be submitted to the Division of Building and Housing, and Section 327.02(C) where there shall be no change nor substitution in the use of any building or premises and no extension of any existing use, nor shall any premises be occupied for any new use until a Certificate of Occupancy has been issued, and Section 327.99(A) where the appellant is subject to prosecution and penalties and the required submission of pertinent evidence to the Board of Zoning Appeals as stated in Section 329.02(C) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, DECEMBER 21, 1998

At the Meeting of the Board of Zoning Appeals on Monday, December 21, 1998, the following appeals were heard by the Board:

The following appeals were **Approved**:

Calendar No. 98-239: 1546 East 33rd Street, a.k.a. 1538-1542 East 33rd Street

Mary Brennan, owner, and William Call, agent, appealed to resurface a 40' x 100' and a 55' x 100' parking lot both located in a Two-Family District at 1538-1542 and 1546 East 33rd Street.

Calendar No. 98-244: 15212 Kinsman Road, S.E.

Daniel M. Slane, owner, and Ministerial Day Care, tenant appealed to change the use of an existing 82' x 102' one-story masonry retail store building and parking lot into a day-care facility at 15212 Kinsman Road on a 147' x 162' lot located in a Local Retail and Two-Family District.

Calendar No. 98-246: 12401 Fairview Court, S.E.

Delmar Gogol, owner, appealed to enclose the 20' x 7' open front porches on the first and second floors and to erect stairs to the first and second floors within said enclosed areas in the dwelling house on a 30' x 75' lot located in a General Retail District at 12401 Fairview Court.

Calendar No. 98-249: 2715-2719 Detroit Avenue, N.W.

Cuyahoga Metropolitan Housing Authority (CMHA), owners, c/o Norris McClure, appealed to install a 21 car accessory off-street parking lot on a 42' x 129' irregular shaped lot located in a Semi-Industry District at 6804 Park Avenue.

The following appeals were **Denied**:

Calendar No. 98-236: 6804 Park Avenue, S.E.

Djurica Stokic, owner, appealed to change the use of an existing 24' x 28' one-story wood frame private garage into a light assembly and packaging building on the rear of a 35' x 119' parcel with a 1-1/2 story residential office building on the front and located in a Two-Family District at 6804 Park Avenue.

Calendar No. 98-245: 3235-3237 West 90th Street

Jack P. Hayes, owner, appealed to change the use of an existing 23' x 38' three-story frame nonconforming two-family dwelling house into three dwelling units located on a 35' x 101' lot and located in a Two-Family District at 3235-3237 West 90th Street.

The following appeal was **Postponed**:

Calendar No. 98-248: 468 West Schaaf Road, S.W. postponed to January 19, 1999.

On Monday, December 21, 1998 in Executive Session:

The following appeals were heard on Monday, December 14, 1998, and said decision to **GRANT** was approved and adopted by the Board on December 21, 1998:

Calendar No. 98-243: 1442 East 110th Street

Willa Wright, owner, appealed to change the use of an existing 26' x 49' two-story frame Two-Family dwelling house into a type "a" child care facility situated on a 39' x 100' parcel and located in a Two-Family District.

Calendar No. 98-247: 5603 Memphis Avenue, S.W.

Dominic S. Sforzo, owner, appealed to construct a 60' x 129' off-street 22 car parking lot accessory to the restaurant at 5517 Memphis Avenue in a Local Retail District.

The following appeals were heard on Monday, December 14, 1998, and said decisions to **DENY** were approved and adopted by the Board on December 21, 1998.

Calendar No. 98-224: 3979 Pearl Road, S.W.

Brookside Auto Parts Inc., owner, c/o Michael Blake, agent, appealed from the violation notice relating to exterior maintenance of property as issued by the Division of Building and Housing on September 15, 1998 for the Cleveland Department of Community Development.

Calendar No. 98-230: 6630-6650 Broadway

David Mathoslah, owner, c/o Scott Stefl, attorney appealed from the violation notice relating to a certificate of occupancy for the operation of a commercial business using existing landscaping which is 3' instead of the required 6' as issued by the Division of Building and Housing on October 22, 1998 for the Cleveland Department of Community Development.

EUGENE CRANFORD, JR.,
Secretary

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

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JANUARY 7, 1999

East 40th Street Reconstruction, Phase I: Central Avenue to Superior, as authorized by Ordinance No. 1258-97, passed by the Council of the City of Cleveland, July 16, 1997.

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

December 9, 1998, December 16, 1998 and December 23, 1998

WEDNESDAY, JANUARY 6, 1999

Lonnie Burten Recreation Center Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 929-97, passed by the Council of the City of Cleveland, June 9, 1998.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS.

THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

December 16, 1998, December 23, 1998 and December 30, 1998

THURSDAY, JANUARY 7, 1999

New Tires, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1851-98, passed by the Council of the City of Cleveland, November 23, 1998.

Cold Mix, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 1235-98, passed by the Council of the City of Cleveland, September 25, 1998.

SSI Tack Coat, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 1238-98, passed by the Council of the City of Cleveland, September 25, 1998.

December 16, 1998 and December 23, 1998

FRIDAY, JANUARY 8, 1999

Continental Airlines — Cleveland 2000 New Concourse D Building Expansion Program — Bid Package 10E — Communications Infrastructure, for the Department of Port Control.

PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM MORSE DIESEL INTERNATIONAL, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135, FOR THE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER ONLY. EACH PROSPECTIVE BIDDER MUST BE SYSTIMAX CERTIFIED BY LUCENT TECHNOLOGIES.

BIDS WILL BE RECEIVED AND OPENED AT THE CONTINENTAL AIRLINES, INC., CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135, AND SHOULD BE ADDRESSED TO THE ATTENTION OF FRANK ROETZEL.

December 16, 1998 and December 23, 1998

FRIDAY, JANUARY 8, 1999

Remanufactured Transmissions, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 554-98, passed by the Council of the City of Cleveland, May 18, 1998.

December 16, 1998 and December 23, 1998

FRIDAY, JANUARY 22, 1999

Repair of Four (4) Cab/Chassis and the Remounting of New Refuse Packer Body, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

Water Meter Parts, 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.

One (1) Cab/Chassis with Dump Body, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

One (1) Cab/Chassis with Flat Bed and Articulated Crane, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

December 23, 1998 and December 30, 1998

THURSDAY, JANUARY 28, 1999

Street Lighting Material, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, JANUARY 11, 1999, 10:00 A.M., AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

December 23, 1998 and December 30, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1821-98.
By Councilman Westbrook (by request).

An emergency resolution declaring the intention to vacate a portion of Keith Court.

Whereas, this Council; is satisfied that there is good cause to vacate a portion of Keith Court, 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 a portion of the following described real property:

KEITH COURT N.W. (12.00 feet wide), Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all that portion of Keith Court N.W. (12.00 feet wide) extending westerly from the westerly line of West 91st Street (50.00 feet wide), to the Easterly line of West 93rd Street (50.00 feet wide).

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1963-98.
By Councilmen Rybka, Jackson and Johnson (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for the public use of re-aligning Aetna Road at Broadway Avenue.

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 for the public purpose of realigning Aetna Road at Broadway Avenue, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Permanent Parcel No. 132-05-002
 6801 Broadway Avenue

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. 318, bounded and described as follows:

Beginning on the Southwesterly side of Aetna Road, S.E. (40 feet wide), at the most Northerly corner of Parcel No. 2 conveyed to Wanda Jean Nowak by deed dated May 10, 1956, and recorded in Volume 8639, Page 114 of Cuyahoga County Records;

Thence Southwesterly along the Northwesterly line of said Parcel No. 2, 107.06 feet to the most Northerly corner of Parcel No. 1 so conveyed to Wanda Jean Nowak in said deed;

Thence Southwesterly along the Northwesterly line of said Parcel No. 1 so conveyed, 102.94 feet to the Northeasterly side of Broadway, S.E.;

Thence Northwesterly along said Northeasterly side, 268.65 feet to the most Southerly corner of a parcel of land conveyed to Caroline Mental by deed dated April 21, 1927, and recorded in Volume 3463, Page 35 of Cuyahoga County Records;

Thence Northeasterly along the Southeasterly line of said parcel so conveyed 60.735 feet to the most Westerly corner of a parcel of land conveyed to American Telephone and Telegraph Company by deed dated November 28, 1952, and recorded in Volume 7661, Page 194 of Cuyahoga County Records;

Thence Southeasterly along the Southwesterly line of said Parcel so conveyed, 20 feet to the most Southerly corner thereof;

Thence Northeasterly along the Southeasterly line of said parcel so conveyed, 30 feet to the Southwesterly side of Aetna Road, S.E.;

Thence Southeasterly along said Southwesterly side, 248 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Finance is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Res. No. 1964-98.
By Councilman Gordon.
An emergency resolution declaring the intention to vacate all those portions of West 42nd Street, West 44 Place, and Stardale Court S.W.

Whereas, this Council; is satisfied that there is good cause to vacate all those portions of West 42nd Street, West 44th Place, and Stardale Court S.W. 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of WEST 42ND STREET (12.00 feet wide) extending Southerly from the Southerly line of Woodbridge Avenue S.W. (60.00 feet wide) to the Easterly prolongation of the Northerly line of Stardale Court S.W. (12.00 feet wide), and being known as all that portion of WEST 44TH PLACE (12.00 feet wide) extending Southerly from the Southerly line of Woodbridge Avenue S.W. (60.00 feet wide) to the Westerly prolongation of the Northerly line of Stardale Court S.W. (12.00 feet wide), and being known as all that portion of STARDALE COURT S.W. (12.00 feet wide) and its associated turnouts extending Westerly from the Southerly prolongation of the Easterly line of West 42nd Street (12.00 feet wide) to the Southerly prolongation of the Westerly line of West 44th Place (12.00 feet wide).

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Res. No. 2124-98.
By Councilman Cintron.
An emergency resolution objecting to the transfer of ownership of a D5, Liquor Permit to 3259 W. 25th St., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 0210615, Ariadne Inc., DBA Teasers, 3259 W. 25th St., 1st Fl. & Bsmt., Cleveland, Ohio 44109, to Permit No. 0341666, Axis Corp., 3259 W. 25th St., 1st Fl. & Bsmt., Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 0210615, Ariadne Inc., DBA Teasers, 3259 W. 25th St., 1st Fl. & Bsmt., Cleveland, Ohio 44109, to Permit No. 0341666, Axis Corp., 3259 W. 25th St., 1st Fl. & Bsmt., Cleveland, Ohio 44109 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 7, 1998.

Effective December 15, 1998.

Res. No. 2125-98.
By Councilmen Willis, Johnson, Coats and Westbrook.

An emergency resolution urging the Administration to institute a civil lawsuit against firearm manufacturers.

Whereas, firearms are the weapons most commonly used in homicides in this country and are involved in the deaths of approximately 34,000 persons each year; and

Whereas, firearms were used to commit 69% of all homicides in this country in 1995 and 68% of all homicides in 1996; and

Whereas, in 1990, 82% of all homicides of persons aged 15-19 were committed with firearms and homicide is the second leading cause of deaths for youths aged 15-19; and

Whereas, firearm manufacturers, knowingly design, manufacture, market, and distribute thousands of firearms in order to facilitate their entry into and possession in Cleveland and other cities, where they are often used in the commission of crimes, including crimes in which residents of Cleveland are killed, maimed or terrorized; and

Whereas, the cities of Chicago and New Orleans have instituted civil lawsuits against firearm manufacturers under public nuisance and product liability theories; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that firearm manufacturers know and foresee their conduct creates an unreasonable threat to public health and safety; now, therefore,

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

Section 1. That the Council urges the Administration to explore the feasibility of instituting a lawsuit against firearm manufacturers on the basis of public nuisance, product liability or other appropriate legal theories.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Mayor, the Director of Law and to the Attorney General of the State of Ohio.

Section 3. That the Director of Law is hereby requested to provide a report to the Committee on Public Safety within one hundred and twenty (120) days of passage of this resolution indicating what legal action or actions have been recommended pursuant to the provisions of this resolution.

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

Adopted December 7, 1998.

Effective December 15, 1998.

Res. No. 2134-98.
By Councilmen Gordon, Jackson, Cimperman, Westbrook, Jones, White, Robinson, Johnson, Britt, Lewis, Patmon, Willis, Coats, Polensek, Rybka, Cintron, Moran, Melena, Zone, Sweeney and Dolan.
An emergency resolution urging awareness, education, training and funding to stop the HIV/AIDS epidemic.

Whereas, the HIV/AIDS epidemic is one of the most important public health issues in the world; and

Whereas, HIV, Human Immunodeficiency Virus, is a virus that is transmitted from person to person through the direct exchange of blood, semen, vaginal fluids and breast milk. This virus gradually weakens and eventually destroys the body's immune system; and

Whereas, the latency period from the HIV infection to full blown

AIDS is approximately 12 years and continues to increase; and

Whereas, AIDS, Acquired Immunodeficiency Syndrome, is a medical condition in which an individual meets a series of diagnostic criteria established by the Centers for Disease Control; such criteria include: the individual is HIV Positive (HIV+); has a white blood cell count at below 200; and suffers from a disease or secondary infection defined by the CDC; and

Whereas, an individual infected with HIV or AIDS can infect another person through the direct exchange of blood, semen, vaginal fluids and breast milk; and

Whereas, a person inflicted with HIV or AIDS can look and feel perfectly healthy with no outward signs of the illness; and

Whereas, the number of people who are HIV+ are currently unknown, but that the number is many times greater than the number of reported cases of AIDS; and

Whereas, the World Health Organization estimates the existence of approximately 37 million cases of HIV globally as of mid-1998; and

Whereas, the Centers for Disease Control report 641,086 cumulative cases of AIDS in the United States, of which an estimated 250,394 are alive and living with AIDS; and

Whereas, the Ohio Department of Health has conservatively estimated 18,000 cases of HIV in Ohio; and

Whereas, the number of reported cases of AIDS in Ohio is 9,565; and

Whereas, the Ohio Department of Health has conservatively estimated that 4,500 HIV+ people live in Cuyahoga County; and

Whereas, there are 2,783 reported AIDS cases in the Cuyahoga region, comprised of Cuyahoga, Ashtabula, Geauga, Lake, Lorain and Medina counties; and

Whereas, the Cuyahoga County Region accounts for 29% of the AIDS cases in Ohio; and

Whereas, in 1995, Cleveland became an AIDS Tier One City and the City of Cleveland's Department of Public Health declared a State of Emergency in Cleveland; and

Whereas, the epidemiological profile of AIDS cases in Cuyahoga County reports that males represent approximately 83% of the cases and females account for slightly more than 15% of the total AIDS cases known to exist in 1997; and

Whereas, most new cases of HIV infection in women resulted from heterosexual contact; and

Whereas, an estimated 1,205 of the reported AIDS cases in Cuyahoga County are residents in the City of Cleveland; and

Whereas, there is a disproportionate percentage of minorities living with AIDS in Cleveland. Of the AIDS cases in Cleveland, 68% are African American, although they represent only 41% of the population; 11% are Hispanic, although they represent only 5% of the population of the City; and

Whereas, the Centers for Disease Control and other experts say the most effective method to stop the HIV/AIDS epidemic is through prevention; and

Whereas, the Cleveland City Council's Public Health Committee is committed to the goal of stopping the spread of HIV/AIDS; and

Whereas, the Public Health Committee is committed to bringing services and prevention education to all segments of the population of Cleveland; and

Whereas, no one is immune from HIV/AIDS and no one has been cured of HIV/AIDS; and

Whereas, the only way not to die of AIDS is not to become infected with HIV; now, therefore;

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

Section 1. That the Council of the City of Cleveland recommends that the federal, state and local governments of the United States incorporate a prevention policy into all programs and grants that impact people with HIV/AIDS. Prevention should be incorporated into every education and health and human services program funded by all levels of government.

Section 2. That the Council urges the elimination of discrimination in housing against people living with HIV/AIDS. Cuyahoga Metropolitan Housing Authority and other low income housing agencies are encouraged to work with the AIDS Housing Council to offer vouchers and housing opportunities to people living with HIV/AIDS. Further, the City of Cleveland is urged to conduct a study to project the housing needs for people with HIV/AIDS in the next five years and to develop the capacity to meet that need; and that the addition of direct services, such as alcohol and substance addiction programs and intervention services, should be incorporated in the housing programs for people with HIV/AIDS.

Section 3. That the Council recommends that the State of Ohio Board of Education adopt a policy of health education for all students for at least one semester each year of education (K-12); that the types of courses taught reflect current, critical public health issues; that the students are taught basic living instruction from proper hygiene and nutrition to sex education and the prevention of communicable diseases such as Sexually Transmitted Disease (STDs) and HIV/AIDS.

Section 4. That the Council urges the Cuyahoga County Juvenile Court system to adopt a program to educate the youth that go through the system on basic living instruction from proper hygiene and nutrition to sex education and the prevention of communicable diseases such as Sexually Transmitted Disease (STDs) and HIV/AIDS. Further, all youth that utilize the Juvenile Court System in any capacity should be instructed through a mandatory HIV/AIDS prevention program.

Section 5. That the Council recommends that the State of Ohio mandate the reporting of HIV cases and that such reporting be standard throughout the state and should be consistent with the Federal guidelines set forth by the Centers for Disease Control. Reporting should be done in age brackets, modes of transmission and race and ethnicity categories consistent with the Federal guidelines set forth by the Centers for Disease Control.

Section 6. That the Council seek and encourage the representation of Council on committees that fund or review performances of agencies and HIV/AIDS service providers that provide services in the City of Cleveland.

Section 7. That the Council strongly recommends that all social service agencies funded by the City of Cleveland have at least one staff person who is trained in HIV/AIDS prevention and education.

Section 8. That the Council recommends and encourages the implementation within the City of a uniform reporting system to determine the effectiveness and efficiency of the City's overall goal to stop the spread of HIV/AIDS and urges the hiring of an independent evaluator to document and monitor this reporting system.

Section 9. That the Council urges that a review of all federal, state and local laws be done to determine whether there is any impediment to developing or creating an effective policy towards the eradication of the HIV/AIDS epidemic.

Section 10. That the Clerk of Council is hereby requested to transmit a copy of this resolution to the following: Donna Shalala, Secretary of Health and Human Services; Andrew Cuomo, Secretary of HUD; Senator-elect George Voinovich; Senator Mike DeWine; Governor-elect Robert Taft; Congressmen Louis Stokes, Dennis Kucinich, and Steve LaTourette; Congresswoman-elect Stephanie Tubbs-Jones; Cuyahoga County Commissioners Jane Campbell, Tim McCormick, and Tim Hagan; Cuyahoga County Commissioner-elect Jimmy Dimora; Mayor Michael White; Terri Hamilton, Director of CMHA; Robert Staib, Director of the City's Department of Public Health; and John Zachariah, Administrator, Juvenile Court.

Section 11. 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 December 7, 1998.

Effective December 15, 1998.

Res. No. 2192-98.

By Councilmen Gordon, Westbrook, Jones, White, Robinson, Johnson, Jackson, Britt, Lewis, Patmon, Willis, Coats, Polensek, Rybka, Cimperman, Cintron, Moran, Melena, Zone, Sweeney and Dolan.

An emergency resolution recognizing and supporting the need for a vital and professional Department of Public Health.

Whereas, a well-run, professional and viable Department of Public Health is essential to the health, safety and welfare of the citizens of Cleveland; and

Whereas, pursuant to Section 114 of the Charter of the City of Cleveland, the City through its officers in the Department of Public Health, "shall perform all duties and may exercise all the powers provided by general law, relative to the public health..."; and

Whereas, it is imperative that the City of Cleveland operate and maintain a department dedicated to the public health of its citizens; and

Whereas, pursuant to the Codified Ordinances of the City of Cleveland, the duties of the Department of Public Health include matters pertaining to health, sanitation, air pollution, water pollution, nuisances and other health issues; and

Whereas, the Cleveland Public Health Department administers programs that focus on infant mortality, drug treatment, lead poisoning and abatement, air pollution, sexually transmitted diseases, immunization, and other programs essen-

tial and vital to the health, safety and welfare of the residents of the City; and

Whereas, the General Fund obligations to the Department of Public Health, exclusive of the allocation to the House of Corrections is \$5.6 million, which represents only 1.3% of the total General Fund Budget; and

Whereas, the Department of Public Health administers grants for programs in the amount of approximately \$9.7 million; and

Whereas, there is an increase in demand for services provided by the Cleveland's Department of Public Health; and

Whereas, there is need for more staff in the Department of Public Health to meet the increase in demand for services and programs; and

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

Section 1. That the Council of the City of Cleveland recognizes the absolute need for the City to maintain a vital and effective Department of Public Health and would not support any attempts to eliminate the department or to reduce it in size or scope of operation, and

Section 2. That the Council will initiate an assessment of the Department of Public Health to review, among other things, the mission of the department, the funding levels of the department, staffing needs, qualifications of the staff, evaluation methodology and performance of programs, and grant application procedures and effectiveness.

Section 3. That the Council urges the State of Ohio to offer and provide grants to the Department of Public Health for air pollution and health related services.

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

Adopted December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Res. No. 2193-98.

By Councilman Cimperman.
An emergency resolution objecting to the transfer of ownership and location of a D5 and D6 Liquor permit to 2379 Professor St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 4952106, L & S Management Corp., 1835 Fulton Ave., c/o James A. Simpson, Cleveland, Ohio 44113, to Permit No. 0378394, Daniel J. Brown, 2379 Professor St., Cleveland, Ohio 44113; 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 herein in Revised Code Section 4303.292; and

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a D5 and D6 Liquor Permit from Permit No. 4952106, L & S Management Corp., 1835 Fulton Ave., c/o James A. Simpson, Cleveland, Ohio 44113, to Permit No. 0378394, Daniel J. Brown, 2379 Professor St., Cleveland, Ohio 44113 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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2020-A-96. (As a substitute for Ord. No. 2020-96).

By Councilman Coats.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 396.01, 396.02, 396.03, 396.04, 396.05, 396.06, 396.07, 396.08, 396.09 and 396.99 thereof, all relating to notification, security and environmental abatement at closed businesses.

Whereas, any building within the City of Cleveland which is closed or vacated by a commercial enterprise should be reported to the appropriate authorities and, if needed, tested for environmental contamination and hazardous materials; and

Whereas, any closed or vacant commercial building should be secured to prevent vandalism; and

Whereas, Council finds that closed and vacant buildings that contain hazardous materials or that may contaminate the environment or pose a substantial threat of fire are a nuisance; 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 396.01, 396.02, 396.03, 396.04, 396.05, 396.06, 396.07, 396.08, 396.09 and 396.99 thereof to read, respectively, as follows:

**CHAPTER 396
NOTIFICATION, ENVIRONMENTAL
ABATEMENT AND
SECURING OF CLOSED OR
VACATED FACILITIES**

Section 396.01 Definitions

As used in this Chapter:

(a) "Close" or "closing" means the permanent cessation of business operations at a facility. For purposes of this Chapter, "permanent" means a period of time longer than ninety (90) days and does not include transfer of the business operation to another entity which will resume the operations within the 90-day timeframe.

(b) "Facility" means an industrial structure of any size or a commercial structure where such commercial structure is larger than one hundred fifty thousand (150,000) square feet.

(c) "Regulated substances" means all hazardous and flammable substances regulated by this Title, as well as petroleum, tires, and any other hazardous or flammable substances regulated pursuant to federal, state, or local environmental laws.

(d) "Vacate" or "vacant" means abandoning a facility, or a majority of the facility as measured in square footage, such that no regular activities or regular occupancy by persons associated with the facility is occurring. It does not include:

(1) Storage of materials regulated by and in compliance with the remainder of this Title.

(2) Storage of materials regulated by and in compliance with state or federal environmental law.

(3) Storage of materials being actively used in normal business processes. The burden is on the owner, operator, or party in control to show that the materials are in active use.

(4) Storage of materials that are not regulated substances and that are stored by an entity that is in the commercial storage business as a part of that business.

Section 396.02 Legislative Findings and Declaration of Nuisance

(a) Council of the City of Cleveland finds that:

(1) Non-residential sites which are closed for business but vacant and open to entry by the general public attract children to enter who may encounter health or environmental hazards, harbor vermin, serve as temporary abode for vagrants and criminals, invite dumping and illegal storage of hazardous and flammable substances, and are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkempt and open grounds on such sites invite the dumping of garbage, rubbish, hazardous and other regulated substances, and the accumulation of combustible material.

(3) Thousands of structures in this City are made of wood-frame construction which is more combustible than other building types.

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, thereby increasing the risk of conflagration and the spread of environmental contamination through the water and the air.

(b) All facilities which are injurious to or a menace to the public health, safety or welfare, or which constitute a fire hazard, or which are vacant and open to public entry are declared to be a nuisance and are to be abated in accordance with this Chapter.

(c) The owner, operator, or party in control of any facility which is closed or vacant as of the effective date of this chapter shall comply with the requirements of this Chapter by July 1, 1999.

Section 396.03 Notification and Fee Requirements

(a) No later than sixty (60) days before closing or vacating a facility the owner, operator, or party in control of the facility shall submit to the Fire Chief a written notice that the facility will be closed or vacated, accompanied by a check or money order payable to the "City of Cleveland" for the sum of two hundred fifty dollars (\$250.00). Copies of the notice shall also be submitted to the Director of Economic Development, the Commissioner of Environment, and the Commissioner of Building and Housing.

(b) The notice shall designate a contact person who works or resides in Cuyahoga County and who shall be available both before and after closing or vacating the facility, until the time that the property is transferred to another owner, operator, or party in control. The contact person shall provide access to the facility to City employees and agents to inspect the facility for the purpose of ascertaining compliance with this Chapter. The contact person shall respond to requests for information regarding the facility; however, the designation of a contact person does not preclude a City employee or agent from requesting information from or making notifications directly to the owner, operator, or party in control.

(c) The notice shall include the address and telephone number of the principal office or residence of the owner, as well as the operator or party in control, and the address and telephone number of the contact person.

(d) The notice shall include the date on which the facility proposes to close or be vacated and shall include any plans for transfer of the property to another owner, operator, or party in control, if known.

(e) A person or entity acquiring title to or control over any facility which is closed or vacant shall comply with the requirements of this Section within sixty (60) days after acquiring title or control.

Section 396.04 Duties of Owner, Operator, or Party in Control Prior to Closing or Vacating a Facility

(a) No later than thirty (30) days before closing or vacating a facility

the owner, operator, or party in control shall do all of the following:

(1) Submit to the Fire Chief a written statement indicating whether any asbestos-containing materials are present at the facility, either in storage or as part of the structure, if known.

(2) If applicable, submit to the Fire Chief a copy of the most recent emergency and hazardous chemical inventory form for the facility under Ohio Revised Code Chapter 3750.

(3) If applicable, submit to the Fire Chief a copy of the current hazardous chemical list, or of each of the material safety data sheets, that the owner, operator, or party in control is required to have on file under Ohio Revised Code Chapter 3750 in connection with the facility.

(4) If applicable, submit to the Fire Chief a copy of the current list of all hazardous and toxic chemicals manufactured, used or stored in the workplace, as mandated by Section 393.07 of the Codified Ordinances.

(5) If applicable, submit to the Fire Chief a list of every stationary tank, vat, drum, electrical transformer, and vessel of any type that is contaminated with a regulated substance and that is to remain at the facility; a precise description of the location of each; and an identification of the regulated substances that contaminate each.

(6) Remove all regulated substances, including regulated substances contained in a stationary vat, tank, drum, electrical transformer, vessel, or piping that is to remain at the facility; and remove from the facility or appropriately abate all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance. Submit to the Fire Chief the methods that were used to comply with this Paragraph and the place of final disposition of any regulated substances that were removed. This Paragraph does not require the abatement of nonfriable asbestos that is an integral part of the structure or its piping.

(7) Submit to the Fire Chief a description of any other equipment, material, or procedures at the facility that may result in the release of a regulated substance to the environment or that may pose a substantial risk of fire.

(b) The owner, operator, or party in control shall submit a statement of completion to the Fire Chief, affirming that the actions required by this Section have been completed or are not applicable to the facility, stating specifically the reasons why.

(c) All information submitted pursuant to this Section shall also be copied to the Commissioner of Environment and the Commissioner of Building and Housing.

(d) Upon the written request of the owner, operator, or party in control of the facility, the Fire Chief may extend the length of time required for compliance with this Section.

(e) If the Fire Chief determines that the actions taken under this Section or under Section 396.05 are insufficient to achieve the goals of this Chapter, the Fire Chief may order the owner, operator, or party in control to submit an environmental assessment prepared by a certified environmental consultant, describing the condition of the facility, and may order the owner, oper-

ator, or party in control to take appropriate actions to further protect public health, safety, and the environment. Nothing in this Section shall prevent the Fire Chief from taking other appropriate action pursuant to this Title of pursuant to the Ohio Fire Code.

(f) A person or entity acquiring title to or control over any facility which is closed or vacant shall comply with the requirements of this Section within sixty (60) days after acquiring title or control, to the extent that the requirements of this Section were not met by the previous owner operator, or party in control.

Section 396.05 Building, Structure or Outdoor Location to be Secured Against Unauthorized Entry; Warning Signs

(a) Before closing or vacating a facility, the owner, operator, or party in control of the facility shall secure against unauthorized entry each building or structure at the facility and each outdoor location by one or more of the following methods:

(1) Boarding or locking windows, doors and other potential means of entry.

(2) Providing security personnel to patrol the facility on a 24-hours-a-day, 7-days-a-week basis.

(3) Providing fencing.

(4) Providing lighting and a surveillance system.

(5) Using any other method or methods that are approved by the Fire Chief or the Fire Chief's designee.

(b) The owner, operator, or party in control shall post about each building, structure, or outdoor location in publicly-visible locations warning signs that prohibit trespassing and, if applicable, state that the facility may contain regulated substances that may endanger public health or safety if released into the environment or may constitute a fire hazard.

(c) The owner, operator, or party in control shall continue to ensure that the facility is secured against unauthorized entry by maintaining the security measures and the warning signs until the facility is transferred to another owner, operator, or party in control. All fire protection systems shall remain in service and be maintained as required by the Ohio Fire Prevention Code.

(d) Promptly after discovering, or after receiving notice from the Fire Division, whichever is earlier, that any of the entry barriers or warning signs installed pursuant to this Section have been damaged, lost, or removed, the owner, operator, or party in control shall repair or replace them.

(e) A person or entity acquiring title to or control over a facility which is closed or vacant shall comply with the requirements of this Section immediately upon acquiring title or control.

Section 396.06 Inspection of Facility; Investigations

(a) After receiving a statement of completion under Section 396.04, the Fire Chief or the Fire Chief's designee may conduct an inspection of the facility. Prior to conducting the inspection, reasonable efforts shall be made to schedule a time to conduct the inspection with the contact person designated under Section 396.03.

(b) The Fire Chief, the Commissioner of Environment or the Commissioner of Building and Housing, upon request or upon their own initiative, may investigate or make inquiries into any violations or alleged violations of this Chapter. Upon proper identification and upon stating the purpose and necessity of an inspection, they or their designees, including representatives of other federal, state and local agencies concerned with fire, safety or environmental enforcement may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine and copy records to determine compliance with this Chapter.

Section 396.07 Authority of City Where Responsible Party Fails to Act

(a) If the owner, operator or party in control fails to undertake the security and posting measures required by this Chapter, the City may undertake those action without further notice. Any costs incurred by the City in doing so shall be recoverable as costs under Section 3103.09 of the Codified Ordinances.

(b) If the conditions at a facility, including a fire, spill, leak or emission of a hazardous material at the facility, constitute an imminent and substantial threat to public health or safety, or are causing or contributing to, or are threatening to cause or contribute to, air or water pollution or soil contamination, then the Fire Chief, the Commissioner of Environment, or the Commissioner of Building and Housing may take such remedial actions as are necessary to protect the public health, safety, or the environment. These actions include without limitation extinguishing fires, demolishing buildings or structures, boarding or otherwise securing property, and removing equipment, materials, or substances.

(c) The owner, operator, or party in control of a facility where a remedial action is undertaken by the City if liable to the City for the total cost of the remedial action, including the costs of inspections related to the remedial action, in addition to any other liabilities imposed by law.

(d) The owner, operator, or party in control of a facility who has been found guilty of a violation of this chapter may be required to repay to the City any direct cash grant subsidy, where there was no initial obligation of repayment to the City, and the grant was received from the City through its Department of Economic Development after the effective date of this chapter. The repayment shall be made by order of the Court after notice and a hearing.

Section 396.08 Relationship to Other Laws

(a) This Chapter does not abridge rights of action or remedies in equity, under common law, or as provided by statute or other Chapters of the Codified Ordinances, or limit the City in the exercise of other rights in equity, under common law, or as provided by statute or the Codified Ordinances to suppress nuisances or to abate or prevent pollution.

(b) Complying with this Chapter is required in addition to any other requirements contained in City, state, or federal law.

Section 396.09 Contracts for the Sale or Lease of Real Property

Any contract for the sale or lease of a facility or portion of a facility that is closed or vacant or will become closed or vacant within sixty (60) days following the sale or lease shall contain a statement certifying that the requirements of this Chapter have been met.

Section 396.99 Penalties

A person who violates any provision of this Chapter is guilty of a misdemeanor of the first degree for each day of violation.

Section 2. All funds recovered by the City pursuant to Section 396.07 shall be deposited in a fund and subfund designated by the Director of Finance for the purpose of the rehabilitation and remediation of structural and environmental defects and other nuisances found in properties throughout the City, and the funds are hereby appropriated for that purpose.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1304-97.

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

An emergency ordinance to amend Sections 676.03, 676.04, 676.12, and 676.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2704-A-90, passed June 15, 1992; and to supplement said ordinances by enacting new Section 676.15 thereof, relating to junk and secondhand dealers.

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 676.03, 676.04, 676.12 and 676.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2704-A-90, passed June 15, 1992, are hereby amended to read, respectively, as follows:

Section 676.03 License Application

(a) Every applicant for a junk dealer license or scrap metal processor license shall make application in writing to the Commissioner of Assessments and Licenses, which application shall set forth the name under which the business is to be conducted, the name of every person interested therein, and each location where the business is to be carried on or junk or scrap metal is to be stored. If the applicant has no shop or warehouse, his home shall be designated as his place of business. The application shall also set forth a description of each vehicle used in the business, including license plate number. Such application shall also contain a statement stating whether the applicant has previously been convicted of receiving stolen property. Such application shall also contain references of at least two

other residents of the City as to the character of the applicant. Such application shall also contain an affidavit, signed by the applicant, and in a form prescribed by the Commissioner of Environment, to the effect that there is no environmental contamination of the premises for which the license is sought and (1) that the applicant has no history of criminal convictions or civil liability related to environmental conditions, other than those which resulted in a consent decree or decrees with which the applicant is now fully in compliance; or (2) a demonstration that any such conviction or liability should not prevent the applicant from receiving a license (the "Environmental Affidavit"), and upon receipt of the license application, said application shall be transmitted to the Commissioner of Building and Housing, who shall verify that any premises in which junk or scrap metal is stored or which is used as a junk yard or a scrap metal processing facility has an applicable Certificate of Occupancy; and who shall inspect each premises listed thereon for compliance with Section 676.13 and applicable Building and Zoning Codes. The application shall also be transmitted to the Commissioner of Environment, who shall inspect the premises for compliance with the Health and other applicable codes. The Commissioner of Environment may require the applicant, at the applicant's own expense, to demonstrate that the statements contained in an Environmental Affidavit are true.

(b) The Commissioner of Assessments and Licenses shall disapprove any initial or renewal application for a junk dealer's license or scrap metal processor's license for any of the following reasons:

(1) Failure to be currently in compliance with any statute, ordinance, rule or regulation applicable to the conduct or maintenance of the operation, business or premises for which the license is sought, including the provisions of this Chapter and applicable Building, Zoning and Health Codes.

(2) Material information in the application is found to be false, misleading, or not included.

(3) The premises for which the license is sought is not in compliance with Section 676.13.

(4) The statements contained in the Environmental Affidavit are false or Affidavit are false or the Commissioner of the Environment, the Commissioner of the Environment refuses to issue a statement of environmental compliance.

(5) The applicant has been convicted of receiving stolen property.

(6) The applicant is not in current compliance with the payment of property taxes for the premises for which the license is sought.

(c) The Commissioner of Assessments and Licenses may disapprove any initial or renewal application for a junk dealer's license or scrap metal processor's license for any of the following reasons:

(1) Evidence of past failure to comply with statutes, ordinances, rules or regulations applicable to junk yards or scrap metal processing facilities by the applicant.

(2) Evidence of past incidents of receiving, retaining or disposing of property, knowing or having reasonable cause to believe that the property was obtained through commission of a theft offense.

(3) If the applicant is a corporation or partnership, and any officer, director, or partner of the applicant has been guilty of any act or omission which would be cause for refusing or revoking a license issued to the officer, director, or partner as an individual.

(4) If any person actively engaged in the management or operation of the junk or scrap metal processing facility for which the license is sought has been guilty of any act or omission which would be cause for refusing or revoking a license issued to that person as an individual.

Section 676.04 License Fees

The operator of a junk cart shall pay an annual license fee of ten dollars (\$10.00) for each junk cart operated. Every junk dealer shall pay an annual license fee of one hundred fifty dollars (\$150.00) for each place of business licensed. Every scrap metal processor shall pay an annual license fee of one hundred fifty dollars (\$150.00) for each place of business licensed. All junk cart licenses, junk dealer licenses and scrap metal processor licenses shall be issued as of September 1 and expire on August 31 next succeeding the date of issuance.

Section 676.12 License Revocation: Appeals

(a) The Commissioner of Assessments and Licenses, upon the recommendation of the Chief of Police, or the Commissioner of Environment, or the Commissioner of Building and Housing may at any time revoke or suspend any license granted under the authority of this chapter for failure to comply with the terms of this chapter, or any of the laws or ordinances relating to the business so licensed.

(b) The Commissioner of Assessments and Licenses, upon the Commissioner's own initiative or upon the recommendation of the Chief of Police, the Commissioner of Environment or the Commissioner of Building and Housing, may at any time revoke or suspend any junk dealer license or scrap metal processor license granted under the authority of this chapter for any of the following reasons:

(1) Failure to be currently in compliance with any statute, ordinance, rule or regulation applicable to the conduct or maintenance of the operation, business or premises for which the license is issued, including the provisions of this Chapter and applicable Building, Zoning or Health Codes.

(2) Material information in the application is found to be false, misleading, or not included.

(3) The premises for which the license is issued is not in compliance with Section 676.13.

(4) The statements contained in the Environmental Affidavit are found to be false or environmental contamination of the junk yard or scrap metal processing facility is found.

(5) The license holder is not in current compliance with the payment of property taxes for the location of the licensed operation.

(6) There is found to be evidence of past failure to comply with statutes, ordinances, rules or regulations applicable to junk yards or scrap metal processing facilities by the license holder.

(7) If the license holder is a corporation or partnership and any

officer director, or partner of the applicant is found to have been guilty of any act or omission which would be cause for refusing or revoking a license issued to the officer, director, or partner as an individual.

(8) Evidence of past incidents of receiving, retaining or disposing of property, knowing or having reasonable cause to believe that the property was obtained through commission of a theft offense.

(9) If any person actively engaged in the management or operation of the junk yard or scrap metal processing facility for which the license is sought is found to have been guilty of any act or omission which would be cause for refusing or revoking a license issued to that person as an individual.

(c) The Commissioner of Assessments and Licenses, upon the Commissioner's own initiative or upon the recommendation of the Chief of Police, shall at any time revoke or suspend any license granted under the authority of this chapter if the applicant has been convicted of receiving stolen property.

(d) In case of the refusal to issue a license or the revocation or suspension of a license by the Commissioner, the applicant or licensee may appeal the Commissioner's action to the Board of Zoning Appeals, established pursuant to Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten (10) days from the date of the Commissioner's action. Within ten (10) days after the filing of such notice, the Board shall proceed to hear such appeal, at which hearing all parties interested shall be afforded an opportunity to be heard. No notice of the hearing is required to be provided to adjoining property owners. The Board shall render a decision within ten (10) days of the conclusion of the hearing. The Board may sustain, disapprove or modify the Commissioner's action, and the Board's decision shall be final.

(e) In the absence of conditions posing an imminent threat to health, safety, or property, as determined by the Board of Zoning Appeals, applicants lawfully operating on the day prior to the effective date of this section or subject to revocation, suspension, or refusal to renew a license may continue operating during the pendency of an appeal under this section.

Section 676.99 Penalty

Whoever violates any of the provisions of this chapter shall be guilty of a misdemeanor of the first degree and fined not less than one thousand dollars (\$1,000.00). Each day during which noncompliance or a violation continues shall constitute a separate offense.

Section 2. That existing Sections 676.03, 676.04, 676.12 and 676.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2704-A-90, passed June 15, 1992, are hereby repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 676.15 thereof to read as follows:

Section 676.15 Violations

No license holder shall violate any provision of this Chapter or any statute, ordinance, rule or regulation applicable to the conduct or mainte-

nance of the operation, business or premises for which the license is issued.

Section 4. The provisions of Chapter 676 regulating junk dealers and scrap metal processors will be reviewed by City Council in September of 1999 to determine their effectiveness.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 621-98.

By Councilmen Jackson and Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Vincent Quadrangle Inc. to encroach into the public right-of-way at various locations in Wards 13 and 5 by installing and/or replacing approximately sixty-one (61) outdoor directional signs.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to St. Vincent Quadrangle Inc., 2351 East 22nd Street, Cleveland, Ohio 44115; its successors and assigns, for the construction, use and maintenance of approximately sixty-one (61) outdoor directional signs to be placed in various locations and on various objects within the public rights-of-way within portions of Wards 13 and 5 such as walls, utility poles, buildings, and the like, and that separate permits must be obtained from the owners of said walls, utility poles and buildings, and the like, for said sixty-one (61) outdoor directional signs to be placed in the area of the St. Vincent Quadrangle Inc., and are more fully described in File No. 621-98-A, filed with the Council of the City of Cleveland.

Section 2. That said sixty-one directional signs will be placed within the public rights-of-way within portions of Wards 13 and 5 as aforesaid, and said signs will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to utility poles, walls, buildings, and the like, as described in Section 1 of this ordinance.

Section 4. 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 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 749-98.

By Councilman Cintron.

An emergency ordinance to vacate a portion of the first unnamed alley east of Columbus Road N.W., and a portion of Gould Court N.W. hereinafter described.

Whereas, on the 14th day of August, 1996 the Council of the City of Cleveland adopted Resolution No. 1049-96 declaring its intention to vacate a portion of The First Unnamed Alley East of Columbus Road N.W., and a portion of Gould Court N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1049-96 has been served upon the owners of all the property abutting The First Unnamed Alley East of Columbus Road N.W., and a portion of Gould Court N.W. affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of The First Unnamed Alley East of Columbus Road N.W., and a portion of Gould Court N.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating The First Unnamed Alley East of Columbus Road N.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of The First Unnamed Alley East of Columbus Road N.W. (80.00 feet wide), extending Northerly from the Northerly line of Moore Avenue N.W. (66 feet wide) to that portion of The First Unnamed Alley vacated by Ordinance No. 491-93, passed by Council of the City of Cleveland on May 3, 1993. AND a portion of Gould Court N.W. (16.5 feet wide) extending Easterly from the Easterly line of the First Unnamed Alley East of Columbus Road N.W. (80.00 feet wide), 70.00 feet to its intersection with the Southerly prolongation of the Easterly line of Sublot No. 133 in the Willeyville Allotment as recorded in Volume 2, Page 16 of Cuyahoga County Records, be and the same is hereby vacated.

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

The description of easement is as follows:

That all that portion of The First Unnamed Alley East of Columbus Road N.W. (80.00 feet wide), extending Northerly from the Northerly line of Moore Avenue N.W. (66 feet wide) to that portion of The First Unnamed Alley vacated by Ordinance No. 491-93, passed by Council of the City of Cleveland on May 3, 1993. AND a portion of Gould Court N.W. (16.5 feet wide) extending Easterly from the Easterly line of the First Unnamed Alley East of Columbus Road N.W. (80.00 feet wide), 70.00 feet to its intersection with the Southerly prolongation of the Easterly line of Sublot No. 133 in the Willeyville Allotment as recorded in Volume 2, Page 16 of Cuyahoga County Records.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of The First Unnamed Alley East of Columbus Road N.W., herein provided by sending him a copy of this ordinance.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 772-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1900 East 75th Street to Cleveland Ohio Cedar Congregation of Jehovah's Witnesses.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5711 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-030, as more fully described in Section 2 below, to Cleveland Ohio Cedar Congregation of Jehovah's Witnesses.

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. 118-09-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in Spangler Heirs' Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 14 of Maps, Page 8 of Cuyahoga County Records and being 50 feet front on the Westerly side of Ingleside Avenue (now known as East 75th Street) and extending back of equal width 172 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1004-98.

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

An emergency ordinance to amend the title, Sections 1, 4, 5, 6, 7, 8 and 9 of Ordinance No. 1929-96, passed December 16, 1996, relating to the Director of Community Development to apply for a Section 108 Loan from the U.S. Department of HUD in order to provide economic assistance to partially finance the redevelopment of buildings located at 1001 Huron, 1020 Huron and 1104 Prospect; to enter into a Neighborhood Development Investment Fund contract; to enter into contract with Gateway at Playhouse Square Associates, Limited Liability Company; to supplement Ordinance No. 1929-96, passed December 16, 1996, by adding new Section 11; and to renumber existing Section 11 as new Section 12.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 amend the title, Sections 1, 4, 5, 6, 7, 8 and 9 of Ordinance No. 1929-96, passed December 16, 1996, to read, respectively, as follows:

An emergency ordinance authorizing the Director of Community Development to apply for a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the redevelopment of buildings located at 1001 Huron, 1020 Huron and 1104 Prospect; authorizing said director to enter into a Neighborhood Development Investment Fund contract with Gateway at Playhouse Square Associates, Limited Liability Company, or its designee; and to enter into a Section 108 contract with Gateway at Playhouse Square Associates, Limited Liability Company, or its designee, to provide economic development assistance for the redevelopment of buildings located at 1101 Huron, 1020 Huron and 1104 Prospect.

Section 1. That the Director of Community Development is hereby authorized to apply for a loan in the amount of One Million Nine Hundred Thousand Dollars (\$1,900,000), from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 4. That the Director of Community Development is hereby authorized to enter into a Section 108 contract and, the provisions of Ordinance No. 56-94, passed June 13, 1994, to the contrary notwithstanding, a Neighborhood Development Investment Fund contract with Gateway at Playhouse Square Associates, Limited Liability Company, or its designee, to provide economic development assistance to redevelop the buildings located at 1001 Huron, 1020 Huron and 1103 Prospect, collectively known as the Gateway at Playhouse Square Project, as housing and retail spaces. The terms of the Neighborhood Development Investment Fund contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94, passed June 13, 1994.

Section 5. That the terms of said loans shall be in accordance with the terms as set forth in the executive summary also contained in the file mentioned in Section 3.

Section 6. That the costs of said contracts shall not exceed an aggregate amount of Two Million Five Hundred Thousand Dollars (\$2,500,000), and shall be paid from Fund Nos. 13 SF 839, 10 SF 501, Request No. 23057, and from future community development block grant funds and UDAG repayment funds which are appropriated to pay the costs of said contract.

Section 7. That the Director of Community Development is hereby authorized and directed to accept the collateral as set forth in the Executive summary contained in the file referenced in Sections 3 and 5 of this ordinance in order to secure repayments of both loans. Any security instruments shall be prepared and approved by the Director of Law

Section 8. That the Director of Community Development is hereby authorized to accept monies in repayment of both loans, and to deposit said monies into Fund Nos. 13 SF 839 and 10 SF 502.

Section 9. That the Director of Community Development is hereby authorized to accept charges 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 applications, closings and servicing of both loans. such fees shall be deposited to and expended from Fund Nos. 13 SF 839 and 17 SF 305.

Section 2. That the existing title, Sections 1, 4, 5, 6, 7, 8 and 9 of Ordinance No. 1929-96, passed December 16, 1996, are hereby repealed.

Section 3. That Ordinance No. 1929-96, passed December 16, 1996, is hereby supplementing by adding new Section 11 to read as follows:

Section 11. That, prior to entering into any Neighborhood Development Investment Fund contract authorized herein, the Director of Finance is required and hereby directed to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

Section 4. That existing Section 11 of Ordinance No. 1929-96, passed December 16, 1996, is hereby renumbered to new "Section 12".

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1136-98.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to expend Community Development Block Grant funds for AIDS related services.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXIV, from the United States Government; 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 the Public Health and/or the Director of Community Development are hereby authorized and directed to expend Community Development Block Grant funds for AIDS related services with such expenditures to be made in accordance with the procedure as set forth below:

a. The Council's Subcommittee on HIV/AIDS ("Subcommittee") shall establish a Review Committee consisting of the Chairperson of the Public Health Committee, the Director of Community Development or her designee, the Director of Public Health or his designee, at least two

advocates of HIV/AIDS issues and such additional members with knowledge in the area of HIV/AIDS as may be designated by the Subcommittee. The Review Committee shall issue Requests for Proposals (RFPs) to non-profit agencies and other professional organizations for the purpose of providing HIV/AIDS services to the residents of the City of Cleveland.

b. Following solicitation and review of the RFPs by the Review Committee, the Review Committee shall make a recommendation to the Subcommittee as to the agencies and level of funding.

c. The Subcommittee shall review the recommendation of the Review Committee and shall direct the Director of Public Health and/or the Director of Community Development, as determined by the Subcommittee, to enter into agreements with the agencies or organizations in accordance with the terms as recommended by the Review Committee.

Section 2. That, notwithstanding any other funds already provided by the City to the AIDS Funding Collaborative, the City shall provide a grant of Fifty Thousand Dollars (\$50,000.00) to the AIDS Funding Collaborative and shall have the Chairperson of the Committee of the Public Health Committee join the board of the AIDS Funding Collaborative.

Section 3. The Director of Public Health and/or the Director of Community Development, as determined by the Subcommittee, shall enter into an agreement with the College of Arts and Sciences of the Cleveland State University to ensure compliance with the terms of the agreements entered into pursuant to Section 1, and such additional duties as specified by the Subcommittee, with such consultant to meet regularly with the Subcommittee. The cost of such contract shall not exceed Seventy-Five Thousand Dollars (\$75,000.00).

Section 4. The Director of Public Health and/or the Director of Community Development, as determined by the Subcommittee, shall enter into an agreement with the AIDS Task Force of Greater Cleveland to provide HIV/AIDS prevention training to staff members of social service agencies in Cleveland for the purpose of such staff to, in turn, train their clients and other individuals or entities in HIV/AIDS prevention. The cost of such contract shall not exceed Fifty Thousand Dollars (\$50,000.00).

Section 5. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

Section 6. That the cost of the contracts authorized by Section 1, 2, 3 and 4 shall be paid from Fund No. 14 SF 024 RL 23114 and shall be Nine Hundred Seventy Thousand Dollars (\$970,000.00).

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 December 7, 1998.

Effective December 15, 1998, with the signature of the Mayor.

Ord. No. 1228-98.
By Councilmen Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation and reconstruction of various bridges; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the Board of County Commissioners (the "County") to construct the following improvement in accordance with plans, specifications and estimates approved by the State: The rehabilitation or reconstruction of the St. Clair Bridge over Doan Brook; the West 130th Street bridge over a branch of Big Creek; the West 28th Street bridge over the subway to the Detroit Superior Bridge; the Harvard Avenue Bridge over Cuyahoga River; the Triskett Road bridge over Conrail & RTA; the Jennings Road bridge over Big Creek; and the Bellaire Road bridge over Big Creek (the "Improvement").

Section 2. That the City does hereby give its consent to the Project and its administration by the Board of Commissioners of Cuyahoga County (the "Board"), provided that this ordinance shall not be construed to impose any financial obligation on the City for such Project.

Section 3. That after the Cleveland Landmarks Commission and the Cleveland City Planning Commission have reviewed and approved the portion of the Improvement relating to the design of the bridge that carries St. Clair over Doan Brook, the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

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

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

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

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

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

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

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

c) That arrangements have been or will be made with and agreements obtained from all public utility com-

panies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

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

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

f) That the installation of all utility facilities on the right-of-way shall conform with the requirements of title 23 CFR 645 Subpart B "Utility Relocation and Adjustment" and the Department of Transportation's Utilities Manual.

g) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in this section.

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

Section 7. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 8. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 9. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 10. 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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1421-98.
By Councilmen Westbrook, Rybka and Johnson (by departmental request).
An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for development of Cleveland Hopkins Airport for uses approved by the Federal Aviation Administration which may include public or employee parking, for the Department of Port Control.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of development of Cleveland Hopkins Airport for uses approved by the Federal Aviation Administration which may include public or employee parking:

Permanent Parcel No. 029-29-031
 Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Rockport Township Section No. 3, bounded and described as follows:

Beginning at a Stone Monument in the centerline of Old Rocky River Drive S.W. at its intersection with the Southerly line of said Section No. 3 (which is also the centerline of Brookpark Road, S.W.);

Thence North 24° 58' 22" East along the centerline of said Old Rocky River Drive, S.W., 175 feet to a point therein;

Thence South 89° 29' 58" East parallel with the Southerly line of said section, 237.72 feet to a point;

Thence South 00° 30' 02" West and at right angles to the last described line, 159.24 feet to the Southerly line of said section;

Thence North 89° 29' 58" West on said Southerly line, 309.38 feet to the place of beginning, containing within said bounds, an area of about 43166 square feet of land, be the same more or less but subject to all legal highways. Excepting therefrom, the following described parcels:

Parcel 1

Beginning at the Southeast corner of said parcel;

Thence North 89° 29' 58" West along the Southerly line of said section, 30.00 feet to a point on the South line of said parcel;

Thence North 60° 57' 36" East 34.48 feet to a point in the Easterly line of said parcel;

Thence South 00° 30' 02" West along said Easterly line 17.00 feet to the place of beginning, containing within said bounds, an area of about 225 square feet.

Parcel 2

Beginning at the Northeast corner of said parcel:

Thence South 00° 30' 02" West along the Easterly line of said parcel; 60.00 feet to a point therein;

Thence North 06° 09' 14" West; 60.41 feet to the Northerly line of said parcel;

Thence South 89° 29' 58" East along said Northerly line, 7.00 feet to the place of beginning, containing within said bounds, an area of about 210 square feet.

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

all other costs necessary for the acquisition of such property.

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

Section 4. That all costs of acquisition of land shall be paid from Fund No. 60 SF 119, Request No. 22548.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1422-98.
By Councilmen Willis, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating and constructing Highland Park Cemetery and Cleveland Memorial Gardens office and maintenance buildings, including entrance walls, masonry and landscaping, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more architects, engineers, asbestos and roofing consultants necessary to implement 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 maintenance building at Cleveland Memorial Gardens and the rehabilitation or renovation of the main office building located at Highland Park Cemetery, for the 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, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 982-98, passed July 29, 1998, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public 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 for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of entrance roads, landscaping and performing masonry services for the public improvement authorized in Section 1 of this ordinance at both Highland Park Cemetery and Cleveland Memorial Gardens for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the

lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 982-98, passed July 29, 1998, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price.

Section 5. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 982-98, passed July 29, 1998, the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more architects, engineers, and asbestos and roofing consultants necessary to implement the public improvements authorized in Sections 2 and 4 above. 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 after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties and certified by the Director of Finance.

Section 6. That the cost of said improvements and professional services authorized above shall be paid from Fund Nos. 20 SF 350, 20 SF 304 and 20 SF 193, and from the proceeds of the sale of general obligation bonds of the City of Cleveland authorized by Ordinance No. 982-98, passed July 29, 1998, Request No. 20568.

Section 7. The agreement or agreements shall provide for review by the City Planning Commission of any plans for the design of improvements to the property.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 1611-98.
By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Rochester Big and Tall, The Avenue at Tower City Center, to encroach into the public right-of-way at 224 West Prospect Avenue (aka The Bridge of Prospect Avenue, and aka 230 Huron Road, N.W.) with a canopy-type awning over the walkway entrance to their store.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Rochester Big and Tall, The Avenue at Tower City Center, Cleveland, Ohio 44113, its successors and assigns, for the construction, use and maintenance of a canopy-type awning over the walkway entrance to their store at 224 West Prospect Avenue (aka The Bridge of Prospect Avenue N.W. and aka 230 Huron Road, N.W.) which will encroach into the right-of-way of 224 West Prospect Avenue, aka the Bridge at Prospect Avenue, and aka 230 Huron Road N.W., and are more fully described herein:

ENCROACHMENT/FOR CANOPY AWNING OVER BRIDGE OF PROSPECT AVE., N.W.:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being an air rights parcel within the bounds of the Bridge of Prospect Avenue N.W., 100.00 feet in width, as established by Ordinance Number 85552, passed by the Council of the City of Cleveland, Ohio on January 28, 1929 and by Ordinance Number 47814, as shown by the Plat recorded in Volume 120 of Maps, Page 37, of Cuyahoga County Records, being also a part of Original Two Acre Lot No. 82,

and lying between a lower horizontal plane 9.00 feet above sidewalk level and an upper horizontal plane at 12.50 feet above sidewalk level, bounded and described as follows:

Beginning on the southwesterly line of Ontario Street, 99.00 feet in width, at its intersection with the northeasterly line of said Bridge of Prospect Avenue N.W.; thence South 56°-41'-20" West along said northeasterly line of Bridge of Prospect Avenue N.W. 126.044 feet to an angle therein; thence North 84°-03'-05" West along the northerly line of said Bridge of Prospect Avenue N.W., 242.61 feet to the principal place of beginning of the premises herein to be described; Course No. 1: thence South 5°-56'-55" West perpendicular to said northerly line of the Bridge of Prospect Avenue N.W., 15.50 feet to its intersection with a line drawn parallel with an distant 15.50 feet southerly by rectangular measurement from said northerly line thereof; Course No. 2: thence North 84°-03'-05" West along said parallel line, 10.00 feet to a point; Course No. 3: thence North 5°-56'-55" East perpendicular to said northerly line of the Bridge of Prospect Avenue N.W., 15.50 feet to a point in said northerly line thereof; Course No. 4: thence South 84°-03'-05" East along said northerly line of the Bridge of Prospect Avenue N.W., 10.00 feet to the principal place of beginning,

according to a survey by Garrett and Associates, Inc. Registered Engineers and Surveyors, made in August, 1998, be the same more or less.

The bearings used herein are based on an assumed meridian and are used only to denote angles.

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

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

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1689-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 48060 for the rehabilitation and expansion of Crown Waterworks Plant with National Engineering and Contracting Co., for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make the following alterations and modification in Contract No. 48060 with National Engineering and Contracting Co. for the rehabilitation and expansion of Crown Waterworks Plant, for the Department of Public Utilities:

CROWN WATER REHABILITATION NATIONAL SUBSIDIARY PROJECT NO. 01111

- 1. For additional demolition of items not indicated on the plans:
 - a. Remove wall and door
 - b. Remove door row E-10-12
 - c. Provide masonry opening to men's locker room
 - d. Remove wall and window

2. Extra PCB removal for transformers	Add \$ 18,000.00
3. Additional fireproofing of exterior columns in the Rapid Mix Building	Add \$ 4,036.00
4. Remove and install GA limit switches	Add \$ 14,260.39
5. Change zero speed switches	Add \$ 748.15
6. Additions to Terrazzo flooring plus base and ceramic tile	Add \$ 3,259.00
7. Modify existing CO ² system	Add \$ 13,282.50
8. Administrative Building and Penthouse roof modification	Add \$ 1,514.00
9. Delete door at pump building	Add \$ 9,187.85
10. Delete Transdyne training	Credit (\$ 1,189.37)
11. Remove additional lead paint on wash water piping	Credit (\$ 2,625.00)
12. Changes in LCP modifications	Add \$ 5,665.06
13. Revise modifications to new thermostats at unit heaters	Add \$ 11,166.75
14. Adjustment for conduit/wiring at LCP's	Add \$ 4,297.00
15. Adjustment for asbestos gasket removal	Add \$ 13,800.00
16. Adjustment for temporary control modifications	Add \$ 2,465.97
17. Install 3 valve manifolds	Add \$ 1,794.00
18. Adjustment for revisions to HVAC smoke detectors	Add \$ 627.05
Total Subsidiary Additions	Add \$ 14,193.00
	\$114,482.35

Original Contract Amount	\$ 11,555,000.00
Total Subsidiary Amount	+ 114,482.35
REVISED CONTRACT AMOUNT	\$ 11,669,482.35

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$114,482.35, to be paid from Fund Nos. 52 SF 215, 52 SF 217, 52 SF 219, 52 SF 223 and 52 SF 225.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1725-98.
By Councilmen Gordon, Zone and Johnson (by departmental request).
An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 225.08 thereof, relating to body piercing establishments.

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 225.08 thereof to read as follows:

Section 225.08 Body Piercing Establishments

(a) The Department of Public Health is hereby authorized to assess the following license fees, for licenses issued pursuant to Ohio Revised Code Chapter 3730:

Body Piercing Establishment: \$100.00

Temporary Body Piercing Establishment, pursuant to Section 225.07: \$25.00

(b) Chapter 3730 of the Ohio Revised Code is hereby incorporated by reference, as it now exists and as it may be amended in the future, and any violation of those state statutes or of rules promulgated under those statutes shall also be violations of these Codified Ordinances, and may be prosecuted by the Director of Law. The penalty for such violations shall be as established in Section 3730.99 of the Revised Code.

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 December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1730-98.
By Councilmen Coats, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 994 East 149th Street to William L. and Juliette Stoudmire.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 115-13-013, as more fully described in Section 2 below, to William L. and Juliette Stoudmire.

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. 115-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in A.W. Baldwin's Subdivision of part of Original Euclid Township Lots Nos. 1 and 2 as shown by the recorded plat in Volume 23 of Maps, Page 8 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Westerly line of East 149th Street (formerly Manning Avenue) at the Southeastly corner of said Sublot No. 4; thence Northerly along said Westerly line 60 feet to the Northeastly corner of said Sublot No. 4; thence Westerly along the Northerly line of said Sublot No. 4, 132 feet to the Southeastly corner of Sublot No. 1 in said A.W. Baldwin's Subdivision; thence Southerly along the Southerly prolongation of the Easterly line of said Sublot No. 1, 2 feet; thence Westerly parallel with the Northerly line of said Sublot No. 4, 44 feet to the Westerly line of said Sublot No. 4; thence Southerly along said Westerly line 57.36 feet to the Southwestly corner of Sublot No. 4; thence Easterly along the Southerly line of said Sublot No. 4, 168.15 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1764-98.
By Councilman Cimperman.
An emergency ordinance to vacate a portion of Houston Avenue S.W. hereinafter described.

Whereas, on the 12th day of May, 1997 the Council of the City of Cleveland adopted Resolution No. 56-97 declaring its intention to vacate a portion of Houston Avenue S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 56-97 has been served upon the owners of all the property abutting Houston Avenue S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of Houston Avenue S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Houston Avenue S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made, and

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

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

Section 1. That all that portion of Houston Avenue S.W. Beginning on the Southwestly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwestly from the Westerly prolongation of the Southerly line of Houston Avenue S.W. at its intersection with the Southerly prolongation of the Westerly line of West 5th Street (40.00 feet wide) to the Easterly line of West 7th Street (50.00 feet wide) and including its associated turn-outs, be and the same is hereby vacated.

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

That all that portion of Houston Avenue S.W. Beginning on the Southwestly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwestly from the Westerly prolongation of the Southerly line of Houston Avenue S.W. at its intersection with the Southerly prolongation of the Westerly line of West 5th Street (40.00 feet wide) to the Easterly line of West 7th Street (50.00 feet wide) and including its associated turn-outs.

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

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

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

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1765-98.
By Councilman Cimperman.
An emergency ordinance to vacate a portion of Perry Court, N.E. hereinafter described.

Whereas, on the 25th day of September, 1995 the Council of the City of Cleveland adopted Resolution No. 1256-95 declaring its intention to vacate a portion of Perry Court, N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1256-95 has been served upon the owners of all the property abutting Perry Court N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of Perry Court N.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

Section 1. That all that portion of Perry Court N.E. (12.00 feet wide) extending Westerly from the Westerly line of East 26th Street (66.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 200 in the Perry and Payne Subdivision recorded in Volume 2, Page 29, of Cuyahoga County Records, be and the same is hereby vacated.

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

That all that portion of Perry Court N.E. (12.00 feet wide) extending Westerly from the Westerly line of East 26th Street (66.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 200 in the Perry and Payne Subdivision recorded in Volume 2, Page 29, of Cuyahoga County Records.

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

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

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

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

Passed December 14, 1998.
 Awaiting the approval or disapproval of the Mayor.

Ord. No. 1770-98.
By Councilmen Jones, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance designating the Lee-Harvard Area Urban Redevelopment Area and approving the Lee-Harvard Area Urban Redevelopment Plan, for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Whereas, this Council wishes to designate the Lee-Harvard Area Urban Redevelopment Area ("Area") and approve the Lee-Harvard Area Urban Redevelopment Plan ("Plan") for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code; and

Whereas, when authorized by Council by appropriate legislation, improvements within the Area may be declared to be a public purpose and the owner thereof may be required to make annual service payments in lieu of taxes to the county treasurer; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare, and for the further reason that designation of the Area and approval of the Plan will stimulate the creation and preservation of job opportunities and advance and promote commercial and economic development in the Area; now, therefore,

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

Section 1. That the Council hereby approves the Lee-Harvard Area Urban Redevelopment Plan ("Plan") as contained in File No. 1770-98-A, for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That the Council hereby designates the area more fully described in the Plan as the Lee-Harvard Area Urban Redevelopment Area ("Area") for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Section 3. That the Council may, by separate legislation, designate improvements within the Area to be a public purpose and the owner thereof may be required to make annual service payments in lieu of taxes to the county treasurer.

Section 4. That the Director of Economic Development is hereby authorized to submit to the Ohio Department of Development a copy of this ordinance and status reports outlining progress of projects within the Area, as required by Section 5709.41(E) of the Ohio Revised Code.

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

Passed December 14, 1998.
 Awaiting the approval or disapproval of the Mayor.

Ord. No. 1815-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of computer hardware, software, and supplies, equipment, and data processing services, including parts and maintenance, to implement a computer network system and graphics production system for the Division of Recreation; authorizing said director to employ one or more computer consultants and data processors to provide professional services, including training, in conjunction with the project; and authorizing said director to enter into contract with Sierra Digital, Inc. for the license of the computer software known as RecWare.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of computer hardware, software, and supplies, equipment, and data processing services, including parts and maintenance, as necessary to acquire and to implement a computer network system and graphics production system for the Division of Recreation, Department of Parks, Recreation and Properties, in the estimated sum of \$55,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 21103)

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized to employ by contract computer and/or data processing consultants or one or more firms of computer and/or data processing 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, including employee training, necessary to assist the Division of Recreation in developing, configuring, installing and implementing a computer network system and graphic production system.

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 after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the

Board of Control. The contract herein, authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

Section 4. That the costs for such services herein contemplated shall be paid from Fund No. 10 SF 039, Request No. 21103.

Section 5. That it is hereby determined that the specified product is non-competitive and cannot be obtained from any source other than Sierra Digital, Inc. Therefore, the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into a written license agreement with said Sierra Digital, Inc. for the license of the computer software known as RecWare, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties.

Section 6. That the cost of said agreement hereby authorized shall be paid from Fund No. 10 SF 039, Request No. 21103.

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 December 7, 1998.

Effective December 15, 1998.

Ord. No. 1847-98.
By Councilmen Patmon and Johnson (by departmental request).
An emergency ordinance authorizing the purchase by contract of one high voltage surge high potential tester, 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 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: one (1) high voltage surge high potential tester, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24029.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1856-98.
By Councilmen Rybka, Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6062 Hillman Avenue to Ernest D'Agostino and Cynthia D'Agostino.

Whereas, the City of Cleveland has elected to adopt and implement the

procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 125-28-052, as more fully described in Section 2 below, to Ernest D'Agostino and Cynthia D'Agostino.

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. 125-28-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Canfield Ray and Bowen's Allotment of part of Original One Hundred Acre Lot No. 321, as shown by the recorded plat in Volume 8 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southeasterly side of Hillman Avenue, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1857-98.
By Councilmen Rybka, Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4705 Pallister Drive to Nancy Beth McFaye.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 131-29-078, as more fully described in Section 2 below, to Nancy Beth McFaye.

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. 131-29-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Western part of Sublot No. 9 in Biskinger-Ackerman Subdivision of part of Original One Hundred Acre Lot No. 287, as shown by the recorded plat in Volume 153 of Maps, Page 6 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Southwesterly corner of said Sublot No. 9; thence Northerly along the Westerly line of said Sublot No. 9 to its intersection with a line drawn parallel with and distant Southerly measured at right angles, 75 feet from the Northerly line of said Sublot No. 9; thence Easterly along said parallel line to the Easterly line of said Sublot No. 9; thence Southerly along said Easterly line to the Southeasterly corner thereof; thence Westerly along the Southerly line of said Sublot No. 9, 134.15 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to a building line setback according to the plat of said Subdivision recorded in Plat Book 153, Page 6.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1858-98.
By Councilmen Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with E.G. Enterprises Services, Inc. to provide economic development assistance to partially finance the purchase of equipment for its operation located at 5000 Euclid Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with with E.G. Enterprises Services, Inc. to provide economic development assistance to partially finance the purchase of equipment for its operation located at 5000 Euclid Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1858-98-A.

Section 3. That the costs of said contract shall not exceed \$318,464 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23758.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in

repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

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

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

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

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1862-98.
By Councilmen Robinson, Willis, Rybka and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. 53380 for sidewalk improvements to Luke Easter Park, with R. DiLillo & Company LLC, for the Department of Parks, Recreation and Properties.

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

Be it ordained by the Council of the City of Cleveland:
Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make the following alterations and modifications in Contract No. 53380 with R. DiLillo & Company LLC, for sidewalk improvements to Luke Easter Park, for the Department of Parks, Recreation and Properties:

ADDITIONS - ORIGINAL ITEMS

Item #B1	General Conditions (Lump Sum @ 6,708.30)	6,708.30
Item #B7	Topsoil (1,000 SY @ 2.75 SY)	2,750.00
Item #B8	Seeding (1,000 SY @ 2.00 SY)	2,000.00
Item Add Alt #B1	Demolition of Concrete (1,540 SF @ 0.50 SF)	770.00
Item Add Alt #B2	6" Concrete (8,980 SF @ 3.35 SF)	30,083.00
	TOTAL ADDITIONS TO ORIGINAL ITEMS	42,311.30

CREDIT - ORIGINAL ITEMS

Item #B3	Demolition of Asphalt (7,200 SF @ 0.45 SF)	3,240.00
Item #B4	Additional Excavation (50 CY @ 8.00 CY)	400.00
Item #B5	Stone Base Material (50 CY @ 17.30 CY)	865.00
Item Add Alt #B3	Demolition of Integral Curb (1 Ea. @ 2,112.00 Ea.)	2,112.00
Item Add Alt #B4	14" Inverted Integral Curb (528 SF @ 8.00 SF)	4,224.00
Item Add Alt #B5	Additional Excavation (50 CY @ 8.00 CY)	400.00
Item Add Alt #B6	Stone Base Material (50 CY @ 17.30 CY)	865.00
	Adjusted 3% Contingency	3,247.26
	TOTAL CREDITS TO ORIGINAL ITEMS	15,353.26

Total Additions	\$	42,311.30
Total Credits		<u>15,353.26</u>
Total Subsidiary Amount	\$	26,958.04
Original Contract Amount	\$	111,489.26
Subsidiary Amount		<u>26,958.04</u>
Revised Contract Amount	\$	138,447.30

which alteration has been recommended in writing by the said Director of Parks, Recreation and Properties, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Parks, Recreation and Properties and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$26,958.04, to be paid from Fund No. 14 SF 024.

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 December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 1881-98.
By Councilmen Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating and painting not to exceed twenty-five water towers and tanks, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of rehabilitating and painting not to exceed a total of twenty-five (25) water towers and tanks, for the Division of Water, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 219, 52 SF 223 and 52 SF 225, Request No. 24025.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1882-98.
By Councilmen Britt, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance to appropriate property for public purpose for new housing construction, located between East 84th and East 87th Streets and between Euclid and Chester Avenues.

Whereas, the Council of the City of Cleveland, by Resolution No. 1452-98, adopted August 19, 1998, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of new housing construction; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; 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 for the public purpose of new housing construction, the following described fee simple interests be and the same hereby are appropriated:

Permanent Parcel No. 119-04-076
 and 077
 1949 East 84th Street

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel A in the Thompson Assembly Plat of part of Sublots Nos. 2 and 4 and all of Sublot No. 3 in the Fitch Raymond's Subdivision of part of Original 100 Acre Lot No. 399 as shown by the recorded plat in Volume 254 of Maps, Page 27 of Cuyahoga County Records and being a parcel of land having a frontage of 64.69 feet on the Easterly side of East 84th Street and extending back of equal width 137.00 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-04-127
 128, 129 and 130
 1890 East 86th Street

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original 100 Acre Lot No. 400 and bounded and described as follows:

Beginning at a point in the Westerly line of East 86th Street, (formerly Glen Park Place), 687 feet Northerly from the Northerly line of Euclid Avenue;

Thence Northerly along the Westerly line of East 86th Street, 31 feet;

Thence Westerly at right angles 65 feet to the Westerly line of said Lot No. 400;

Thence Southerly along said lot line, 31 feet;

Thence Easterly at right angles 65 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-04-078
 1957 East 84th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel B in the Thompson Assembly Plat of part of Sublots Nos. 2 and 4 and all of Sublot No. 3 in the Fitch Raymond's Subdivision of part of Original 100 Acre Lot No. 399 as shown by the recorded plat in Volume 254 of Maps, Page 27 of Cuyahoga County Records and being a parcel of land having a frontage of 64.69 feet on the Easterly side of East 84th Street and extending back of equal width 137.00 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-04-079
 1963 East 84th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 2 in Fitch Raymond's Allotment of part of Original One

Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 47 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Easterly line of East 84th Street (formerly Tilden Street) 44 feet Southerly from the Northwesterly corner of said Sublot No. 2;

Thence Southerly along the Easterly line of East 84th Street, 40 feet;

Thence Easterly and parallel with the Northerly line of said Sublot No. 2, 137 feet to the Easterly line of said Sublot No. 2;

Thence Northerly along said Easterly line, 40 feet;

Thence Westerly, 137 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-04-086
 1910 East 85th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 17 and the Northerly 16 feet of Sublot No. 18 in the 85th Street Realty Company's Subdivision of part of Original 100 Acre Lots Nos. 399 and 400, as shown by the recorded plat in Volume 77 of Maps, Page 20 of Cuyahoga County Records and together forming a parcel of land having a frontage of 76 feet on the Westerly side of East 85th Street and extending back between parallel lines 93 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-04-120
 1916 East 86th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 400, bounded and described as follows:

Beginning on the Westerly line of East 86th Street (formerly Glen Park Place) 40 feet wide, at a point 432 feet Northerly measured along said Westerly line from its point of intersection with the Northerly line of Euclid Avenue, (80 feet wide);

Thence Northerly along said Westerly line of East 86th Street, 40 feet;

Thence Westerly on a line at right angles to said last described line, 65 feet to the Westerly line of said Original Lot No. 400;

Thence Southerly along said Westerly line of Original Lot No. 400, 40 feet;

Thence Easterly 65 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-06-016
 1911 East 86th Street

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. 400 further bounded and described as follows:

Beginning on the Easterly line of East 86th Street (formerly Glen Park Place) at the Southwesterly corner of land conveyed to Frederick J. Bernard by Deed dated July 12, 1946, and recorded in Volume 6123, Page 36 of Cuyahoga County Records;

Thence Southerly along the Easterly line of East 86th Street, 50 feet to the Northwesterly corner of land

conveyed to John P. Kasper by Deed dated February 16, 1924, and recorded in Volume 3042, Page 19 of Cuyahoga County Records;

Thence Easterly, along the Northerly line of land so conveyed, 45 feet to the Southwesterly corner of Sublot No. 3 in Crumb, Baslington and Oviatt's Subdivision as recorded in Volume 5 of Maps, Page 49 of Cuyahoga County Records;

Thence Northerly, along the Westerly line of said Sublot No. 3, 50 feet to the Southeasterly corner of land conveyed to Frederick J. Bernard as first aforesaid;

Thence Westerly, along the Southerly line of land so conveyed, 45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-06-020
1925 East 86th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 400 and also a part of Sublot No. 1 in Crumb, Baslington and Oviatt's Allotment of a part of said Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and bounded and described as follows:

Beginning at a point in the Easterly line of East 86th Street, (formerly Glen Park Place), 352 feet Northerly from its intersection with the Northerly line of Euclid Avenue;

Thence Easterly at right angles to said Easterly line, 115 feet;

Thence Northerly parallel with East 86th Street, 38 feet;

Thence Westerly at right angles 115 feet to the Easterly line of East 86th Street;

Thence Southerly along said Easterly line, 38 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-06-022
1931 East 86th Street

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. 400 and part of Sublot No. 1 in Crumb, Baslington and Oviatt's Allotment of a part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat of said Allotment in Volume 5 of Maps, Page 49 of Cuyahoga County Records and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of East 86th Street at a point distant 319 feet Northerly measured along said Easterly line from its intersection with the Northerly line of Euclid Avenue;

Thence Southerly along said Easterly line of East 86th Street, 33 feet;

Thence Easterly at right angles to said Easterly line of East 86th Street, 96 feet;

Thence Northerly and parallel with said Easterly line of East 86th Street, 32 feet 3 inches to the Southeasterly corner of land owned by Gertrude I. Johnson as established by the Decree in Common Pleas Court Docket 607, Case No. 302 522;

Thence Westerly along the Southerly line of land so established about 96 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-06-032
1918-20 East 87th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots Nos. 1 and 2 in Crumb, Baslington and Oviatt's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records and together bounded and described as follows:

Beginning in the Westerly line of East 87th Street (formerly Brookfield Street) at a point distant Northerly 394 feet from its intersection with the Northerly line of Euclid Avenue, which place of beginning is also the Northeasterly corner of the land conveyed to Grace House, by deed dated September 12, 1912, and recorded in Volume 1417, Page 208 of Cuyahoga County Records;

Thence Westerly along the Northerly line of land conveyed to Grace House, as aforesaid, about 107 feet 10 inches to the Easterly line of the land conveyed to J. H. Norton and Carrie P. Norton, by deed dated April 27, 1893 and recorded in Volume 555, Page 85 of Cuyahoga County Records;

Thence Northerly along said Easterly line, about 11 feet to the North-easterly corner of the parcel of land conveyed to J. H. Norton and Carrie P. Norton, as aforesaid;

Thence Westerly along the Northerly line of the land conveyed to J. H. Norton and Carrie P. Norton, as aforesaid, 40 feet;

Thence Northerly parallel with the Westerly line of East 87th Street, 35 feet to the Southerly line of the land conveyed to Cora L. Winn, by deed dated March 17, 1909, and recorded in Volume 1192, Page 442 of Cuyahoga County Records;

Thence Easterly along said Southerly line about 147 feet 8 inches to the Westerly line of East 87th Street;

Thence Southerly along the Westerly line of East 87th Street, 46 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 119-06-034
1906 East 87th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 3 in Crumb, Baslington and Oviatt's Allotment of part of Original 100 Acre Lot No. 400 as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records. Said Sublot has a frontage of 50 feet on the Westerly side of East 87th Street (formerly Brookfield Street) and extends back between parallel lines 177 & 8/12 feet, according to said plat, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee sim-

ple interests hereinbefore described.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1884-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with E & L Properties, Ltd. to provide economic development assistance to partially finance the construction and renovation of real property at 9103 Buckeye Road, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with E & L Properties, Ltd. to provide economic development assistance to partially finance the construction and renovation of real property, located at 9103 Buckeye Road, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1884-98-A.

Section 3. That the costs of said contract shall not exceed Two Hundred Thousand Dollars (\$200,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF008, Request No. 24297.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF958 and 17 SF006.

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 fees 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. 17 SF 305, 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.

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1885-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Lextech Industries, Ltd. to provide economic development assistance to partially finance the acquisition and renovation of real property, machinery and equipment, located at 6800 Union Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Lextech Industries, Ltd. to provide economic development assistance to partially finance the acquisition and renovation of real property, machinery and equipment, located at 6800 Union Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1885-98-A.

Section 3. That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 12 SF 954 and 17 SF008, Request No. 24295.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF958 and 17 SF 006.

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 fees 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. 17 SF 305, 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.

Ord. No. 1886-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Shannon & Messer Home Finishing to provide economic development assistance to partially finance the acquisition and renovation of real property, located at 5700 Broadway Avenue, Cleveland, Ohio.

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Shannon & Messer Home Finishing to provide economic development assistance to partially finance the acquisition and renovation of real property located at 5700 Broadway Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1886-98-A.

Section 3. That the costs of said contract shall not exceed Fifty-Six Thousand Dollars (\$56,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 24296.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

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 fees 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. 17 SF 305, 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.

Ord. No. 1939-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns, for the Division of Taxation, Department of Finance, for a period of two years.

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns in the approximate amount as purchased during the preceding two-year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance. 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 two year period may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two year period.

Section 2. That 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 purchaser 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 21208)

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 December 7, 1998.

Effective December 15, 1998.

Ord. No. 1941-98.**By Councilmen Patmon and Johnson (by departmental request).****An emergency ordinance authorizing the Director of Public Utilities to make alterations and modifications in Contract No. 49858 for the Lorain Avenue sewer replacement project with Independence Excavating for the Division of Water Pollution Control, Department of Public Utilities.**

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make the following alterations and modifications in Contract No. 49858 with Independence Excavating for the Lorain Avenue sewer replacement project, for the Division of Water Pollution Control, Department of Public Utilities:

**Lorain Avenue Relief Sewer
City Contract No. 49858
Subsidiary Agreement — Schedule of Items**

1. Additional layout of the storm sewer replacement.	\$ 400.00
2. Pavement and sewer replacement on Lorain Avenue due to cave-in.	\$ 291,287.69
3. Pavement replacement on Lorain Avenue between Rocky River and Groveland due to omission in specifications.	\$ 170,820.00
4. Installation of service laterals.	\$ 11,450.00
5. Installation of service connections to main sewer line.	\$ 29,033.00
6. Cost adjustment for replacement of 18" storm sewer.	\$ 5,819.00
Sub-Total	\$ 508,809.69
Less Amount Remaining in Contract	(3,395.87)
TOTAL SUBSIDIARY ADDITIONS	\$ 505,413.82
Original Contract Amount	\$1,442,621.40
Total Subsidiary Additions	505,413.82
REVISED CONTRACT AMOUNT	\$1,948,035.22

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$505,413.82, to be paid from Fund Nos. 54 SF 001 and 54 SF 211.

Section 2. That the Director of Public Utilities shall prepare a written description of the circumstances that caused the need for a subsidiary agreement and compile documents supporting the costs of the subsidiary work, and these items shall be contained in file No. 1941-A-98.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1942-98.**By Councilmen Patmon and Johnson (by departmental request).****An emergency ordinance authorizing the purchase by contract of not to exceed fifteen tag along air compressors with air tools, for the Division of Water, Department of Public Utilities.**

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

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

Section 1. That the Director of Public Utilities is hereby authorized 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 fifteen (15) tag along air compressors with air tools, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24032.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1943-98.**By Councilmen Patmon and Johnson (by departmental request).****An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary for miscellaneous building maintenance services for various buildings, for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written require-

ment contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary for miscellaneous building maintenance services for various buildings 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 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 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 22120)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1944-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of hauling and disposal of water plant residuals, 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 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 hauling and disposal of water plant residuals 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 24030)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1945-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental and/or purchase of flasher safety lights, arrow bars and traffic control devices, for the various divisions of the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to 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 the rental and/or purchase of flasher safety lights, arrow bars and traffic control devices in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the 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 procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23032)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1946-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to purchase by contract fire and extended insurance coverage for various locations within the Division of Cleveland Public Power, Department of Public Utilities, and to extend Contract No. 49448 with Hylant Maclean.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to purchase by contract fire and extended insurance coverages and services for various locations of the Division of Cleveland Public Power, Department of Public Utilities, for a period of not to exceed three (3) years, beginning August 29, 1999.

The selection of a insurance company or agent to provide such insurance coverages and services shall be made by the Board of Control upon the nomination of the Director of Public Utilities from a list of qualified companies or agents after a full and complete canvass for the purpose of compiling such a list. The cost of the contract 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 Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities is hereby authorized to extend Contract No. 49448 with Hylant Maclean, with the same terms and conditions from January 18, 1999 to August 28, 1999, for fire and extended insurance coverage insurance for various locations within the Division of Cleveland Public Power, Department of Public Utilities, based upon its proposal dated October 6, 1998.

Section 3. That the costs for such services and the contract extension herein contemplated shall be paid from Fund No. 58 SF 001, Request Nos. 22121 and 22122.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1947-98.

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

An emergency ordinance determining the method of making the public improvement of installing detention tank piping in the Arbor/Taft area and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing detention tank piping in the Arbor/Taft area of the City of Cleveland, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder

after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23019.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1948-98.
By Councilmen Willis, Patmon, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing detention tank piping in the Woodside/Edmonton area and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing detention tank piping in the Woodside/Edmonton area of the City of Cleveland, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23020.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1952-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of supplies needed for care and feeding of horses in the Mounted Unit for the Division of Police, Department of Public Safety, for a period of one year, with one option to renew for one consecutive year.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of supplies needed for care and feeding of horses in the Mounted Unit of the Division of Police in the approximate amount as purchased during the preceding year, which is \$20,000 with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year consecutive 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 Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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. That the Director of Public Safety shall report to the Public Safety Committee of Council prior to exercising the option to renew.

Section 3. 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 24386)

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1954-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various types of safety equipment, for the various divisions of the Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of safety equipment as set forth in detail on the attachment to Request No. 22779 on file in the office of the Division of Purchases and Supplies, in the estimated sum of \$838,206.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The 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 22779)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1955-98.
By Councilmen Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northwest corner of East 131st Street and Iroquois Avenue to Umstead Management & Construction Company.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use located at the northwest corner of East 131st Street and Iroquois Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

PPN: 110-15-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Western part of Sublot Number 118 in the Stewart, Frisbie, and Ford Subdivision of part of Original One Hundred Acre Lots Number 373, 381 and 382 as shown by the recorded plat in Volume 27 of Maps, Page 5 of Cuyahoga County Records and bounded and described as follows;

Beginning at a point in the Northerly line of Iroquois Avenue N.E. (40 feet wide), at the Southwesterly corner of said Sublot Number 118 in said Subdivision;

Thence Easterly, along said Northerly line of Iroquois Avenue N.E., about 6.23 feet, but to the Westerly line of East 131st Street, (40 feet wide);

Thence Northerly along said Westerly line of East 131st Street, 90 feet to a point in the Northerly line of said Sublot Number 118;

Thence Westerly, along said Northerly line of Sublot Number 118, about 6.23 feet to the Northwesterly corner thereof;

Thence Southerly, along the Westerly line of said Sublot Number 118, 90.00 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Umstead Management & Construction Company at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1956-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various plumbing and heating equipment and supplies, including related materials and supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three years.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a writ-

ten requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years for the necessary items of various plumbing and heating equipment and supplies, including related maintenance materials and supplies in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three (3) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall not exceed \$210,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21709)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1959-98.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the State of Ohio, Department of Development to assist in roadwork improvements on South Waterloo Road at Collinwood Yards Industrial Park.

Whereas, the Roadwork Development Fund was established by Amended Sub. H.B. 107 for the purpose of funding the design, upgrade and/or construction of public roadways serving commercial or industrial economic development projects; and

Whereas, the City of Cleveland wishes to apply for and accept funds from the Roadwork Development Fund to undertake and complete applicable economic development projects in the City 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 Economic Development is hereby authorized to apply for and accept a grant in the amount of \$62,000,

from the State of Ohio, Department of Development, to assist in the construction and engineering of roadwork improvements on South Waterloo Road at Collinwood Yards Industrial Park, and for the purposes set forth in the application and according thereto; that the Director of Economic Development 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. 1959-98-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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1961-98.

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1012-98, passed June 15, 1998, relating to a contract to provide economic development assistance to purchase and renovate real property located at 12911 Taft Avenue, Cleveland, Ohio.

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

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

Section 1. That the title and Section 1 of Ordinance No. 1012-98, passed June 15, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Sords Holdings, Ltd. to provide economic development assistance to purchase and renovate real property located at 12911 Taft Avenue, Cleveland, Ohio.

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Sords Holdings, Ltd. to provide economic development assistance to partially finance the purchase and renovation of real property located at 12911 Taft Avenue, Cleveland, Ohio.

Section 2. That the existing title and Section 1 of Ordinance No. 1012-98, passed June 15, 1998, are hereby repealed.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1999-A-98 (as a substitute for Ord. No. 1999-98).

By Councilman Westbrook.

An emergency ordinance appropriating funds obtained from the Ohio Bureau of Workers' Compensation for various neighborhood public improvements and purposes.

Whereas, the Ohio Bureau of Workers' Compensation ("BWC") has refunded to the City funds from premiums previously paid by the City of Cleveland to the BWC; and

Whereas, the Council of the City of Cleveland desires to appropriate funds received from BWC for the purpose of creating a Workers' Compensation Neighborhood Capital Fund for the purpose of benefiting the neighborhoods and residents of the City 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 Council of the City of Cleveland hereby establishes the Worker's Compensation Neighborhood Capital Fund to be funded by the monies received for the Ohio Bureau of Workers' Compensation as a refund of previously paid premiums in the amount of Twelve Million Dollars (\$12,000,000.00), Fund No. 10 SF 166. Funds from the Workers' Compensation Neighborhood Capital Fund shall be appropriated and are to be expended in the following manner: (i) for the purpose of supplementing the Rainy Day Fund of the City of Cleveland in the amount of One Million Five Hundred Thousand Dollars (\$1,500,000.00), Fund 10 SF 150; (ii) for the purpose of constructing, renovating and rehabilitating streets and sidewalks throughout the City; (iii) for the purpose of constructing, renovating, and rehabilitating parks, playgrounds and other recreation facilities throughout the City; and (iv) for purposes consistent with Community Block Grant Fund expenditures.

Section 2. That, within the Workers' Compensation Neighborhood Capital Fund, twenty-one (21) departmental assignments shall be created, one to correspond to each Ward within the City, and shall each be funded with Five Hundred Thousand Dollars (\$500,000.00). An expenditure from a departmental assignment within the Worker's Compensation Neighborhood Capital Fund shall require written authorization from the member of Council in whose Ward the project is located.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2000-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one diesel forklift truck, 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 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: one (1) diesel forklift truck, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24035.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2001-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to apply for and accept State of Ohio and Federal grant funds.

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

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

Section 1. That the Director of Port Control is hereby authorized to apply for and accept grants from the United States of America acting through its Federal Aviation Administration ("FAA"), the United States Department of Transportation and/or its member agencies, and grants from the State of Ohio, as they may become available, to fund projects related to the operations of Cleveland Hopkins International Airport and Burke Lakefront Airport. The Director is further authorized to file all papers and execute all documents necessary to apply for, accept and receive funds under said grants; provided that the City shall follow all applicable federal regulations; and that any grant funds be and are hereby appropriated for the purposes set forth in the applications for said grants, or any amendments thereto. The Director of Port Control shall notify this Council, through its Clerk, of any grant or grants accepted under the authority of this ordinance, upon receipt of each such grant.

Section 2. That the Director of Port Control is further authorized to pay cash match funds for projects approved by the above-named grantors for grant funding. Said matching funds shall be paid from funds appropriated for the use of the Department of Port Control and any existing or future revenue bond funds, grant proceeds and PFC authorizations.

Section 3. That the provisions of this ordinance shall expire on December 31, 2000.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2002-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to maintain and repair air conditioning systems for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to maintain and repair the air conditioning systems 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 various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24794)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2005-98,
By Councilmen Coats, Zone and
Johnson (by departmental request).**

An emergency ordinance to amend Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, relating to intermunicipal fire protection agreements.

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 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, is hereby amended to read as follows:

Section 135.26 Intermunicipal Fire Protection Agreements

The Director of Public Safety is hereby authorized to enter into agreements to provide or accept services of fire forces, including the interchange of fire forces, technical rescue, confined space rescue, and hazardous materials response, or the use of fire apparatus with the county or any political subdivision, state agency or instrumentality within Cuyahoga County as shall request such agreements, or as agree to provide such services to the City of Cleveland, in the interest of public safety. Any such agreements must be authorized by the legislative body of the governing board of the entity requesting service from or providing service to the City of Cleveland.

Section 2. That existing Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1116-98, passed July 29, 1998, is hereby repealed.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 2007-98,
By Councilmen Jackson, Sweeney,
Zone and Johnson (by departmental
request).**

An emergency ordinance to amend Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, relating to flood plain management.

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 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, are hereby amended to read, respectively, as follows:

Section 3167.01 Methods of Reducing Flood Losses

(a) Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and gener-

al welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

(1) Protect human life and health;

(2) Minimize expenditure of public money for costly flood control projects;

(3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

(4) Minimize prolonged business interruptions;

(5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

(6) Help maintain a stable tax base by providing for the proper use and development of areas of special flood hazard so as to minimize future flood blight areas;

(7) Ensure that potential buyers are aware that property is in an areas of special flood hazard; and

(8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(b) Methods of Reducing Flood Losses. In order to accomplish its purposes, this chapter includes methods and provisions for:

(1) Restricting or prohibiting uses which are dangerous to health, safety and property due to water hazards, or which result in damaging increases in flood heights or velocities;

(2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

(3) Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

(4) Controlling filling, grading, dredging and other development which may increase flood damage; and

(5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Section 3167.02 Definitions

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

(a) "Accessory structure" means a structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal structure.

(b) "Appeal" means a request for a review of the Commissioner of Building and Housing.

(c) "Area of special flood hazard" means the land in the flood plains within a community subject to a one percent (1%) or greater chance of flooding in any given year. Areas of special flood hazard are designated by the Federal Emergency Management Agency as Zone A, AE, AH, AO, A1-30, and A99.

(d) "Base flood" means the flood having a one percent (1%) chance of being equalled or exceeded in any given year. The base flood may also be referred to as the one hundred (100) year flood.

(e) "Basement" means any area of the building having its floor sub-grade (below ground level) on all sides.

(f) "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

(g) "Federal Emergency Management Agency ("FEMA")" means the agency with the overall responsibility for administering the National Flood Insurance Program.

(h) "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

(1) The overflow of inland or tidal waters, and/or

(2) The unusual and rapid accumulation or runoff of surface waters from any source.

(i) "Flood Insurance Rate Map ("FIRM")" means an official map on which the Federal Emergency Management Agency has delineated the areas of special flood hazard.

(j) "Flood Insurance Study" means the official reporting which the Federal Emergency Management Agency has provided flood profiles, floodway boundaries and the water surface elevations of the base flood.

(k) "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot.

(l) "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include, long-term storage or related manufacturing facilities.

(m) "Historic Structure" means any structure that is:

(1) Listed individually in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; and

(4) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

A. By an approved state program as determined by the Secretary of the Interior; or

B. Directly by the Secretary of the Interior in states without approved programs.

(n) "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure,

usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is built in accordance with the applicable design requirements specified in this ordinance for enclosures below the lowest floor.

(o) "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. It includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".

(p) "Manufactured home park" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.

(q) "Manufactured home subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for sale. This definition shall exclude any manufactured home park as defined in Section 3733.01 of the Ohio Revised Code, for which the Public Health Council has exclusive rule making power.

(r) "New construction" means structures for which the "start of construction" commenced on or after the effective date of the Division of Building and Housing's Flood Insurance Rate Map, and includes any subsequent improvement to such structures.

(s) "Recreational vehicle" means a vehicle which is (1) built on a single chassis, (2) 400 square feet or less when measured at the largest horizontal projection, (3) designed to be self-propelled or permanently towable by a light duty truck, and (4) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

(t) "Start of construction" means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of a building.

(u) "Structure" means a walled and roofed building, manufactured home, or gas or liquid storage tank that is principally above ground.

(v) "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

(w) "Substantial improvement" means any repair, reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include:

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions;

(2) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure"; or

(3) Any improvement to a structure which is considered new construction.

(x) "Variance" is a grant of relief to a person from the requirements of this chapter consistent with the variance conditions herein.

Section 3167.03 General Provisions

(a) Lands to which This Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Cleveland as identified by the Federal Emergency Management Agency, including any additional flood hazard areas annexed by the City of Cleveland that are not identified on the effective Flood Insurance Rate Map.

(b) Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard have been identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "Flood Insurance Study for the City of Cleveland". This study, with accompanying Flood Boundary and Floodway Maps and/or Flood Insurance Rate Maps dated August 1, 1978, and any revisions thereto is hereby adopted by reference and declared to be a part of this chapter. The Flood Insurance Study is on file with the Clerk of Council, 216 City Hall, Cleveland, Ohio, 44114, in File No. 2784-87-A.

(c) Compliance. Unless specifically exempted from filing for a development permit as stated in Section 3167.04, no structure or land shall hereafter be located, erected, constructed, repaired, extended, converted, enlarged or altered without full compliance with the terms of this chapter and all other applicable regulations which apply to uses within the jurisdiction of this chapter.

(d) Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another

er codified ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(e) Interpretation. In the interpretation and application of this chapter, all provisions shall be:

(1) Considered as minimum requirements;

(2) Liberally construed in favor of Council; and

(3) Deemed neither to limit nor repeal any other powers granted under State statutes. Where a provision of this chapter may be in conflict with a State law, such State law shall take precedence over this chapter.

(f) Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the City of Cleveland, any officer or employee thereof, or the Federal Emergency Management Agency for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Section 3167.04 Administration

(a) Establishment of Development Permit. A Development Permit shall be obtained from the Commissioner of Building and Housing before construction or development begins within any area of special flood hazard established in division (b) of Section 3167.03. Application for a Development Permit shall be made on forms furnished by the Commissioner of Building and Housing and may include, but not be limited to: site specific topographic plans drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. The following information is required:

(1) Elevation in relation to mean sea level, of the lowest floor (including basement) of all proposed structures located in special flood hazard areas where base flood elevation data are utilized;

(2) Elevation in relation to mean sea level to which any proposed structure will be floodproofed in accordance with division (b)(2)A. of Section 3167.05 where base flood elevation data are utilized.

(3) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in division (b)(2)A. of Section 3167.05; and

(4) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development and certification by a registered professional engineer that the flood carrying capacity of the watercourse will not be diminished.

(b) Exemption from Filing a Development Permit. An application for a development permit shall not be required for maintenance work such as roofing, painting, and basement sealing, or for small develop-

ment activities (except for filling and grading) valued at less than one thousand dollars (\$1,000.00).

(c) Designation of Flood Damage Prevention Administrator. The Commissioner of Building and Housing is hereby appointed to administer and implement this chapter by granting or denying development permits applications in accordance with its provisions.

(d) Duties and Responsibilities of the Commissioner of Building and Housing. Duties of the Commissioner of Building and Housing shall include but are not limited to:

(1) Permit Review.

A. Review all development permits to determine that the permit requirements of this chapter have been satisfied.

B. Review all development permits to assure that all necessary permits have been received from those Federal, State or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits as required including permits issued by the Department of the Army under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act.

C. Review all development permits to determine if the proposed development is located within a designated floodway. Floodways are delineated in the Flood Boundary and Floodway Map or the Flood Insurance Rate Map of the Flood Insurance Study. Floodways may also be delineated in other sources of flood information. If the proposed development is located within a designated floodway, assure that the encroachment provision of division (b)(6)A. of Section 3167.05 is met.

(2) Use of Other Base Flood Elevation and Floodway Data. Areas of special flood hazard where base flood elevation data have not been provided by the Federal Emergency Management Agency in accordance with division (b) of Section 3167.03 are designated as Zone A on the community's Flood Insurance Rate Map. Within these areas, the Commissioner of Building and Housing shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer division (b)(1) of Section 3167.05; division (b)(2) of Section 3167.05; and division (b)(6) of Section 3167.05.

(3) Information to be Obtained and Maintained.

A. Where base flood elevation data are utilized within areas of special flood hazard on a community's Flood Hazard Boundary Map or Flood Insurance Rate Map, regardless of the source of such data, the following provisions shall apply:

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not such structures contain an enclosure below the lowest floor.

2. For all new or substantially improved flood proofed structures:

a. Verify and record the actual elevation (in relation to mean sea level) to which the structure was flood proofed; and

b. Maintain the floodproofing certifications required in division (a)(3) of this section.

B. Maintain for public inspection all records pertaining to the provisions of this chapter.

(4) Alteration of Watercourses.

A. The Commissioner of Engineering and Construction shall notify adjacent communities and the Ohio Department of Natural Resources, Division of Water, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency. A watercourse is considered to be altered if any change occurs within its banks.

B. Maintain engineering documentation required in division (c) (4) of Section 3167.04 that the flood carrying capacity of the altered or relocated portion of said watercourse will not be diminished.

C. Require that all necessary maintenance will be provided for by the applicant for the altered or relocated portion of such watercourse so that the flood carrying capacity will not be diminished.

(5) Interpretation of Flood Boundaries. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). Where a map boundary and elevations disagree, the elevations delineated in the flood elevation profile shall prevail. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in division (e) of Section 3167.04.

(e) Variance Procedure.

(1) Appeal Board.

A. The Board of Building Standards and Building Appeals as established by the Charter shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. Such Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Commissioners of Building and Housing and Engineering and Construction in the enforcement or administration of this chapter.

C. Those aggrieved by the decision of the Board or any taxpayer, may appeal such decision to the Court of Common Pleas, Cuyahoga County, Ohio, as provided in RC Chapter 2506.

D. In passing upon such applications, the Board shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

6. The necessity to the facility of a waterfront location, where applicable;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and flood plain management program for that area;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters, and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Upon consideration of the factors of division (e)(1)D. of this section and the purposes of this chapter, the Board of Building Standards and Building Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

F. The Secretary of the Board of Building Standards and Building Appeals shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

2. Conditions for Variances.

A. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items 1 through 11 in division (e)(1)D. of this section have been fully considered. As the lot size increases beyond this one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

E. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights beyond that which is allowed in this chapter, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in division (e)(1)D. of this section or conflict with existing local laws or ordinances.

F. Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of division (e)(2)A. to E. of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

G. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Section 3167.05 Provisions for Flood Hazard Reduction

(a) General Standards. In all areas of special flood hazards, the following standards are required by the Commissioner of Building and Housing:

(1) Anchoring.

A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. All manufactured homes not otherwise regulated by the Ohio Revised Code pertaining to manufactured home parks shall be anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors.

(2) Construction Materials and Methods.

A. All new construction and substantial improvements shall be constructed with materials resistant to flood damage.

B. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

C. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(3) Utilities.

A. The Commissioner of Engineering and Construction shall require that all new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.

B. New and replacement sanitary sewerage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharged from the systems into flood waters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(4) Subdivision Proposals. The Commissioner of Engineering and Construction shall review all subdivision proposals, including manufactured home subdivisions to ensure that they shall be consistent with the need to minimize flood damage.

A. All subdivision proposals, including manufactured home subdivisions, shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

B. All subdivision proposals, including manufactured home subdivisions, shall have adequate drainage provided to reduce exposure to flood damage; and

C. Base flood elevation data shall be provided for subdivision proposals, including manufactured home subdivisions, and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).

D. In all areas of special flood hazard identified as Zone A on the Flood Insurance Rate Map where base flood elevation data are not available from any source, new construction and substantial improvement of any residential, commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated to at least two feet above the highest adjacent natural grade.

(b) Specific Standards. In all areas of special flood hazards where base flood elevation data have been provided as set forth in division (b) of Section 3167.03 or division (d)(2) of Section 3167.04, the following provisions are required:

(1) Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.

(2) Nonresidential Construction. New construction and substantial improvements of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation; or, together with attendant utility and sanitary facilities, shall:

A. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

B. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

C. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the standards of this division. Such certification shall be provided to the official as set forth in division (a)(3) of Section 3167.04.

(3) Accessory Structures. An exemption to the elevation or dry flood-proofing standards may be granted for accessory structures (e.g., sheds, detached garages) containing 576 square feet or less in gross floor area. Such structures must meet the encroachment provisions of division (b)(6)A. of this section and the following additional standards:

A. They shall not be used for human habitation;

B. They shall be designed to have low flood damage potential;

C. They shall be constructed and placed on the building site so as to offer the minimum resistance to the flow of flood waters;

D. They shall be firmly anchored to prevent flotation;

E. Service facilities such as electrical and heating equipment shall be elevated or floodproofed.

(4) Manufactured Homes. The following standards shall apply to all new and substantially improved manufactured homes not subject to the manufactured home requirements of RC 3733.01.

A. Manufactured homes shall be anchored in accordance with division (a)(1)B. of this section.

B. Manufactured homes shall be elevated on a permanent foundation such that the lowest floor of the

manufactured home is at or above the base flood elevation. These standards also apply to recreational vehicles that are either (i) located on sites for 180 days or more, or (ii) are not fully licensed and ready for highway use.

(5) Enclosures Below Base Flood Elevation. The following provisions apply to all new and substantially improved residential and nonresidential structures which are elevated to or above base flood elevation using pilings, columns, or posts or which contain a crawl space. These structures may enclose the area below the base flood elevation provided the following conditions are met:

A. Fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must:

1. Be certified by a registered professional engineer or architect; or,

2. Must meet or exceed the following criteria:

a. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided;

b. The bottom of all openings shall be no higher than one foot above grade; and

c. Openings may be equipped with screens, louvers, or other openings provided that they permit the automatic entry and exit of floodwaters.

B. Any enclosure which meets these criteria shall be considered as having met the requirements of division (a)(1) of this section.

(6) Subdivisions and Large Developments. In all areas of special flood hazard where base flood elevation data have not been provided in accordance with Section 3167.03 or Section 3167.04, the following standards apply to all subdivision proposals, including manufactured home subdivisions, and other proposed developments containing at least 50 lots or 5 acres (whichever is less);

A. The applicant shall provide base flood elevation data performed in accordance with standard engineering practices;

B. If Section 3167.05 is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of division (a) of Section 3167.05 and division (b) of Section 3167.05.

(7) Floodways. The Flood Insurance Study referenced in division (b) of Section 3167.03 identifies a segment within areas of special flood hazard known as a floodway. Floodways may also be delineated in other sources of flood information as specified in division (d)(2) of Section 3167.04. The floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles and erosion potential. The following provisions apply within all delineated floodway areas:

A. Prohibit encroachment, including fill, new construction, substantial improvements, and other developments unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If division (b)(6)A. of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 3167.05.

C. Any encroachment within the floodway that would result in an increase in base flood elevations can only be granted upon the prior approval by the Federal Emergency Management Agency. Such requests must be submitted by the Commission of Building and Housing to the Federal Emergency Management Agency and must meet the requirements of the National Flood Insurance Program.

Section 2. That Sections 3167.01, 3167.02, 3167.03, 3167.04 and 3167.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2784-87, passed December 21, 1987, are hereby repealed.

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

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 2008-98.
By Councilmen Jackson, Westbrook and Johnson (by departmental request).

An emergency ordinance appropriating a portion of the funds obtained from Norfolk Southern and CSX and authorizing the Director of Economic Development to employ professional consultants to design and plan for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City.

Whereas, pursuant to Ordinance No. 978-98, passed June 8, 1998, and Ordinance No. 1041-98, passed June 8, 1998, this Council approved and ratified agreements entered into by the Mayor with Norfolk Southern Corporation ("Norfolk Southern") and CSX Corporation ("CSX") which, among other things, required financial contributions to Cleveland from the railroads in order to ameliorate and mitigate the adverse environmental impacts in Cleveland resulting from increases in rail traffic by the railroads as a result of their acquisition of assets from Conrail (the "Agreements"); and

Whereas, this Council wishes to appropriate a portion of the funds received in accordance with the Agreements for the purposes of paying the cost of administering the Agreements and the Community Impacts Fund established therein; paying the cost of the City in defending the interests of Cleveland and its citizens in the proceedings before the Surface Transportation Board relating to the acquisition of Conrail assets by Norfolk Southern and CSX and during the negotiation of the Agreements; and retaining the services of professional consultants to commence the design of and planning for amelioration and mitigation of the adverse environmental impacts caused by increased rail traffic within the City; 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 hereby appropriates a portion of the funds received from Norfolk Southern and CSX pursuant to the Agreements in the amount of Six Hundred Fifty-Nine Thousand Four Hundred Ten Dollars (\$659,410.00), from Fund No. 10 SF 526, for the purposes of paying the cost of administering the Agreements and the Community Impacts Fund; paying the cost of the City in defending the interests of Cleveland and its citizens in the proceedings before the Surface Transportation Board and during the negotiation of the Agreements; and retaining the services of professional consultants for the design of and planning for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City, pursuant to the following schedule:

Personnel	\$159,410.00
Other Expenses	\$500,000.00

and further authorizes the Director of Economic Development to spend such funds in accordance with this appropriation.

Section 2. That the Director of Economic Development is hereby authorized to employ by contract one or more professional consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design and plan for noise mitigation improvements needed to ameliorate and mitigate the adverse environmental impacts caused by increased rail traffic within the City of Cleveland.

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

Section 3. That the costs for such services herein contemplated shall be paid from Fund No. 10 SF 526, Request No. 24294. Prior to the expenditure of any funds authorized by Section 1 hereof and prior to the award of any contract by Board of Control pursuant to Section 2 hereof, the Director of Economic Development shall provide written notification of such expenditure or proposed contract award, detailing the applicable amount to the Clerk of Council. In the event that any payments have been made prior to the passage of this legislation, the Director of Economic Development shall provide an itemization of such expenditures to the Clerk of Council. The Executive Summary shall be included as a File No. 2008-98-A of this legislation.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed December 14, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 2020-98.
By Councilman Cimperman.
An emergency ordinance consenting to and approving the issuance of a permit for the Turkey Trot Race on November 26, 1998, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Turkey Trot Race, sponsored by Hermes Race Systems, on November 26, 1998, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp of 90 where they go down the exit ramp (curb lane-coned off) and wrap around the Amtrack Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the 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.

Passed November 16, 1998.
Awaiting the approval or disapproval of the Mayor.

Ord. No. 2044-98.**By Councilman Johnson (by departmental request).****An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 1999 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 1999.**

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until an amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission: and

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

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

Section 1. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 1999, until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 1999, there be and there is hereby appropriated for the period from January 1, 1999, to the effective date of the Annual Appropriation Three hundred eighty two million two hundred nine thousand five hundred twenty eight dollars (\$382,209,528) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

LEGISLATIVE BRANCH

COUNCIL AND CLERK OF COUNCIL		\$1,309,544
I. Personnel and Related Expenses	\$845,484	
II. Other Expenses	464,060	

TOTAL LEGISLATIVE BRANCH	\$1,309,544	\$1,309,544
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MUNICIPAL COURT

JUDICIAL DIVISION		\$5,091,658
I. Personnel and Related Expenses	\$3,967,273	
II. Other Expenses	1,124,384	

CLERK'S DIVISION		\$3,479,650
I. Personnel and Related Expenses	2,200,022	
II. Other Expenses	1,279,628	

HOUSING DIVISION		\$533,798
I. Personnel and Related Expenses	\$500,562	
II. Other Expenses	33,236	

TOTAL MUNICIPAL COURT	\$9,105,105	\$9,105,105
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EXECUTIVE BRANCH

OFFICE OF THE MAYOR		\$489,013
I. Personnel and Related Expenses	\$389,240	
II. Other Expenses	99,773	

TOTAL EXECUTIVE BRANCH	\$489,013	\$489,013
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DEPARTMENT OF PUBLIC SAFETY

PUBLIC SAFETY ADMINISTRATION		\$3,502,256
I. Personnel and Related Expenses	\$3,160,623	
II. Other Expenses	341,633	

DIVISION OF POLICE		\$54,561,817
I. Personnel and Related Expenses	\$49,537,032	
II. Other Expenses	5,024,785	

DIVISION OF FIRE		\$24,906,737
I. Personnel and Related Expenses	\$23,302,327	
II. Other Expenses	1,604,410	

DIVISION OF EMERGENCY MEDICAL SERVICES		\$5,670,588
I. Personnel and Related Expenses	\$5,130,515	
II. Other Expenses	540,073	

DIVISION OF TRAFFIC ENGINEERING		\$1,589,776
I. Personnel and Related Expenses	\$913,763	
II. Other Expenses	676,012	

DIVISION OF DOG POUND		\$311,682
I. Personnel and Related Expenses	\$202,072	
II. Other Expenses	109,610	

TOTAL DEPARTMENT OF PUBLIC SAFETY	\$90,542,857	\$90,542,857
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COMMUNITY RELATIONS BOARD

COMMUNITY RELATIONS BOARD		\$312,306
I. Personnel and Related Expenses	\$282,935	
II. Other Expenses	29,370	
TOTAL COMMUNITY RELATIONS BOARD	\$312,306	\$312,306

DEPARTMENT OF PUBLIC SERVICE

PUBLIC SERVICE ADMINISTRATION		\$121,198
I. Personnel and Related Expenses	\$112,481	
II. Other Expenses	8,717	
DIVISION OF ARCHITECTURE		\$180,971
I. Personnel and Related Expenses	\$160,742	
II. Other Expenses	20,229	
DIVISION OF WASTE COLLECTION & DISPOSAL		\$11,080,676
I. Personnel and Related Expenses	\$6,462,323	
II. Other Expenses	4,618,353	
DIVISION OF ENGINEERING AND CONSTRUCTION		\$1,751,923
I. Personnel and Related Expenses	\$1,544,540	
II. Other Expenses	207,383	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$13,134,767	\$13,134,767

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

PARKS, RECREATION AND PROPERTIES ADMINISTRATION		\$207,109
I. Personnel and Related Expenses	\$185,215	
II. Other Expenses	21,894	
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		\$205,964
I. Personnel and Related Expenses	\$164,528	
II. Other Expenses	41,436	
DIVISION OF RECREATION		\$3,224,911
I. Personnel and Related Expenses	\$2,124,599	
II. Other Expenses	1,100,312	
DIVISION OF PARKING FACILITIES - ON STREET		\$367,417
I. Personnel and Related Expenses	\$264,006	
II. Other Expenses	103,412	
DIVISION OF PROPERTY MANAGEMENT		\$3,977,223
I. Personnel and Related Expenses	\$2,808,460	
II. Other Expenses	1,168,763	
DIVISION OF PARK MAINTENANCE & PROPERTIES		\$3,495,491
I. Personnel and Related Expenses	\$2,522,916	
II. Other Expenses	972,574	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$11,478,114	\$11,478,114

BOXING AND WRESTLING COMMISSION

BOXING AND WRESTLING COMMISSION		\$2,581
I. Personnel and Related Expenses	\$2,581	
II. Other Expenses	—	
TOTAL BOXING AND WRESTLING COMMISSION	\$2,581	\$2,581

URBAN PLANNING AND DEVELOPMENT

DEPARTMENT OF COMMUNITY DEVELOPMENT

DIRECTOR'S OFFICE		\$34,445
I. Personnel and Related Expenses	\$34,445	
DIVISION OF ADMINISTRATIVE SERVICES		\$31,522
I. Personnel and Related Expenses	\$31,522	
DIVISION OF BUILDING & HOUSING		\$2,563,617
I. Personnel and Related Expenses	\$2,262,411	
II. Other Expenses	301,207	

DIVISION OF NEIGHBORHOOD SERVICES		\$26,237
I. Personnel and Related Expenses	\$26,237	
DIVISION OF NEIGHBORHOOD DEVELOPMENT		\$184,709
I. Personnel and Related Expenses	\$87,805	
II. Other Expenses	96,904	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$2,840,530	\$2,840,530
REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		\$35,599
I. Personnel and Related Expenses	\$29,760	
II. Other Expenses	5,839	
BOARD OF BUILDING STANDARDS & APPEALS		\$42,943
I. Personnel and Related Expenses	\$38,800	
II. Other Expenses	4,143	
BOARD OF ZONING APPEALS		\$87,140
I. Personnel and Related Expenses	\$80,464	
II. Other Expenses	6,676	
BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		\$38,453
I. Personnel and Related Expenses	\$36,803	
II. Other Expenses	1,650	
FAIR CAMPAIGN FINANCE COMMISSION		\$5,911
II. Other Expenses	\$5,911	
TOTAL REGULATORY BOARDS	\$210,046	\$210,046
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		\$441,124
I. Personnel and Related Expenses	\$408,763	
II. Other Expenses	32,361	
OFFICE OF EQUAL OPPORTUNITY		\$315,712
I. Personnel and Related Expenses	\$239,559	
II. Other Expenses	76,153	
CITY PLANNING COMMISSION		\$501,969
I. Personnel and Related Expenses	\$480,658	
II. Other Expenses	21,311	
PORT CONTROL-HARBOR DEVELOPMENT		\$20,459
I. Personnel and Related Expenses	\$20,459	
II. Other Expenses	—	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$1,279,264	\$1,279,264
DEPARTMENT OF PUBLIC HEALTH		
HEALTH ADMINISTRATION		\$107,831
I. Personnel and Related Expenses	\$44,251	
II. Other Expenses	63,579	
DIVISION OF CORRECTION		\$2,523,639
I. Personnel and Related Expenses	\$1,836,334	
II. Other Expenses	687,304	
DIVISION OF HEALTH		\$1,134,153
I. Personnel and Related Expenses	\$812,189	
II. Other Expenses	321,964	
DIVISION OF ENVIRONMENT		\$744,538
I. Personnel and Related Expenses	\$638,600	
II. Other Expenses	105,938	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$4,510,160	\$4,510,160

DEPARTMENT OF AGING		
DEPARTMENT OF AGING		\$94,009
I. Personnel and Related Expenses	\$75,269	
II. Other Expenses	18,740	
TOTAL DEPARTMENT OF AGING	\$94,009	\$94,009
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		\$134,585
I. Personnel and Related Expenses	\$114,962	
II. Other Expenses	19,624	
DIVISION OF ACCOUNTS		\$596,442
I. Personnel and Related Expenses	\$241,437	
II. Other Expenses	355,005	
DIVISION OF ASSESSMENTS & LICENSES		\$345,923
I. Personnel and Related Expenses	\$266,387	
II. Other Expenses	79,536	
DIVISION OF TREASURY		\$128,689
I. Personnel and Related Expenses	\$104,632	
II. Other Expenses	24,057	
DIVISION OF PURCHASES & SUPPLIES		\$213,966
I. Personnel and Related Expenses	\$170,464	
II. Other Expenses	43,502	
BUREAU OF INTERNAL AUDIT		\$256,027
I. Personnel and Related Expenses	\$61,135	
II. Other Expenses	194,891	
DIVISION OF FINANCIAL REPORTING AND CONTROL		\$337,103
I. Personnel and Related Expenses	\$289,130	
II. Other Expenses	47,973	
TOTAL DEPARTMENT OF FINANCE	\$2,012,736	\$2,012,736
OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN.		\$154,556
I. Personnel and Related Expenses	\$126,579	
II. Other Expenses	27,977	
LAW		\$2,609,365
I. Personnel and Related Expenses	\$1,535,826	
II. Other Expenses	1,073,539	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$4,776,656	\$4,776,656
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		\$948,722
I. Personnel and Related Expenses	\$392,754	
II. Other Expenses	555,968	
CIVIL SERVICE COMMISSION		\$748,462
I. Personnel and Related Expenses	\$248,545	
II. Other Expenses	499,917	
TOTAL PERSONNEL ADMINISTRATION	\$1,697,184	\$1,697,184
NON DEPARTMENTAL		
TRANSFERS TO OTHER FUNDS		\$8,378,000
II. Other Expenses	\$8,378,000	
OTHER ADMINISTRATIVE		\$8,323,830
II. Other Expenses	\$8,323,830	
TOTAL NON DEPARTMENTAL	\$16,701,830	\$16,701,830
TOTAL SUPPORT FUNCTIONS	\$23,175,670	\$23,175,670
TOTAL GENERAL FUND	\$158,483,968	\$158,483,968

SPECIAL REVENUE FUND		
RESTRICTED INCOME TAX FUND		\$29,039,144
I. Capital	\$17,039,144	
II. Debt Service	12,000,000	
SCHOOLS RECREATION & CULTURAL ACTIVITIES		\$2,000,000
II. Other Expenses	2,000,000	
STREET CONSTRUCTION, MAINTENANCE & REPAIR		\$13,122,924
I. Personnel and Related Expenses	\$5,446,812	
II. Other Expenses	7,676,112	
TOTAL SPECIAL REVENUE FUNDS	\$44,162,068	\$44,162,068
INTERNAL SERVICE FUNDS		
INFORMATION SYSTEMS SERVICES-TELECOMMUNICATIONS		\$1,699,134
I. Personnel and Related Expenses	\$113,796	
II. Other Expenses	1,585,338	
INFORMATION SYSTEMS SERVICES		\$1,274,433
I. Personnel and Related Expenses	\$496,924	
II. Other Expenses	777,509	
DIVISION OF MOTOR VEHICLE MAINTENANCE		7,366,193
I. Personnel and Related Expenses	\$1,761,193	
II. Other Expenses	5,605,000	
DIVISION OF PRINTING AND REPRODUCTION		\$530,970
I. Personnel and Related Expenses	\$197,206	
II. Other Expenses	333,764	
CITY STOREROOM AND CENTRAL WAREHOUSE		\$461,870
I. Personnel and Related Expenses	\$33,987	
II. Other Expenses	427,883	
TOTAL INTERNAL SERVICE FUNDS	\$11,332,600	\$11,332,600
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
UTILITIES ADMINISTRATION		\$446,879
I. Personnel and Related Expenses	\$279,254	
II. Other Expenses	167,624	
DIVISION OF FISCAL CONTROL		533,641
I. Personnel and Related Expenses	\$489,752	
II. Other Expenses	43,888	
DIVISION OF RADIO		\$1,032,317
I. Personnel and Related Expenses	\$32,170	
II. Other Expenses	1,000,147	
DIVISION OF WATER		\$75,821,153
I. Personnel and Related Expenses	\$22,171,949	
II. Other Expenses	53,649,204	
DIVISION OF WATER POLLUTION CONTROL		\$7,877,267
I. Personnel and Related Expenses	\$2,676,580	
II. Other Expenses	5,200,687	
DIVISION OF CLEVELAND PUBLIC POWER		\$37,264,192
I. Personnel and Related Expenses	\$8,134,163	
II. Other Expenses	29,130,029	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$121,943,132	\$121,943,132

DEPARTMENT OF PORT CONTROL		
AIRPORTS-OPERATIONS		\$26,827,474
I. Personnel and Related Expenses	\$6,552,834	
II. Other Expenses	20,274,639	
AIRPORT-DEVELOPMENT		\$7,059
II. Other Expenses	\$7,059	
TOTAL DEPARTMENT OF PORT CONTROL	\$26,834,532	\$26,834,532
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
DIVISION OF CEMETERIES		\$665,108
I. Personnel and Related Expenses	\$445,213	
II. Other Expenses	219,895	
GOLF COURSE FUND		\$707,084
I. Personnel and Related Expenses	\$224,159	
II. Other Expenses	482,924	
DIVISION OF PARKING FACILITIES-OFF STREET		\$4,738,822
I. Personnel and Related Expenses	\$240,104	
II. Other Expenses	4,498,718	
CONVENTION CENTER & STADIUM-CONVENTION CENTER		\$2,284,841
I. Personnel and Related Expenses	\$823,420	
II. Other Expenses	1,461,421	
CONVENTION CENTER & STADIUM-MARKET		\$407,993
I. Personnel and Related Expenses	\$118,640	
II. Other Expenses	289,353	
PROPERTY MANAGEMENT-EAST SIDE MARKET		\$81,710
I. Personnel and Related Expenses	\$24,685	
II. Other Expenses	57,025	
TOTAL PARKS, RECREATION & PROPERTIES	\$8,885,559	\$8,885,559
TOTAL ENTERPRISE FUNDS	\$157,663,223	\$157,663,223
AGENCY FUND		
CENTRAL COLLECTION AGENCY		\$1,811,032
I. Personnel and Related Expenses	\$1,101,260	
II. Other Expenses	709,771	
TOTAL AGENCY FUND	\$1,811,032	\$1,811,032
DEBT SERVICE FUND		
SINKING FUND COMMISSION		\$8,306,638
I. Personnel and Related Expenses	\$45,018	
II. Other Expenses	61,619	
III. Debt Service	8,200,000	
STADIUM FUND		\$450,000
I. Debt Service	\$450,000	
TOTAL DEBT SERVICE FUND	\$8,756,638	\$8,756,638
TOTAL OTHER FUNDS	\$214,968,923	\$214,968,923
TOTAL GENERAL FUND	\$158,483,968	\$158,483,968
TOTAL GENERAL AND OTHER FUNDS	\$382,209,528	\$382,209,528

Section 2. That expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the Annual Appropriation Ordinance shall become effective, and to the various departments and divisions in payments or whose officers and employees and operating expenses such sum or sums of money hereunder shall then have been made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 1999.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2045-98.**By Councilman Johnson (by departmental request).**

An emergency ordinance to transfer the sum of Four Million Seven Hundred Nine Thousand One Hundred Seventy-Eight Dollars (\$4,709,178) within the various divisions of the General Fund, Four Hundred Thousand Dollars (\$400,000) within the Special Revenue Fund, Two Million Two Hundred Nineteen Thousand One Hundred Ninety-Seven Dollars (\$2,219,197) within the Enterprise Fund and One Hundred Sixty Four Thousand Five Hundred Fifty Dollars (\$164,550) within the Agency Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 sum of Seven million four hundred ninety two thousand nine hundred twenty five dollars (\$7,492,925) be the same and hereby transferred as follows:

GENERAL FUND	FROM	TO
LEGISLATIVE BRANCH		
Council and Clerk of Council		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	60,000
	<u>—</u>	<u>60,000</u>
TOTAL LEGISLATIVE BRANCH	\$ —	\$ 60,000
MUNICIPAL COURT		
Judicial Division		
I. Personnel and Related Expenses	\$ 67,060	\$ —
II. Other Expenses	—	67,060
Clerks Division		
I. Personnel and Related Expenses	\$ 35,122	\$ —
II. Other Expenses	—	35,122
Housing Division		
I. Personnel and Related Expenses	\$ 11,702	\$ —
II. Other Expenses	—	33,040
	<u>—</u>	<u>33,040</u>
TOTAL MUNICIPAL COURT	\$ 113,884	\$ 135,222
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		
I. Personnel and Related Expenses	\$ 140,000	\$ —
II. Other Expenses	—	—
Division of Police		
I. Personnel and Related Expenses	\$ 181,433	\$ —
II. Other Expenses	—	181,433
Division of Fire		
I. Personnel and Related Expenses	\$ —	\$ 623,879
II. Other Expenses	—	109,334
Division of Emergency Medical Services		
I. Personnel and Related Expenses	\$ 231,457	\$ —
II. Other Expenses	—	—
Division of Traffic Engineering		
I. Personnel and Related Expenses	\$ 253,358	\$ —
II. Other Expenses	—	90,000
Division of Dog Pound		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	22,307
	<u>—</u>	<u>22,307</u>
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$ 806,248	1,026,953
COMMUNITY RELATIONS BOARD		
Community Relations Board		
I. Personnel and Related Expenses	\$ —	\$ 13,826
II. Other Expenses	—	—
	<u>—</u>	<u>—</u>
TOTAL COMMUNITY RELATIONS BOARD	\$ —	13,826

DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		
I.	Personnel and Related Expenses	\$ — \$ 10,000
II.	Other Expenses	— 5,000
Division of Architecture		
I.	Personnel and Related Expenses	\$ — \$ 10,000
II.	Other Expenses	— —
Division of Waste Collection and Disposal		
I.	Personnel and Related Expenses	\$1,425,430 \$ —
II.	Other Expenses	— 800,000
Division of Engineering and Construction		
I.	Personnel and Related Expenses	\$ 180,000 \$ —
II.	Other Expenses	— —
TOTAL DEPARTMENT OF PUBLIC SERVICE		\$1,605,430 \$ 825,000
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
Division of Research, Planning, and Dev.		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 9,557
Division of Recreation		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 166,429
Division of Property Management		
I.	Personnel and Related Expenses	\$ 402,674 \$ —
II.	Other Expenses	— —
Division of Park Maintenance & Properties		
I.	Personnel and Related Expenses	\$ 190,238 \$ —
II.	Other Expenses	— —
TOTAL PARKS, RECREATION AND PROPERTIES		\$ 592,912 \$ 175,986
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Director's Office		
I.	Personnel and Related Expenses	\$ — \$ 3,120
Division of Administrative Services		
I.	Personnel and Related Expenses	\$ — \$ 1,000
Division of Building and Housing		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 20,253
Division of Neighborhood Services		
I.	Personnel and Related Expenses	\$ — \$ 3,500
Division of Neighborhood Development		
I.	Personnel and Related Expenses	\$ — \$ —
II.	Other Expenses	— 12,000
TOTAL COMMUNITY DEVELOPMENT		\$ — \$ 39,873
REGULATORY BOARDS AND COMMISSIONS		
I.	Personnel and Related Expenses	\$ — \$ 2,340
II.	Other Expenses	— —
TOTAL REGULATORY BOARDS		\$ — \$ 2,340

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		
I. Personnel and Related Expenses	\$ 174,201	\$ —
II. Other Expenses	—	—
City Planning Commission		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	13,520
TOTAL URBAN PLANNING AND DEVELOPMENT	\$ 174,201	\$ 55,733

DEPARTMENT OF PUBLIC HEALTH

Health Administration		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	20,275
Division of Correction		
I. Personnel and Related Expenses	\$ 250,098	\$ —
II. Other Expenses	—	161,000
Division of Health		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	79,419
Division of Environment		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	26,502
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$ 250,098	\$ 287,196

DEPARTMENT OF AGING

Department of Aging		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	\$ 5,000
TOTAL DEPARTMENT OF AGING	\$ —	\$ 5,000

SUPPORT FUNCTIONS
FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		
I. Personnel and Related Expenses	\$ —	\$ 13,265
II. Other Expenses	—	—
Division of Assessments and Licenses		
I. Personnel and Related Expenses	\$ —	\$ 49,556
II. Other Expenses	—	—
Division of Purchases and Supplies		
I. Personnel and Related Expenses	\$ —	\$ 26,586
II. Other Expenses	—	—
Bureau of Internal Audit		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	4,723
Division of Financial Reporting & Control		
I. Personnel and Related Expenses	\$ 91,776	\$ —
II. Other Expenses	—	91,776
TOTAL DEPARTMENT OF FINANCE	\$ 91,776	\$ 185,906
Office of Budget and Mgmt. — Budget Admin.		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	—
Law		
I. Personnel and Related Expenses	\$ —	\$ —
II. Other Expenses	—	770,944
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$ 91,776	\$ 956,850

PERSONNEL ADMINISTRATION		
Office of Personnel		
I. Personnel and Related Expenses	\$ —	\$ 33,470
II. Other Expenses	—	175,000
TOTAL PERSONNEL ADMINISTRATION	\$ —	\$ 208,470
NONDEPARTMENTAL		
COUNTY AUDITOR DEDUCTIONS		
II. Other Expenses	\$ —	\$ —
OTHER ADMINISTRATIVE		
II. Other Expenses	\$ —	\$ 958,942
TOTAL NONDEPARTMENTAL	\$ —	\$ 958,942
TOTAL SUPPORT FUNCTIONS	\$ 91,776	\$2,124,262
TRANSFER TO OTHER FUNDS		
II. Other Expenses	\$1,074,629	\$ —
TOTAL GENERAL FUND	\$4,709,178	\$4,709,178
SPECIAL REVENUE FUND		
Street Construction, Maintenance & Repair		
I. Personnel and Related Expenses	\$ 400,000	\$ —
II. Other Expenses	—	400,000
TOTAL SPECIAL REVENUE FUND	\$ 400,000	\$ 400,000
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Water Pollution Control		
I. Personnel and Related Expenses	\$ 600,000	\$ —
II. Other Expenses	—	600,000
Division of Cleveland Public Power		
I. Personnel and Related Expenses	\$1,600,000	\$ —
II. Other Expenses	—	1,600,000
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$2,200,000	\$2,200,000
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Convention Center & Stadium-Market		
I. Personnel and Related Expenses	\$ —	\$ 19,197
II. Other Expenses	19,197	—
TOTAL PARKS, RECREATION, AND PROPERTIES	\$ 19,197	\$ 19,197
TOTAL ENTERPRISE FUNDS	\$2,219,197	\$2,219,197
AGENCY FUND		
Central Collection Agency		
I. Personnel and Related Expenses	\$ 164,550	\$ —
II. Other Expenses	—	164,550
TOTAL AGENCY FUND	\$ 164,550	\$ 164,550
TOTAL GENERAL AND OTHER FUNDS	\$7,492,925	\$7,492,925

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2047-98.**By Councilman Johnson (by departmental request).**

An emergency ordinance to make additional appropriation of One Million Two Hundred Twenty Three Thousand Eight Hundred Twenty Nine Dollars (\$1,223,829) of the Internal Service Fund and Three Million Eight Hundred Ninety Thousand Dollars (\$3,890,000) of the Enterprise Service Fund and Sixty Two Thousand Dollars (\$62,000) of the Sinking Fund.

Whereas, there remains an unappropriated balance in the various funds, the sum of Five Million One Hundred Seventy Five Thousand Eight Hundred Twenty Nine Dollars (\$5,175,829) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1998, dated November 20, 1998, previously unappropriated as follows:

INTERNAL SERVICE FUND	\$1,223,829	
ENTERPRISE FUND	3,890,000	
SINKING FUND	62,000	
TOTAL ALL FUNDS	<u>\$5,175,829</u>	
INTERNAL SERVICE FUND		
Information Systems Services-Telecommunications		\$ 983,829
I. Personnel and Related Expenses	\$ 10,000	
II. Other Expenses	973,829	
Information Systems Services		\$ 165,000
I. Personnel and Related Expenses	\$ 65,000	
II. Other Expenses	100,000	
Division of Printing and Reproduction		\$ 62,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	62,000	
City Storeroom and Central Warehouse		\$ 13,000
I. Personnel and Related Expenses	\$ 13,000	
II. Other Expenses	—	
TOTAL INTERNAL SERVICE FUNDS	\$ 1,223,829	\$1,223,829
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Division of Cleveland Public Utilities		\$3,865,000
I. Personnel and Related Expenses	\$ —	
II. Other Expenses	3,865,000	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$3,865,000	\$3,865,000
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
Convention Center & Stadium-Market		\$ 25,000
I. Personnel and Related Expenses	\$ 25,000	
II. Other Expenses	—	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$ 25,000	\$ 25,000
TOTAL ENTERPRISE FUNDS	\$3,890,000	\$3,890,000
DEBT SERVICE FUND		
Sinking Fund Commission		\$ 62,000
I. Personnel and Related Expenses	\$ 12,000	
II. Other Expenses	50,000	
TOTAL DEBT SERVICE FUND	\$ 62,000	\$ 62,000
TOTAL GENERAL AND OTHER FUNDS	\$5,175,829	\$5,175,829

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2049-98.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment with Continental Airlines, Inc., City Contract No. 38171, to provide for the deletion of certain space from the Lease, effective October 7, 1998, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into an Amendment to Lease between the City and Continental Airlines, Inc. ("Lessee"), City Contract No. 38171, to delete from Lessee's right and obligation under the lease, 1,350 square feet of space currently being used for operation of Gate C-12. The effective date of the amendment shall be October 7, 1998.

All other terms and conditions contained in the original lease shall remain the same.

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

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2050-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1999 Selective Traffic Enforcement Program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$49,885.00, from the Ohio Department of Public Safety, to conduct the 1999 Selective Traffic Enforcement Program, for the purposes set forth in the application and according thereto; that

the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 2050-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety shall review and evaluate the Program for the Council's Public Safety Committee meeting in February, 1999.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2051-98.
By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one IBM tape drive, one tape controller and associated cables and software necessary to read LEADS tapes, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one IBM Model 3490-F00 tape drive, one tape controller and associated cables and software necessary to read LEADS tapes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 027, Request No. 24387.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2053-98.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Mall Plaza Maintenance Board to make improvements to Mall C; determining the method of making the public improvement of improving Mall C; and authorizing said director to enter into contract for the making of said improvement.

Whereas, by agreement, the Mall Plaza Maintenance Board (the "Board") is charged with the responsibility of approving expenditures of funds from a Trust Fund under the trusteeship of the National City Bank to maintain a portion of Mall B; and

Whereas, the Board wishes to expand this defined area to include all of Mall B and Mall C and intends to petition the Probate Court to allow this territorial expansion; 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, provided the Mall Plaza Maintenance Board successfully petitions the Probate Court to expand the Board's territory to include the remainder of Mall B and all of Mall C, the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant from the Mall Plaza Maintenance Board for the purpose of making improvements to Mall C; that the Director of Parks, Recreation and Properties 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 purposes set forth in the application for said grant.

Section 2. That pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of improving Mall C, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 3. That, provided the Mall Plaza Maintenance Board successfully petitions the Probate Court to expand the Board's territory to include the remainder of Mall B and all of Mall C, the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

Section 4. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to this ordinance.

Section 5. That this ordinance is hereby declared to be an emergency

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2054-98.
By Councilmen Willis and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Urban Forest property maintenance services, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of Urban Forest property maintenance services 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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. That all funds designated for the cemeteries shall be used solely for the purpose of the maintenance and preservation of the cemeteries.

Section 3. 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 22462)

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2055-98.
By Councilmen Willis and Johnson
(by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various types of electrical motors and pumps, including labor and materials necessary for their repair and maintenance, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed three years.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three (3) years for the necessary items of various types of electrical motors and pumps, including labor and materials necessary for their repair and maintenance 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 Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three (3) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall not exceed \$175,000 and shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21710)

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2095-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Hill and Knowlton for Washington lobbying services for the City of Cleveland.

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

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

Section 1. That the Director of Finance is hereby authorized to enter into an agreement with Hill and Knowlton for Washington lobbying services for the City of Cleveland, for a period not to exceed three years, payable from Fund No. 01-99-98-0320, Request No. 23264. On a quarterly basis, the Director of Finance shall submit to this Council, through its Clerk, a summary of all matters and projects that Hill and Knowlton has worked on for the City under this contract.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2098-98.
By Councilmen Westbrook, Zone and Johnson (by departmental request).

An emergency ordinance to amend Section 183.042 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3138-83, passed June 19, 1984, relating to permit agreements for sale of alcoholic beverages at airline clubs.

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 183.042 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3138-83, passed June 19, 1984, is hereby amended to read as follows:

Section 183.042 Permit Agreements for Sale of Alcoholic Beverages at Airline Clubs

Notwithstanding and as an exception to Sections 183.04 and 183.041, the Director of Port Control may enter into a permit agreement with any scheduled airline which has leased space at Cleveland Hopkins International Airport for operation of a private hospitality club, granting to such airline permission to sell alcoholic beverages within the permit premises to club members and their guests, provided such airline has otherwise obtained all authority necessary to sell such beverages under the laws of Ohio. No permit agreement shall be made for a term expiring later than January 1, 2005.

A permittee shall pay a fee equal to nineteen percent (19%) of the gross revenues derived from the sale of alcoholic beverages within the permit premises and shall have no right to assign, subcontract or otherwise transfer the permit agreement or any rights or interest thereunder.

Section 2. That existing Section 183.042 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 3138-83, passed June 19, 1984, is hereby repealed.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2103-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement or agreements to provide first-class food and beverage services in the Cleveland Convention Center and other City facilities under control of the Director of Parks, Recreation and Properties for a period of not to exceed seven 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 notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into a concession agreement or agreements for professional food services, on the basis of proposals, to provide first-class food and beverage services in the Cleveland Convention Center and such other City facilities and buildings under control of the Director of Parks, Recreation and Properties as said director may determine from time to time, for a period of not to exceed seven (7) years.

The selection of said concessionaire or concessionaires shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified food service professionals available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. Prior to award of such agreement or agreements, written notification of the terms of the agreement or agreements shall be provided to the Clerk of Council by the Director of Parks, Recreation and Properties.

Fees to be paid to the City under the agreement or agreements authorized herein shall be determined by the Board of Control. Said agreement or agreements shall be prepared by the Director of Law and approved by the Director of Parks, Recreation and Properties.

Section 2. That as a condition for the award of an agreement or agreements authorized by Section 1 hereof, concessionaire or concessionaires shall extend offers of employment to all hourly employees, as well as the chef and sous chef, employed as of the effective date of this legislation by Ogden Allied Food Service or other food and beverage providers at the Cleveland Convention Center and other such City facilities and buildings under control of the Director of Parks, Recreation and Properties; such offers of employment

shall be at a rate of compensation at least equal to the employee's rate of compensation and benefits, if any, upon the effective date of this legislation.

Section 3. That, with respect to any new employees hired by the concessionaire or concessionaires awarded a contract pursuant to Section 1 hereof, the concessionaire or concessionaires shall use its best efforts to hire Cleveland residents, minorities and females. In addition, as a condition for the agreement, any minority concessionaire or concessionaires must be certified, and must maintain its certification, through the City's Office of Equal Opportunity.

Section 4. That, as a condition of award of a contract pursuant to Section 1 hereof, Council has been informed that concessionaire or concessionaires have committed to making certain charitable contributions. The Director of Parks, Recreation and Properties shall inform the Clerk of Council, in writing, of the recipients and level of contributions made by concessionaire or concessionaires.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2111-98.
By Councilmen White, Willis, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 9250 Miles Park Avenue to Union-Miles Development Corporation.

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at 9250 Miles Park Avenue; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following property is no longer needed for public use:

MILES PARK

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of the Public Square, (165 feet wide), now known as Miles Park, as laid out in the Newburgh Village Streets Allotment of part of Original 100 Acre Lot Number 464, as shown by the recorded plat in Volume 2 of Maps, Page 20 of Cuyahoga County Records and being a parcel of land bounded and described as follows:

Beginning in the Westerly line of East 93rd Street, (60 feet wide) at the Northeasterly corner of Miles Park;

Thence South 00° 22' 32" West, along the Westerly line of East 93rd Street, to its point of intersection with a line drawn parallel with and distant Southerly, (by rectangular measurement), 45.00 feet from the Northerly line of said Miles Park and the principal place of beginning of the parcel of land herein intended to be described;

Thence South 00° 22' 32" West, continuing along the Westerly line of East 93rd Street, 75.00 feet to its point of intersection with a line drawn parallel with and distant Northerly, (by rectangular measurement), 45.00 feet from the Southerly line of said Miles Park;

Thence North 89° 54' 13" West, along said parallel line, 512.58 feet to its point of intersection with the Southerly prolongation of the Easterly line of East 91st Street, (56 feet wide);

Thence North 00° 38' 30" East, along the Southerly prolongation of the Easterly line of East 91st, 75.00 feet to its point of intersection with a line drawn parallel with and distant Southerly, (by rectangular measurement), 45.00 feet from the Northerly line of said Miles Park;

Thence South 89° 54' 13" East, along said parallel line, 512.23 feet to its point of intersection with the Westerly line of East 93rd Street and the principal place of beginning and containing within said boundaries 38,430 square feet, (0.8822 acres) of land, this legal description has been prepared from a survey dated December, 1988 by the City of Cleveland, Department of Public Service, Division of Engineering and Construction, Plat and Surveys, by Frank M. Cirnski, Registered, Professional Surveyor Number 5714, the system of bearings used is assumed and used to indicate angles only, be the same more or less, but subject to all legal highways.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Union-Miles Development Corporation at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2116-98.**By Councilman Johnson (by departmental request).****An emergency ordinance approving the collective bargaining agreement with the International Union of Operating Engineers Local 10; and amending Section 10 of Ordinance No. 436-97, passed April 14, 1997, relating to compensation for various classifications.**

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the International Union of Operating Engineers Local 10; which contains the terms set forth in File No. 2116-98-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 10 of Ordinance No. 436-97, passed April 14, 1997, is hereby amended to read as follows:

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	\$35,722.19
2. Chief Meter Reader	26,776.62	32,150.35
3. Chief Radio Dispatcher-Water	30,533.44	36,570.42
4. Data Conversion Supervisor	24,070.17	28,982.98
5. Engineer of Hydraulic Surveys	37,550.06	45,240.87
6. Meter Reader Supervisor	29,215.14	35,848.07
7. Sewer Construction Unit Leader	31,650.11	37,853.88
8. Sewer Maintenance Unit Leader	23,962.24	32,767.29
9. Sewer Maintenance Unit Leader Operator	28,605.94	34,291.23
10. Supervisor of Radio Service	30,553.44	38,667.88
11. Unit Supervisor	26,835.06	36,232.10
12. Water Hydraulic Unit Leader	28,446.57	34,586.96
13. Water Hydraulic Supervisor	32,237.05	39,029.49
14. Water Meter Department Unit Leader	28,446.55	34,586.96
15. Water Meter Department Supervisor	32,237.05	39,029.49
16. Water Pipe Repair Unit Leader.....	28,446.57	35,430.83
17. Water Pipe Repair Supervisor	32,242.61	39,873.36

Section 3. That existing Section 10 of Ordinance No. 436-97, passed April 14, 1997, is hereby repealed.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2117-98.**By Councilman Johnson (by departmental request).****An emergency ordinance approving the collective bargaining agreement with the Operating Engineers Local 18S; and amending Section 11 of Ordinance No. 436-97, passed April 14, 1997, relating to compensation for various classifications.**

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the Operating Engineers Local 18S, which contains the terms set forth in File No. 2117-98-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 11 of Ordinance No. 436-97, passed April 14, 1997, is hereby amended to read as follows:

Section 11. 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. Building Stationary Engineer	\$10.14 per hour	\$15.14 per hour
2. Chief Building Stationary Engineer	\$12.37 per hour	\$16.18 per hour
3. Chief Stationary Engineer	\$ 9.18 per hour	\$17.69 per hour
4. First Assistant Stationary Engineer	\$12.15 per hour	\$16.11 per hour
5. Purification Plant Operator I	\$ 9.43 per hour	\$12.33 per hour
6. Purification Plant Operator II	\$10.83 per hour	\$14.04 per hour
7. Purification Plant Operator III	\$11.36 per hour	\$14.67 per hour
8. Second Assistant Stationary Engineer	\$10.83 per hour	\$15.04 per hour
9. Stationary Boiler Room Operator	\$12.29 per hour	\$15.70 per hour
10. Water Plant Operator I	\$14.73 per hour	\$16.58 per hour
11. Water Plant Operator II	\$16.63 per hour	\$17.76 per hour

Section 3. That existing Section 11 of Ordinance No. 436-97, passed April 14, 1997, is hereby repealed.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2118-98.

By Councilman Johnson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Machinists Local 439; and amending Section 15 of Ordinance No. 436-97, passed April 14, 1997, relating to compensation for various classifications.

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the Machinists Local 439, which contains the terms set forth in File No. 2118-98-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 15 of Ordinance No. 436-97, passed April 14, 1997, is hereby amended to read as follows:

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	\$14.35 per hour	\$16.85 per hour
2. Machinist Unit Leader	\$13.86 per hour	\$19.07 per hour
3. Machinist Helper	\$12.43 per hour	\$14.22 per hour

Section 3. That existing Section 15 of Ordinance No. 436-97, passed April 14, 1997, is hereby repealed.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2119-98.

By Councilman Johnson (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Fraternal Order of Police; and amending Section 44 of Ordinance No. 436-97, passed April 14, 1997, relating to compensation for various classifications.

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

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

Section 1. That in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves a collective bargaining agreement with the Fraternal Order of Police, which contains the terms set forth in File No. 2119-98-A, for the period from April 1, 1998 through March 31, 2001, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Increase	Effective Date of Increase
Three percent (3%)	April 1, 1998
Three and one-half percent (3.5%)	April 1, 1999
Three and one-half percent (3.5%)	April 1, 2000

Section 2. That Section 44 of Ordinance No. 436-97, passed April 14, 1997, is hereby amended to read as follows:

Section 44. Division of Police; Supervisory Ranks.

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

Rank	Minimum	Maximum
1. Commander of Police	\$71,038.00	\$73,684.14
2. Deputy Inspector	71,038.00	73,684.14
3. Captain	61,170.00	63,520.10
4. Lieutenant	52,664.00	54,758.92
5. Sergeant	45,331.00	47,205.93

Section 3. That existing Section 44 of Ordinance No. 436-97, passed April 14, 1997, is hereby repealed.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2120-98.

By Councilman Cimperman.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Tremont West Development Corporation to hang approximately thirty-eight (38) Christmas Wreaths on utility poles (by separate permission), on W. 14th St., Auburn, Rowley, Holmden, Scranton, Barber, Starkweather, W. 10th St., Jefferson, Kenilworth, Literary, Fairfield, Professor, Clark, Branch Ct., Mentor, Valentine, Brainard and Castle for the period of Nov. 27, 1998 to Jan. 9, 1999, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Tremont West Development Corporation, to install, maintain and remove approximately thirty-eight (38) Christmas Wreaths on utility poles (by separate permission), as follows: Cleveland Electric Illuminating Company poles located at West 14th at Auburn, #13550; West 14th at Rowley, #14200; West 14th at Holmden, #14221; Scranton at Starkweather, #514137; Scranton at Barber, #512965; and Cleveland Public Power poles located at West 10th St.: NE corner of Jefferson, #46259; SE corner of Kenilworth, #46115; SW Corner of Kenilworth, #46184; NE corner of Literary, #47915; NW corner of Fairfield, #47911; Kenilworth Ave. at W. 14th (S), #46147; West 11th St. at NW corner of Starkweather, #HOM-1-A-11; NW corner of Kenilworth; at Literary (E), #46192; SE corner of Fairfield, #46136; NE corner of Starkweather, #46214; SE corner of Kenilworth, #46121; Professor Ave.: SW corner of Literary, #47921; West 14th: S. of Fairfield, #HOM-1-18; NE corner of Clark, #44642; NE Corner of Branch Ct., #44539; SE corner of Auburn, #44536;

NE corner of Mentor 44668; at Rowley (W), #44780; West 14th: at Holmden (W), #44710; at Starkweather (E), #HOM-1A-1 ; at Starkweather (W), #HOM-1-32; at Starkweather (S), #HOM-1-7; at Kenilworth (W), #HOM-1-29; Scranton Road: SW corner of Starkweather, #44421; SE corner of Auburn, #44413; 3rd pole N. of Mentor (E), #44519; NE corner of Clark, #428134; NE corner of Valentine, #40681; Scranton Rd.: SE corner of Brainard, #40609; NE corner of Holmden, #42814; at Castle, #42760; for the period from November 27, 1998 to January 9, 1999, inclusive, publicizing the Christmas Season. Said wreaths shall be approved by 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 wreath will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said wreaths and said wreaths shall be removed promptly upon the expiration of said permit.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2121-98.

By Councilman Melena.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Stockyard Redevelopment Organization to use Cleveland Public Power utility poles for the purpose of installing an outlet for holiday decorations at West 65th Street and Walworth Avenue for the period of November 28, 1998 to January 15, 1999, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Stockyard Redevelopment Organization, to install, maintain and remove an electrical outlet by using Cleveland Public Power poles (by separate permission) for the installation of holiday decorations at West 65th Street and Walworth Avenue; the first pole from the intersection of West 65th Street and Walworth Avenue going East; pole number AO-19-113; for the period from November 28, 1998 to January 15, 1999, inclusive, publicizing the Christmas Season. Said outlets shall be approved by 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 holiday decorations and said decorations shall be removed promptly upon the expiration of said permit.

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

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2122-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend Sections 2, 3, 4, 5, 6, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 42, 43, 46 and 47 of Ordinance No. 436-97, passed April 14, 1997, as amended by various ordinances, 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 the following Sections of Ordinance No. 436-97, passed April 14, 1997:

Sections 2 and 3,

Section 4, as amended by Ordinance No. 1474-97, passed October 13, 1997, and

Sections 5, 6, 25, 26,

Section 27, as amended by Ordinance No. 1698-98, passed September 21, 1998,

Sections 28 and 29,

Section 30, as amended by Ordinance No. 1474-97, passed October 13, 1997,

Section 31,

Section 32, as amended by Ordinance No. 1474-97, passed October 13, 1997, and

Sections 33, 34, 35, 36, 37, 38, and 39,

Section 40, as amended by Ordinance No. 1693-98, passed September 21, 1998, and Ordinance No. 1474-97, passed October 13, 1997, and

Sections 42, 43, 46 and 47,

are hereby amended to read, respectively, as follows:

Section 2. Secretary to the Mayor, Directors of Departments, Planning Director, Executive Director Community Relations Board, four Executive Assistants to the Mayor.

(a) That the salary of the Secretary to the Mayor shall be fixed by the Mayor at not less than \$49,078.05 and not more than \$144,754.05 per annum.

(b) That the salary of the the Directors of Law, Finance, Public Utilities, Port Control, Economic Development, Public Safety, Parks, Recreation and Properties, Public Service, Public Health, Personnel and Human Resources, Community Development, Aging, the Planning Director, and the Executive Director of the Community Relations Board and four (4) Executive Assistants to the Mayor shall be fixed by the Mayor at not less than \$49,078.05 and not more than \$139,534.46 per annum.

Section 3. Clerk of Council.

That the salary of the Clerk of Council shall be fixed at not less than \$40,015.50 and not more than \$87,359.25 per annum.

Section 4. Employees of Council — Salary.

That the Clerk of Council, with the approval of the President of Council, shall fix the salary of the employees of Council within the limits established in the following schedule for each classification:

	Minimum	Maximum
1. Archivist.....	\$15,000.00	\$54,636.35
2. Chief of Consumer Affairs.....	17,593.45	60,099.98
3. Chief Deputy Clerk — Administration.....	17,593.45	65,563.62
4. Chief Deputy Clerk — Finance/Operations.....	17,593.45	65,563.62
5. Chief Legislative Secretary.....	17,593.45	54,636.35
6. Clerk's Deputy Assistant.....	17,593.45	54,636.35
7. Clerk's Assistant.....	\$14.65 per hour	\$17.15 per hour
8. Councilmanic Assistants (Part-Time).....	\$5.77 per hour	\$11.77 per hour
9. Council Receptionist.....	15,000.00	32,781.81
10. Director of Communications.....	20,108.26	60,099.98
11. First Assistant Clerk.....	20,109.43	54,636.35
12. Fiscal Officer.....	\$24.98 per hour	\$40.40 per hour
13. Fiscal Secretary.....	15,000.00	51,800.71
14. Information Systems Coordinator.....	17,593.00	65,563.62
15. Information Systems Manager.....	17,593.00	59,660.70
16. Legislative Assistants.....	15,000.00	43,709.08
17. Legislative Assistant/Administrative Secretary.....	15,000.00	51,800.71
18. Legislative Secretary.....	15,000.00	43,709.08
19. Office Administrator — Staff Director.....	17,593.45	65,563.62
20. Research Assistant.....	17,593.00	65,563.62
21. Research Director.....	17,593.00	65,563.62
22. Sergeant-at-Arms.....	10,712.00	30,055.08

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	\$117,482.20
2. Special Assistant to the Mayor.....	20,410.00	74,951.45
3. Secretary to Directors of Departments.....	36,590.39	99,248.38
4. Secretary of the Civil Service Commission.....	25,011.85	62,455.84

Section 6. Department of Law.

That the Director of Law shall fix the salary of each member of his staff of lawyers in accordance with the following schedule:

CIVIL BRANCH		Minimum	Maximum
1.	Chief Counsel.....	\$36,750.00	\$109,744.16
2.	Chief Assistant Director of Law.....	31,500.00	85,247.95
3.	Assistant Director of Law I.....	26,250.00	61,602.20
4.	Assistant Director of Law I(s).....	26,250.00	64,552.17
5.	Assistant Director of Law II.....	31,500.00	69,534.13
6.	Assistant Director of Law II(s).....	31,500.00	73,259.39
CRIMINAL BRANCH			
1.	Chief Assistant Prosecutor.....	36,750.00	97,964.95
2.	First Assistant Prosecutor.....	31,500.00	77,137.92
3.	Assistant Prosecutor.....	23,100.00	61,230.70

Section 25. That the 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. Budget Analyst	\$16,760.96	\$40,439.12
2. Buyer	17,705.24	38,265.54
3. Civil Service Examiner I	12,983.84	30,030.76
4. Civil Service Examiner II	15,344.54	34,503.31
5. Civil Service Examiner III	18,885.58	38,265.54
6. Civil Service Examiner IV	23,606.98	47,489.48
7. Court Stenographer	15,344.54	32,146.94
8. Docket Clerk	16,043.58	28,679.20
9. Junior Personnel Assistant	12,983.84	30,030.78
10. Law Librarian	16,524.89	30,991.95
11. Legal Secretary	17,189.55	31,410.17
12. Office Manager	14,700.00	30,794.79
13. Parking Enforcement Analyst	18,385.50	35,185.10
14. Paralegal	16,043.58	34,503.43
15. Personnel Assistant	16,524.89	34,503.43
16. Private Secretary to Director	15,344.54	36,273.02
17. Scientific Examiner	22,575.00	44,884.01
18. Senior Personnel Assistant	17,705.24	38,265.54
19. Tape Librarian	14,164.19	32,928.85

Section 26. That the 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. Administrative Officer	\$17,705.24	\$40,415.94
2. Cable Protection Specialist	18,529.41	30,428.07
3. Case Worker Supervisor	20,065.93	34,503.43
4. Chief Air Pollution Inspector	20,065.93	40,415.94
5. Chief Caseworker Supervisor	22,426.64	36,273.02
6. Chief Clerk	22,050.00	36,273.02
7. Chief Photographer	20,065.93	40,415.94
8. Chief Radio Dispatcher	25,377.50	36,531.85
9. Chief Telephone Operator	17,611.99	38,173.69
10. Cocaine Treatment Supervisor.....	22,426.64	36,273.02
11. Composing Supervisor	20,065.93	34,503.43
12. Consumer Protection Supervisor	18,885.58	36,273.02
13. Custodial Worker Supervisor	17,705.24	32,239.11
14. Personnel Analyst I	21,000.00	37,312.49
15. Secretary to Board of Examiner of Plumbers Board of Review (Electrical)	18,885.58	31,410.17
16. Secretary - Boxing and Wrestling Commission	18,885.58	28,679.20
17. Superintendent of Maintenance	23,606.98	45,180.50
18. Superintendent of Street Cleaning	25,967.68	36,858.25
19. Superintendent of Waste Collection	29,508.73	45,180.50
20. Supervisor of Income Tax Files	18,885.58	31,410.17
21. Supervisor of Storeroom and Mailing	16,524.89	28,679.20

Section 27. That the 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. Airport Maintenance Supervisor	\$21,019.66	\$40,415.96
2. Airport Safety Supervisor	21,019.66	40,946.44
3. Assistant Chief Building Inspector	17,705.24	40,414.83
4. Assistant Chief Housing Inspector	17,705.24	40,414.83
5. Assistant Custodian	16,559.28	38,264.37
6. Assistant Superintendent of Electrical Generation	21,019.66	44,786.47
7. Bridge Inspector	13,958.10	32,928.96
8. Bureau Manager - Housing	26,797.11	64,862.82
9. Bureau Manager - Demolition	26,797.11	64,862.82
10. Bureau Manager - Building	26,797.11	64,862.82
11. Cable Production Manager	20,410.00	73,481.81
12. Chief Bridge Operator	16,559.28	38,264.37
13. Chief of Electric Meter Bureau	26,274.57	55,906.32
14. Chief Guard	15,764.74	32,747.82
15. Chief Safety Signal System	\$18.60 per hour	\$29.06 per hour
16. Chief Sidewalk Inspector	15,641.78	36,276.04
17. Chief Street Permit Inspector	14,790.48	34,503.43
18. Chief of Traffic Signal Unit	\$18.60 per hour	\$29.06 per hour
19. Community Development Code Enforcement Inspector Supervisor	34,464.91	44,884.01
20. Coordinator of Parking Enforcement	18,627.62	41,341.23
21. Correctional Supervisor	17,543.01	40,415.94
22. District Forester	31,043.38	46,065.90
23. Electric Bridge Operator Leader	\$ 8.55 per hour	\$14.33 per hour
24. Environmental Assistant	17,705.24	40,415.94
25. Field Operations Forester	32,445.00	47,805.98
26. General Superintendent Waste Collection	30,473.96	50,347.87
27. House Sergeant	13,137.29	28,928.93
28. Instrumentation Supervisor	29,200.50	40,609.39
29. Parking Meter Foreman	24,679.38	31,452.00
30. Printing Foreman	28,404.92	41,130.46
31. Supervisor of Landscape Construction	17,078.47	36,858.25
32. Supervisor of Parking Enforcement Unit	18,262.21	31,022.92
33. Supervisor of Markets	14,790.48	34,503.43
34. Supervisor of Weights and Measures	14,790.48	34,503.43
35. Survey Party Chief	18,099.87	42,966.94
36. Tunnel Maintenance Foreman	17,078.47	30,155.23
37. Tunnel Maintenance Man	15,764.72	27,532.64

Section 28. That the 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. Accountant IV.....	\$18,627.62	\$42,557.04
2. Airport Operations Agent III.....	18,627.62	42,557.04
3. Assistant Bureau Chief-Demolition.....	18,627.62	42,557.04
4. Assistant Financial Systems Coordinator.....	18,627.62	42,557.04
5. Assistant Personnel Administrator.....	18,627.62	42,557.04
6. Budget and Management Analyst.....	18,627.62	42,557.04
7. Chief Dog Warden.....	18,627.62	53,712.78
8. Labor Relations Assistant.....	18,627.62	42,557.04
9. Rehabilitation Supervisor.....	18,627.62	42,557.04
10. Superintendent of Sewer Maintenance.....	18,627.62	42,557.04
11. Supervisor of Architectural Construction.....	18,627.62	42,557.04
12. Supervisor of Personnel Records.....	18,627.62	42,557.04
13. Supervisor of Site Development.....	18,627.62	42,557.04
14. Supervisor of Vital Statistics.....	18,627.62	42,557.04
15. Systems Analyst.....	18,627.62	42,557.04
16. Water Plant Shift Supervisor.....	\$8.96 per hour	\$20.46 per hour
17. Water Plant Shift Supervisor - Parma Control.....	\$8.96 per hour	\$20.46 per hour
18. Water System Construction Inspector Supervisor.....	18,627.62	42,557.04

Section 29. That the 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. Airport Maintenance Superintendent.....	\$19,784.74	\$44,884.04
2. Assistant Commissioner of Recreation.....	19,784.74	56,649.76
3. Assistant Contract Compliance Officer.....	19,784.74	44,884.04
4. Assistant Director of Public Health Nurses.....	19,784.74	44,884.04
5. Assistant Income Tax Financial Supervisor.....	19,784.74	44,884.04
6. Assistant Manager of Audit Control and Personnel....	19,784.74	44,884.04
7. Assistant Manager of Recreation.....	19,784.74	44,884.04

8.	Assistant Superintendent of Pumping.....	19,784.74	44,884.04
9.	Assistant Superintendent of Purification.....	19,784.74	44,884.04
10.	Auditor.....	19,784.74	44,884.04
11.	Chief Alcoholism Coordinating Service.....	19,784.74	44,884.04
12.	Chief of the Demolition Bureau.....	19,784.74	44,884.04
13.	Chief Plan Examiner.....	19,784.74	44,884.04
14.	City Planner.....	19,784.74	44,884.04
15.	Deputy Commissioner of Recreation-Fiscal Control.....	19,784.74	56,649.76
16.	Deputy Project Director.....	19,784.74	44,884.04
17.	District Supervisor-Environmental Health.....	19,784.74	44,884.04
18.	Emergency Medical Technician Supervisor.....	19,784.74	44,884.04
19.	Income Tax Supervisor.....	19,784.74	44,884.04
20.	Office of Professional Standards Investigative Auditor..	19,784.74	44,884.04
21.	Office of Professional Standards Research/Analyst.....	19,784.74	44,884.04
22.	Project Program Director of Consumer Affairs.....	19,784.74	44,884.04
23.	Recreation Center Manager.....	34,950.00	56,649.76
24.	Superintendent of Light Equipment Maintenance.....	19,784.74	44,884.04
25.	Superintendent of Vehicle Administrative Services.....	19,784.74	44,884.04
26.	Supervisor Administrative Services - Data Processing Center.....	19,784.74	44,884.04
27.	Supervisor of Milk Program.....	19,784.74	44,884.04
28.	Supervisor of Vector Control.....	19,784.74	44,884.04
29.	Welfare Liaison.....	19,784.74	44,884.04

Section 30. That the 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.	Air Pollution Control, Engineer IV.....	\$20,231.40	\$47,489.48
2.	Airport Safety Shift Commander.....	20,231.40	47,489.48
3.	Assistant Administrator.....	20,231.40	47,489.48
4.	Assistant Health Center Director.....	20,231.40	47,489.48
5.	Assistant Manager of Marketing.....	20,231.40	47,489.48
6.	Central Payroll Supervisor.....	20,231.40	47,489.48
7.	Chief Building Inspector.....	20,231.40	47,489.48
8.	Chief Electrical Inspector.....	20,231.40	47,489.48
9.	Chief Elevator Inspector.....	20,231.40	47,489.48
10.	Chief Environmental Health-Engineering.....	20,231.40	47,489.48
11.	Chief Heating Inspector.....	20,231.40	47,489.48
12.	Chief Housing Inspector.....	20,231.40	47,489.48
13.	Chief Plumbing Inspector.....	20,231.40	47,489.48
14.	Chief Rehabilitation Supervisor.....	20,231.40	47,489.48
15.	Contract Supervisor-Division of Purchases and Supplies.....	20,231.40	47,489.48
16.	Data Processing Supervisor.....	20,231.40	47,489.48
17.	Human Resources Contract Administrator.....	20,231.40	63,385.82
18.	Manager of Public Utilities Building Maintenance.....	20,231.40	58,509.98
19.	Senior Systems Analyst.....	20,231.40	47,489.48
20.	Shift Supervisor Operations.....	20,231.40	47,489.48
21.	Superintendent of Distribution.....	20,231.40	47,489.48
22.	Superintendent of Pumping.....	20,231.40	47,489.48
23.	Superintendent of Purification.....	20,231.40	47,489.48
24.	Supervising Tax Auditor.....	20,231.40	47,489.48
25.	Supervisor of Civil Service Records.....	20,231.40	47,489.48

Section 31. That the 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.	Airport Operations Superintendent.....	\$22,333.40	\$50,221.06
2.	Airport Security Coordinator.....	22,333.40	50,221.06
3.	Assistant Airport Safety Chief/Training Officer.....	22,333.40	50,221.06
4.	Assistant Chief of Pumping.....	22,333.40	50,221.06
5.	Assistant Chief of Purification.....	22,333.40	50,221.06
6.	Assistant Manager of Box Office.....	22,333.40	50,221.06
7.	Assistant Manager-Human Resources Planning and Management.....	22,333.40	50,221.06
8.	Assistant Manager of Stage.....	22,333.40	50,221.06
9.	Chief of Bureau of Accounts and Collections.....	22,333.40	50,221.06
10.	Chief of Bureau of Industrial Air Pollution.....	22,333.40	50,221.06
11.	Chief of Bureau of Smoke Abatement.....	22,333.40	50,221.06
12.	Chief Engineer - Traffic.....	22,333.40	58,509.98
13.	Chief Senior Electric Switchboard Operator.....	22,333.40	50,221.06
14.	Chief of Tax Auditing Bureau.....	22,333.40	50,221.06

15.	Chief of Tax Records Bureau.....	22,333.40	50,221.06
16.	Deputy Commissioner of Purchases and Supplies.....	22,333.40	58,509.98
17.	Health Center Director.....	22,333.40	58,509.98
18.	Human Resources Fiscal Administrator.....	22,333.40	50,221.06
19.	Income Tax Financial Supervisor.....	22,333.40	50,221.06
20.	Manager of Assigned Maintenance.....	22,333.40	58,509.98
21.	Manager of Parks and Recreation Research and Planning.....	22,333.40	58,509.98
22.	Manager of Parks and Urban Forestry.....	22,333.40	58,509.98
23.	Manager of Shops and Field Equipment.....	22,333.40	58,509.98
24.	Manager of Site Development.....	22,333.40	58,509.98
25.	Project Director.....	22,333.40	63,385.82
26.	Programming Supervisor.....	22,333.40	50,221.06
27.	Superintendent of Sidewalks.....	22,333.40	50,221.06
28.	Superintendent of Water Plant Maintenance.....	22,333.40	50,221.06
29.	Warehouse Inventory Manager.....	22,333.40	63,385.82

Section 32. That the 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. Accountant Supervisor.....	\$23,647.11	\$52,914.21
2. Assistant Chief of Water Distribution.....	23,647.11	52,914.21
3. Assistant Commissioner of Assessments and Licenses.....	23,647.11	52,914.21
4. Assistant Commissioner, Division of Printing and Reproduction.....	23,647.11	66,784.93
5. Assistant Commissioner of Engineering and Construction.....	23,647.11	66,784.93
6. Building Manager.....	23,647.11	61,647.62
7. Chief Architect.....	23,647.11	66,784.93
8. Chief Auditor - Utilities.....	23,647.11	66,784.93
9. Chief City Planner.....	23,647.11	52,914.21
10. Chief, Computer Operations.....	23,647.11	66,784.93
11. Chief Engineer - Civil.....	23,647.11	66,784.93
12. Chief Engineer - Mechanical.....	23,647.11	66,784.93
13. Chief Legal Investigator - Civil Branch.....	23,647.11	52,914.21
14. Chief of Street Lighting and Electrical Services.....	23,647.11	52,914.21
15. Chief of Laboratories.....	23,647.11	52,914.21
16. Chief of Purification.....	23,647.11	52,914.21
17. Chief Surveyor.....	23,647.11	52,914.21
18. Convention Manager.....	23,647.11	61,647.62
19. Financial Systems Coordinator.....	23,647.11	52,914.21
20. Fiscal Manager.....	23,647.11	66,784.93
21. Investment Manager.....	23,647.11	66,784.93
22. Manager of Enterprise Unit.....	23,647.11	61,647.62
23. Manager of Events.....	23,647.11	61,647.62
24. Manager of General Maintenance.....	23,647.11	61,647.62
25. Manager of Markets.....	23,647.11	61,647.62
26. Manager of Parking.....	23,647.11	61,647.62
27. Manager of Production Power Generation.....	23,647.11	61,647.62
28. Manager of Recreation.....	42,000.00	61,647.62
29. Purchasing Supervisor - Division of Purchases and Supplies.....	23,647.11	52,914.21
30. Secretary to the Board of Building Standards and Building Appeals.....	23,647.11	52,914.21
31. Secretary to the Board of Zoning Appeals.....	23,647.11	52,914.21
32. Security Manager - Convention Center.....	23,647.11	61,647.62
33. Senior Internal Auditor.....	23,647.11	52,914.21
34. Senior Programmer Analyst.....	23,647.11	52,914.21
35. Supervisor of Food and Drug Administration.....	23,647.11	52,914.21
36. Supervisor - Information Control.....	23,647.11	52,914.21
37. Theatrical Manager.....	23,647.11	52,914.21
38. Water Plant Manager.....	23,647.11	66,784.93

Section 33. That the 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.	Airport Maintenance Manager.....	\$26,273.96	\$70,559.87
2.	Airport Operations Manager.....	26,273.96	70,559.87
3.	Airport Safety Chief.....	26,273.96	70,559.87
4.	Assistant Commissioner of Administrative Services....	26,273.96	70,559.87
5.	Assistant Commissioner of Building and Housing.....	26,273.96	70,559.87
6.	Assistant Commissioner of Cleveland Public Power...	26,273.96	70,559.87
7.	Assistant Commissioner of Motor Vehicles Maintenance.....	26,273.96	70,559.87
8.	Assistant Commissioner of Neighborhood Development.....	26,273.96	70,559.87
9.	Assistant Commissioner of Neighborhood Revitalization.....	26,273.96	70,559.87
10.	Assistant Commissioner of Neighborhood Services.....	26,273.96	70,559.87
11.	Assistant Commissioner of Streets.....	26,273.96	70,559.87
12.	Assistant Commissioner of Waste Collection and Disposal.....	26,273.96	70,559.87
13.	Assistant Commissioner of Water Pollution Control...	26,273.96	70,559.87
14.	Assistant Director of Community Relations Board.....	26,273.96	70,559.87
15.	Assistant Income Tax Administrator.....	26,273.96	55,905.12
16.	Assistant Superintendent of Electric Transmission and Distribution.....	26,273.96	55,905.12
17.	Chief of Air Pollution Enforcement.....	22,333.40	63,385.82
18.	Chief of Air Pollution Engineering.....	22,333.40	63,385.82
19.	Chief of Air Pollution Information Systems.....	22,333.40	63,385.82
20.	Chief of Air Pollution Monitoring.....	22,333.40	63,385.82
21.	Chief of Civil Service Examiner.....	26,273.96	55,905.12
22.	Chief of Pharmacy Services.....	26,273.96	70,559.87
23.	Chief of Pumping.....	26,273.96	55,905.12
24.	Chief of Water Distribution.....	26,273.96	55,905.12
25.	Chief Training Officer.....	26,273.96	55,905.12
26.	City Hall Custodian.....	26,273.96	55,905.12
27.	Community Development Executive Assistant.....	26,273.96	70,559.87
28.	Contract Compliance Officer.....	26,273.96	55,905.12
29.	Deputy Commissioner of Accounts.....	26,273.96	65,132.18
30.	Deputy Commissioner of Air Pollution Control.....	26,273.96	65,132.18
31.	Deputy Commissioner of Airports.....	26,273.96	65,132.18
32.	Deputy Commissioner of Convention Center and Stadium.....	26,273.96	65,132.18
33.	Deputy Commissioner of Convention Center and Stadium/West Side Market.....	26,273.96	65,132.18
34.	Deputy Commissioner of Maintenance.....	26,273.96	65,132.18
35.	Deputy Commissioner of Parks and Urban Forestry.....	26,273.96	65,132.18
36.	Deputy Commissioner of Parks and Urban Forestry/Golf Courses and Cemeteries.....	26,273.96	65,132.18
37.	Deputy Commissioner of Recreation.....	26,273.96	65,132.18
38.	Director of Public Health Nurses.....	26,273.96	65,132.18
39.	General Manager of Administrative Services.....	26,273.96	70,559.87
40.	Office of Professional Standards Administrator.....	26,273.96	55,905.12
41.	Manager of Human Resources Program Planning and Management.....	26,273.96	65,132.18
42.	Personnel Administrator.....	26,273.96	65,132.18
43.	Senior Budget and Management Analyst.....	26,273.96	55,905.12
44.	Superintendent of Industrial Claims.....	26,273.96	55,905.12
45.	Superintendent of Motorized Equipment.....	26,273.96	55,905.12
46.	Utilities Comptroller.....	26,273.96	70,559.87

Section 34. That the 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 Commissioner of Water.....	\$27,325.56	\$77,232.81
2.	Assistant Secretary of Sinking Fund Commission.....	27,325.56	77,232.81
3.	Chief of Health Planning and Evaluation.....	27,325.56	61,192.14
4.	Chief-Systems Analysis.....	27,325.56	77,232.81
5.	Consulting Engineer.....	27,325.56	77,232.81
6.	Harbor Manager.....	27,325.56	77,232.81
7.	Labor Relations Officer.....	27,325.56	61,192.14
8.	Manager of Architecture.....	27,325.56	71,291.82
9.	Manager of Compensation and Classifications.....	27,325.56	71,291.82
10.	Manager of Education and Research.....	27,325.56	71,291.82
11.	Manager of Employee Accident Control.....	27,325.56	71,291.82
12.	Manager of Employee Relations.....	27,325.56	71,291.82
13.	Manager of Equal Employment Opportunity.....	27,325.56	71,291.82
14.	Manager of Recruitment.....	27,325.56	71,291.82
15.	Minority Business Development Administrator.....	27,325.56	61,192.14
16.	Project Coordinator.....	27,325.56	71,291.82
17.	Risk Manager.....	27,325.56	77,232.81
18.	Superintendent of Electric Trouble Operations.....	27,325.56	61,192.14

Section 35. That the 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. Administrator of Engineering and Planning.....	\$30,214.95	\$88,843.46
2. Airport Chief Engineer.....	30,214.95	88,843.46
3. Airport Planning Environmental Officer.....	30,214.95	70,391.35
4. Air Trade Development Manager.....	30,214.95	82,009.34
5. Assistant Director of Human Resources and Economic Development.....	30,214.95	88,843.46
6. Budget Administrator.....	30,214.95	82,009.34
7. Chief of Personnel Management.....	30,214.95	82,009.34
8. Comptroller-Airports.....	30,214.95	88,843.46
9. Data Base Analyst.....	30,214.95	70,391.35
10. Deputy Commissioner of Building and Housing.....	30,214.95	82,009.34
11. Deputy Commissioner of Cleveland Hopkins International Airport.....	30,214.95	82,009.34
12. Deputy Commissioner of Parks, Maintenance and Properties.....	30,214.95	82,009.34
13. Deputy Commissioner of Water.....	30,214.95	82,009.34
14. Deputy Commissioner of Water Pollution Control.....	30,214.95	82,009.34
15. Executive Commissioner for Administration of Department of Finance.....	30,214.95	82,009.34
16. Executive Commissioner of Parks and Urban Forestry.....	30,214.95	82,009.34
17. Hardware Analyst.....	30,214.95	88,843.46
18. Labor Relations Manager.....	30,214.95	82,009.34
19. Manager of Electric System Operation.....	30,214.95	82,009.34
20. Manager of Human Resources Monitoring and Evaluation.....	30,214.95	82,009.34
21. Manager of Marketing.....	30,214.95	82,009.34
22. Manager of Properties.....	30,214.95	82,009.34
23. Manager of Public Service Operations.....	30,214.95	82,009.34
24. Manager of Telecommunications.....	30,214.95	70,391.35
25. Project Leader/Applications.....	30,214.95	70,391.35
26. Software Analyst.....	30,214.95	70,391.35
27. Superintendent of Electric Transmission and Distribution.....	30,214.95	70,391.35
28. Supervisor of Computer Operations.....	30,214.95	70,391.35
29. Supervisor Hardware Evaluation.....	30,214.95	70,391.35
30. Telecommunications Analyst.....	30,214.95	70,391.35
31. Veterinarian in Charge of Spay and Neuter Clinic.....	30,214.95	70,391.35

Section 36. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. City Comptroller	\$41,312.22	\$108,845.80
2. City Treasurer	41,312.22	100,473.05
3. Commissioner of Accounts	38,951.52	104,266.80
4. Commissioner of Administrative Services — Community Development	38,951.52	104,266.80
5. Commissioner of Architecture	41,312.22	116,584.69
6. Commissioner of Assessments and Licenses.....	38,951.52	96,246.28
7. Commissioner of Building and Housing.....	43,672.91	115,714.26
8. Commissioner of Burke Airport.....	38,951.52	96,246.28
9. Commissioner of Cleveland Hopkins International Airport	41,312.22	116,584.69
10. Commissioner of Cleveland Public Power.....	43,672.91	115,714.26
11. Commissioner of Convention Center	43,672.91	106,813.16
12. Commissioner of Emergency Medical Services	41,312.22	108,845.80
13. Commissioner of Engineering and Construction	43,672.91	115,714.26
14. Commissioner of Environment	41,312.22	108,845.80
15. Commissioner of Health	43,672.91	115,714.26
16. Commissioner of House of Corrections	38,951.52	96,246.28
17. Commissioner of Information Systems Services.....	50,400.00	115,714.26
18. Commissioner of Motor Vehicle Maintenance	38,951.52	104,266.80
19. Commissioner of Neighborhood Development	38,951.52	96,246.28
20. Commissioner of Neighborhood Revitalization	41,312.22	100,473.05
21. Commissioner of Neighborhood Services	41,312.22	100,473.05
22. Commissioner of Park Maintenance and Properties	41,312.22	116,584.69
23. Commissioner of Parking Facilities	38,951.52	104,266.80
24. Commissioner of Printing and Reproduction	38,951.52	104,266.80
25. Commissioner of Property Management	43,672.91	115,714.26
26. Commissioner of Purchases and Supplies	41,312.22	100,473.05
27. Commissioner of Recreation	41,312.22	116,584.69
28. Commissioner of Research/Planning and Development	38,951.52	104,266.80
29. Commissioner of Streets	38,951.52	104,266.80

30.	Commissioner of Traffic Engineering and Parking ..	41,312.22	100,473.05
31.	Commissioner of Utilities Engineering	41,312.22	96,246.28
32.	Commissioner of Utilities Fiscal Control	38,951.52	96,246.28
33.	Commissioner of Waste Collection and Disposal	38,951.52	104,266.80
34.	Commissioner of Water	43,672.91	115,714.26
35.	Commissioner of Water Pollution Control	38,951.52	104,266.80
36.	Income Tax Administrator	41,312.22	108,845.80
37.	Manager of Internal Audit	38,951.52	96,246.28

Section 37. That the 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 Manager — Applications Development and Technical Support.....	\$46,224.91	\$98,555.96
2. Assistant Manager — Data Processing Operations.....	46,224.91	90,974.74
3. Assistant to Manager of Planning.....	46,224.91	90,974.74
4. Deputy Commissioner of Cleveland Public Power.....	46,224.91	90,974.74

Section 38. That the 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. Data Base Administrator.....	\$39,937.34	\$86,684.04
2. Supervisor Applications Development.....	39,937.34	68,680.43
3. Supervisor Software Support.....	39,937.34	68,680.43
4. Supervisor Quality Assurance.....	39,937.34	68,680.43

Section 39. That the appointing authority shall fix the salary of the Manager, Data Processing Center, at not less than \$50,540.00 per annum and not more than \$101,779.10 per annum. Moreover, not more than one person shall be appointed to such classification.

Section 40. Part-Time/Seasonal Group

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. Box Office Cashier	\$ 10.30 per hour	\$ 12.66 per hour
2. Chaplain	\$ 6.74 per hour	\$ 10.31 per hour
3. Checker	\$ 5.15 per hour	\$ 6.48 per hour
4. Conservation Aide	\$ 5.15 per hour	\$ 5.26 per hour
5. Dentist	\$ 13.38 per hour	\$ 25.65 per hour
6. Head Usher	\$ 5.15 per hour	\$ 10.18 per hour
7. Medical Examiner	\$ 21.40 per hour	\$ 52.61 per hour
8. Organ Tuner	\$ 9.63 per hour	\$ 22.50 per hour
9. Park Maintenance Aide	\$ 5.15 per hour	\$ 7.70 per hour
10. Ranger	\$ 5.15 per hour	\$ 10.06 per hour
11. School Crossing Guard	\$ 16.50 per day	\$ 19.50 per day
12. Section Supervisor.....	\$ 5.50 per hour	\$ 6.18 per hour
13. Snow Removal Vehicle Operator	\$ 10.40 per hour	\$ 12.29 per hour
14. Stage Hand	\$ 18.55 per hour	\$ 23.02 per hour
15. Stage Hand Casual	\$ 20.00 per hour	\$ 23.20 per hour
16. Stage Hand - Show Rate	\$ 63.00 per show	\$ 75.63 per show
17. Student Aide	\$ 6.00 per hour	\$ 7.78 per hour
18. Student Assistant	\$ 5.15 per hour	\$ 6.85 per hour
19. Usher	\$ 5.15 per hour	\$ 5.93 per hour
20. Usher Captain	\$ 5.89 per hour	\$ 7.17 per hour

Section 42. Municipal Court Employees

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. Associate Director.....	\$37,783.00	\$65,783.00
2. Bailiff.....	36,085.00	59,044.00
3. Chief Deputy Bailiff.....	37,569.00	67,565.00
4. Chief Magistrate.....	48,620.00	72,961.00
5. Chief Probation Officer.....	50,395.00	72,961.00
6. Clinical Director.....	37,783.00	65,783.00
7. Deputy Bailiff.....	21,424.00	46,000.00
8. Deputy Bailiff Administrative Assistant - Finance.....	39,173.00	56,240.00
9. Deputy Bailiff Administrative Assistant - Operations....	39,173.00	56,240.00
10. Deputy Bailiff Assistant Director of Data Processing....	22,223.00	53,045.00
11. Deputy Bailiff Assistant Jury Commissioner.....	21,907.00	48,255.00
12. Deputy Bailiff Central Scheduling Director.....	41,755.17	67,590.00
13. Deputy Bailiff Chief Court Reporter.....	41,755.00	63,565.00
14. Deputy Bailiff Clerk Typist.....	19,526.00	28,260.00
15. Deputy Bailiff - Court Administrator.....	62,624.00	82,000.00
16. Deputy Bailiff - Court Reporter.....	22,914.00	49,214.00
17. Deputy Bailiff Data Processor.....	21,100.00	45,551.00
18. Deputy Bailiff Deputy Court Administrator.....	45,486.00	70,486.00
19. Deputy Bailiff/Deputy Court Administrator Chief Information Officer.....	45,486.00	82,000.00

20.	Deputy Bailiff Deputy Chief Court Reporter.....	22,923.00	50,677.00
21.	Deputy Bailiff Director of Data Processing.....	58,349.00	85,000.00
22.	Deputy Bailiff Finance Officer.....	39,173.00	56,240.00
23.	Deputy Bailiff General.....	21,424.00	49,000.00
24.	Deputy Bailiff Jury Commissioner.....	37,783.00	57,851.00
25.	Deputy Bailiff Law Clerk.....	21,250.00	43,014.00
26.	Deputy Chief Magistrate.....	40,752.00	64,536.00
27.	Deputy Bailiff - Office Manager.....	39,827.00	67,286.00
28.	Deputy Bailiff Private Secretary.....	20,112.00	30,560.00
29.	Deputy Bailiff Public Information Officer.....	\$18.47 per hour	\$33.56 per hour
30.	Deputy Bailiff Scheduler I.....	22,284.00	43,239.00
31.	Deputy Bailiff Session Room Supervisor.....	22,284.00	48,268.00
32.	Deputy Bailiff - Special Projects Officer.....	30,000.00	57,000.00
33.	Deputy Bailiff Supervisor.....	41,368.00	59,044.00
34.	Deputy Bailiff Systems Analyst.....	35,000.00	55,000.00
35.	Deputy Bailiff Training Officer.....	31,000.00	57,000.00
36.	Deputy Chief Probation Officer.....	42,318.00	65,130.00
37.	Immobilization Officer.....	\$15.60 per hour	\$23.85 per hour
38.	Magistrate.....	40,752.00	64,536.00
39.	Municipal Court Psychologist.....	\$47.74 per hour	\$90.00 per hour
40.	Personal Bailiff.....	43,285.00	58,000.00
41.	Probation Officer General.....	28,585.00	49,410.00
42.	Probation Officer Supervisor.....	48,616.00	65,612.00
43.	Psychiatric Case Worker.....	21,681.00	49,370.00
44.	Psychiatric Social Worker.....	21,907.00	49,255.00
45.	Psychologist II.....	\$60.00 per hour	\$84.00 per hour
46.	Small Claims Magistrate.....	20,687.00	48,525.00
47.	Student Aide.....	\$5.15 per hour	\$8.50 per hour
48.	Traffic Court Magistrate.....	40,752.00	63,714.00

Section 43. Division of Police; Chief of Police and Deputy Chief of Police

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

	Rank	Minimum	Maximum
1.	Chief of Police	\$69,682.20	\$139,534.46
2.	Deputy Chief of Police	63,966.00	117,556.56

Notwithstanding the provisions of Section 171.05 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Chief of Police shall not be entitled to receive any overtime compensation while serving as Chief of Police.

Section 46. Division of Police; Various Positions

The annual salaries of persons appointed to the following classifications within the Division of Police shall be fixed by the Director of Public Safety within the limits established in the following schedules:

		Minimum	Maximum
1.	Junior Assistant Secretary of Police.....	\$26,213.25	\$50,183.80
2.	Surgeon of Police.....	43,107.75	67,569.79
3.	Superintendent of Criminalistics.....	30,086.70	59,224.97
4.	Superintendent of Safety Buildings.....	30,086.70	59,224.97

Section 47. Division of Fire; Fire Chief and Assistant Fire Chief

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.	Fire Chief.....	\$64,407.00	\$139,534.46
2.	Assistant Fire Chief.....	56,790.30	104,649.47

Section 2. That the following existing Sections of Ordinance No. 436-97, passed April 14, 1997:

- Sections 2 and 3,
 - Section 4, as amended by Ordinance No. 1474-97, passed October 13, 1997, and
 - Sections 5, 6, 25, 26
 - Section 27, as amended by Ordinance No. 1698-98, passed September 21, 1998,
 - Sections 28 and 29,
 - Section 30, as amended by Ordinance No. 1474-97, passed October 13, 1997,
 - Section 31,
 - Section 32, as amended by Ordinance No. 1474-97, passed October 13, 1997, and
 - Sections 33, 34, 35, 36, 37, 38, and 39,
 - Section 40, as amended by Ordinance No. 1693-98, passed September 21, 1998, and Ordinance No. 1474-97, passed October 13, 1997, and
 - Sections 42, 43, 46 and 47,
- are hereby repealed.

Section 3. That all non-bargaining unit employees of the City of Cleveland shall receive a Three Percent (3%) increase in their annual salaries and compensation effective April 1, 1998.

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

Passed December 7, 1998.
Effective December 15, 1998.

Ord. No. 2123-98.
By Councilman Jones.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Ward 1 Club to stretch banners across the intersections of Harvard Lee and Miles & Lee, for the period from December 8, 1998 to January 5, 1999, inclusive, publicizing the Happy Holiday Season.

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. The notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1979, the Director of Public Service is hereby authorized and directed to issue a permit to the Ward 1 Club to install, maintain and remove banners across the intersections of Harvard & Lee and Miles & Lee, for the period from December 8, 1998 to January 5, 1999, 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.

Passed December 7, 1998.

Effective December 15, 1998.

Ord. No. 2185-98.
By Councilmen Zone and Patmon (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities apply for and accept a grant from the Cuyahoga River Community Planning Organization; determining the method of making the public improvement of restoring a portion of the Chevrolet Branch of Big Creek; and authorizing the Director to enter into contract for the making of such improvement.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to apply for and accept a grant in the amount of \$25,000.00, from the Cuyahoga River Community Planning Organization (CRCPPO), to pay a portion of the cost of restoring a portion of the Chevrolet Branch of the Big Creek, for the purposes set forth in the application and according thereto; that the Director of Public Utilities 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. 2185-98-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$25,000.00, payable from Fund No. 54 SF 001, is hereby approved in all respects.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of restoring a portion of the Chevrolet Branch of the Big Creek between Matherson Avenue and Guardian Avenue, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit price for the improvement.

Section 4. That the Director of Public Utilities is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit 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 unit price.

Section 5. That the cost of said improvement hereby authorized shall be paid from the grant proceeds accepted pursuant to Section 1 of this ordinance and Fund Nos. 54 SF 001, Request No. 23037.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2186-98.
By Councilman Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 84th Street to Freddie Love and Olivia Love and Michael R. Acree and Annie L. Acree.

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 provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-109, as more fully described in Section 2 below, to Freddie Love and Olivia Love and Michael R. Acree and Annie L. Acree.

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

P.P. No. 106-23-109

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. 391, bounded and described as follows:

Beginning at a point on the Easterly line of East 84th Street, (formerly Van Ness Avenue), distant 1348.17 feet Southerly, measured along said Easterly line from its intersection with the Southerly line of Wade Park Avenue, N.E.; thence Southerly along the Easterly line of East 84th Street, 40 feet to a point; thence Easterly and parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet; thence Northerly and parallel with the Easterly line of East 84th Street, 40 feet; thence Westerly and parallel with the Southerly line of Wade Park Avenue, N.E., 102 feet to the place of beginning, and being further known as Sublot No. 48 in L.M. Southern's Wade Park Subdivision proposed, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2187-98.
By Councilman Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located at 3601 Ridge Road, Permanent Parcel No. 013-07-002, for the purpose of ingress and egress to and from the Ridge Road Transfer Station.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire title to the property described below from CEI for the public purpose of ingress and egress to and from the Ridge Road Transfer Station, the following described property at no cost to the City of Cleveland:

3601 Ridge Road
Permanent Parcel No. 013-07-002

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Brooklyn Township, Lot No. 26 and is further bounded and described as follows:

Beginning at a 1" iron pin found at the intersection of the center line of Ridge Road S.W. (variable width) with the center line of Clinton Road S.W. (variable width);

Thence South 05° 32' 13" East, along said center line of Ridge Road S.W., a distance of 1,169.06 feet to the Southerly line of said Original

Lot No. 26, said point marked by a 1" iron pin found North 89° 07' 35" West, along said Southerly line of Original Lot No. 26, a distance of 0.20 feet;

Thence South 89° 07' 35" East, along said Southerly line of Original Lot No. 26, a distance of 43.27 feet to the Easterly right of way line of said Ridge Road S.W. at the Southwesterly corner of Parcel "D" of land conveyed to the City of Cleveland by deed recorded in Volume 8689, Page 269 of Cuyahoga County Records;

Thence North 05° 32' 13" West, along said Easterly right of way line of Ridge Road S.W., a distance of 50.31 feet to the Northwesterly corner of said Parcel "D" and the principal place of beginning of the land herein described. Said point marked by a drill hole found North 89° 07' 35" West, a distance of 2.13 feet;

Course 1: Thence North 05° 32' 13" West, continuing along said Easterly right of way line of Ridge Road S.W., a distance of 40.25 feet;

Course 2: Thence South 89° 07' 35" East, parallel with the Northerly line of Parcel "D", as aforesaid, a distance of 20.13 feet;

Course 3: Thence South 47° 19' 54" East, a distance of 30.01 feet;

Course 4: Thence South 89° 07' 35" East, parallel with the Northerly line of Parcel "D", as aforesaid, a distance of 569.67 feet;

Course 5: Thence North 53° 42' 13" East, a distance of 23.17 feet to the Westerly line of Parcel "A" of land conveyed to the City of Cleveland, as aforesaid.

Course 6: Thence South 00° 43' 39" West, along said Westerly line of Parcel "A", a distance of 34.00 feet to the Northeastly corner of Parcel "D", as aforesaid, said

point marked by a 5/8" iron pin found 0.19 feet North and 0.25 feet West;

Course 7: Thence North 89° 07' 35" West, along the Northerly line of said Parcel "D", a distance of 626.22 feet to the principal place of beginning and containing 0.3049 Acres (13,280 square feet) of land according to a survey made by Thomas J. Neff, Jr., Registered Surveyor No. 7065 - Ohio in October of 1998.

The subject area being part of the same land conveyed to The Cleveland Electric Illuminating Company by deed recorded in Volume 3461, Page 304 Cuyahoga County Records.

The basis of bearings for the area surveyed is North 05° 32' 13" West, as the center line of Ridge Road S.W. as assumed.

Be the same more or less but subject to all legal highways.

Section 2. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire title to such property and to employ and pay all fees for title companies, surveys, escrows, appraisals, and all other costs necessary for the acquisition of such property.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2188-98.
By Councilman Johnson (by departmental request).

An emergency ordinance to amend Section 44 of Ordinance No. 436-97, passed April 14, 1997, as amended by Ordinance No. 2119-98, passed December 7, 1998, relating to compensation for various classifications.

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

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

Section 1. That Section 44 of Ordinance No. 436-97, passed April 14, 1997, as amended by Ordinance No. 2119-98, passed December 7, 1998, is hereby amended to read as follows:

Section 44. Division of Police; Supervisory Ranks.

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

	Rank	Minimum	Maximum
1.	Commander of Police	\$73,184.14	\$73,684.14
2.	Deputy Inspector	73,184.14	73,684.14
3.	Captain	63,020.10	63,520.10
4.	Lieutenant	54,258.92	54,758.92
5.	Sergeant	46,705.92	47,205.93

Section 2. That existing Section 44 of Ordinance No. 436-97, passed April 14, 1997, as amended by Ordinance No. 2119-98, passed December 7, 1998, is hereby repealed.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2189-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract with Ceridian Employer Services for payroll processing and tax filing services, for the Department of Finance.

Whereas, the City desires to extend existing Contract No. 46291 with Ceridian Employer Services for professional services necessary to provide payroll check processing, tax payment and reporting, employee benefit reports and other reports, software and support; and

Whereas, the City has recently selected a new accounting software system, which selection was occasioned in part by Year 2000 deficiencies; and

Whereas, the City will convert to the new accounting system beginning January 1, 1999 through April 1, 1999; and

Whereas, it was necessary for the administration to evaluate its payroll service needs in light of the new accounting system; and

Whereas, the new accounting system has a payroll module, which would allow the City to perform its own payroll services; and

Whereas, the Council requested an evaluation of the City's ability to perform its own payroll services; and

Whereas, for the above reasons the administration desires to extend the existing contract so that there may be time to evaluate the necessity of contracting this service; and

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

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

Section 1. That the Director of Finance is hereby authorized to enter into contract with Ceridian Employer Services for professional services necessary to provide payroll and check processing, tax payment and reporting, employee benefit reports and other reports, software and support, on the basis of its proposal, the cost of which shall not exceed \$431,330.00 and shall be payable from Fund No. 01-99-98-0380, Request No. 23255, for the Department of Finance.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2190-98.
By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement or agreements to design, install and maintain a legislative tracking system and to provide training for use of such system for the Cleveland 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, following solicitation and review of competitive proposals, the Clerk of Council is hereby authorized to enter into an agreement or agreements for the design, installation and maintenance a legislative tracking system, including a public access kiosk, and to provide training for use of such system for the Cleveland City Council.

Section 2. That the cost of such agreements or agreements shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00) and shall be paid from the following funds as determined by the Director of Finance: Fund Nos. 52 SF 001, 54 SF 001, 57 SF 001, 58 SF 001, 81 SF 001, 60 SF 001, 10 SF 165, 10 SF 006, and 50 SF 001.

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 December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2191-98.
By Councilman White.

An emergency ordinance authorizing directing the Director of Public Service to issue a permit to Bethany Christian Church to stretch one (1) banner on utility poles in front of 3940 Martin Luther King Jr. Boulevard publicizing Christmas Candlelight Services from the period of December 8, 1998 to December 31, 1998, inclusive.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Bethany Christian Church, 3940 Martin Luther King Boulevard, to install, maintain and remove one (1) banner to be attached to utility poles, (by separate permission) in front of Bethany Church at 3940 Martin Luther King Jr. Boulevard, on the west side of the street publicizing Christmas Candlelight Services from the period of December 8, 1998 to December 31, 1998, inclusive. Said banner shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said holiday decorations and said decorations shall be removed promptly upon the expiration of said permit.

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

Passed December 14, 1998.

Awaiting the approval or disapproval of the Mayor.

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