

The City Record

Official Publication of the City of Cleveland

December the Thirtieth, 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 Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council-Artha Woods, 216 City Hall, 664-2840.		
	First Assistant Clerk-Sandra Franklin.		
MAYOR-Michael R. White			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
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 North-			
field Road			
DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.			
DIVISIONS - Police - Rocco Polluto, 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 30, 1998

No. 4438

CITY COUNCIL

MONDAY, DECEMBER 28, 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

December 23, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 23, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Absent: Director Nolan.

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

On motion, the following resolutions were adopted.

Resolution No. 804-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cuyahoga Concrete Company for an estimated quantity of Ready-Mixed Concrete (Loads over three (3) yards — Regions 1, 2 and 3) (All items) for the Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 2205-96, passed January 13, 1997, which on the basis of the estimated quantity would amount to Nine Hundred Twelve Thousand Four Hundred Fifty-Three and 25/100 Dollars (\$912,453.25), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract

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

Requisition No. 02880 which shall be certified against such contract in the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00).

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

Be it further resolved that the employment of the following subcontractor by Cuyahoga Concrete Company for the aforementioned requirement contract is hereby approved:

Subcontractor	Work
Ramos Trucking	
MBE	5%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, and Acting Director Alexander.

Nays: None.

Absent: Director Warren.

Resolution No. 805-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Concretech, a Division of Libby Construction Co., Inc. for an estimated quantity of Ready-Mixed Concrete (Loads of three (3) yards or less — Regions 1, 2 and 3) (All items) for the Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 2205-96, passed January 13, 1997, which on the basis of the estimated quantity would amount to Three Hundred Twenty-Five Thousand Two Hundred and 00/100 Dollars (\$325,200.00), (2% - 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 02881 which shall be certified against such contract in the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00).

Said requirement contract shall further provide that the Contractor

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

Be it further resolved that the employment of the following subcontractor by Concretech, A Division of Libby Construction Co., Inc. for the aforementioned requirement contract is hereby approved:

Subcontractor	Work
Arnold Trucking	
MBE	\$32,500.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, and Acting Director Alexander.

Nays: None.

Absent: Director Warren.

Resolution No. 806-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Penn Window Cleaning Company of Ohio, Inc. for an estimated quantity of Window Washing Services (all items) for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on November 25, 1998, pursuant to the authority of Ordinance No. 1596-98, passed September 28, 1998, which on the basis of the estimated quantity would amount to Two Hundred Sixty-Nine Thousand Three Hundred Sixty and 00/100 Dollars (\$269,360.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase

as the initial amount of such contract of the following:

Requisition No.	
21638	\$4,880.00
29519	\$7,200.00
17625	\$1,500.00

which shall be certified against such contract in the sum of Thirteen Thousand Five Hundred Eighty and 00/100 Dollars (\$13,580.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, and Acting Director Alexander.

Nays: None.

Absent: Director Warren.

Resolution No. 807-98.

By Director Konicek.

Be it resolved, that pursuant to Section 531.03(a) of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1043-75, passed February 2, 1976, the charges for work performed by the Division of Water, as approved by Board of Control Resolution No. 8-82, adopted January 13, 1982, are hereby rescinded as of December 31, 1998 and that the following new rates and charges are approved and effective as of and from January 1, 1999 and such subsequent dates as are determined by the Commissioner of Water and indicated in each schedule.

Charges for Installation of Connections, Tapping Sleeves and Valves

GENERAL PRICE NOTES

All prices herein specified are the INSTALLATION ONLY on a flat rate basis, unless otherwise specified as a deposit-cost plus job.

On ALL jobs the contractor shall excavate, backfill, sheath, place barricades, repair or replace all pavement (if required), and supply all material unless otherwise specified herein.

Any work performed on concrete water mains will be priced 55% above the cost posted herein.

Air Compressor and Crane services shall be provided by the contractor at his expense.

NEW CONNECTIONS

Installation Only — General Service and Fire Lines

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
1"	125.00	165.00	215.00
1-1/2"	580.00	755.00	980.00
2"	625.00	815.00	1,060.00
3"	720.00	935.00	1,215.00
4"	925.00	1,205.00	1,565.00
6"	970.00	1,260.00	1,640.00
8"	1,090.00	1,415.00	1,840.00
10"	1,300.00	1,690.00	2,195.00

HYDRANT RELOCATIONS IN THE CITY OF CLEVELAND

A. Contractor to excavate, backfill, sheath, place barricades, repair or replace all pavement (if required), and supply all material except for hydrant, case, cap and elbow.

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
A. Contractor to excavate, etc.			
No new tap req'd	945.00	1,230.00	1,600.00
New tap req'd,	1,480.00	1,925.00	2,505.00
Existing Tap Plugged plus cost of tap based on size of main			

B. Division of Water to excavate, backfill, sheath, place barricades, repair or replace all pavement (if required), and supply all labor and material.

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
B. CWD to excavate, etc.			
No new tap req'd	1,820.00	2,365.00	3,075.00
+ price/ft over 2'	165.00	215.00	280.00
New tap req'd, includes plugging existing tap	3,900.00	5,070.00	6,590.00

*The Division of Water will determine after investigation whether the existing trap can be utilized or whether a new tap is required.

RETAPS & RECONNECTS

Installation Only-General Service & Fire Lines

The same price structure as used for New Connections shall apply to Retaps and Reconnects

EXTENSIONS

Installation Only-General Service & Fire Lines

The same price structure as used for New Connections shall apply to Extensions.

BY-PASS AND CHECK VALVES

Labor Only-Assemble and Install or Remove and Reset

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
1-1/2"	245.00	320.00	415.00
2"	245.00	320.00	415.00
3"	245.00	320.00	415.00
4"	370.00	480.00	625.00
6"	490.00	635.00	825.00
8"	620.00	805.00	1,045.00
10"	780.00	1,015.00	1,320.00
12"	945.00	1,230.00	1,600.00

TAPPING SLEEVES AND VALVES

Labor Only-Installation, Tap and Test

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
6" or less	605.00	785.00	1,020.00
8"	620.00	805.00	1,045.00
10"	630.00	820.00	1,065.00
12"	655.00	850.00	1,105.00
16"	775.00	1,010.00	1,315.00
20"	2,340.00 Deposit (Cost Plus)	3,040.00 Deposit (Cost Plus)	3,950.00 Deposit (Cost Plus)

PRICES FOR CUTTING PIPE-PER CUT

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
any size	520.00 Deposit (Cost Plus)	675.00 Deposit (Cost Plus)	880.00 Deposit (Cost Plus)

PRICES FOR PLUGGING CONNECTIONS AND MAINS

The Division of Water to excavate and backfill

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
less than 2"	435.00	565.00	735.00
3" through 12"	865.00	1,125.00	1,465.00
16" and larger	1,300.00	1,690.00	2,195.00
	Deposit (Cost Plus)	Deposit (Cost Plus)	Deposit (Cost Plus)

RESETTING OF SMALL METERS

Labor Only-Cost of Meter Not Included

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
1" and smaller	50.00	65.00	85.00

CURB VALVES

Labor Only-On Installation Requiring an Easement, Inside Meter (Large), or Fire Line

	<u>1-1-99 to 12-31-99</u>	<u>1-1-00 to 12-31-00</u>	<u>1-1-01</u>
1-1/2" and 2"	80.00	105.00	135.00
3" through 8"	155.00	200.00	260.00
10" through 12"	260.00	340.00	440.00

Yeas: None.

Nays: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek and Acting Director Alexander.

Absent: Director Warren.

Resolution No. 808-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Ohio Diversified Services, Inc. for the public improvement of Southeast Service and Maintenance Facility at Twinsburg Township and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on October 30, 1998, pursuant to the authority of Ordinance No. 2109-90, passed November 19, 1990, for a unit basis for the improvement in the aggregate amount of Two Million Two Hundred Thirty Thousand Eight Hundred Fifty Dollars (\$2,230,850.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

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

SUBCONTRACTOR	WORK
Bob's A-Team Associates, Inc. FBE	\$171,000.00
Gratton Building Specialties, Inc. FBE	\$ 15,500.00
Commercial Tile & Stone, Inc. FBE	\$ 11,500.00
Ballast Fence FBE	\$ 27,000.00
CommSteel, Inc. MBE	\$ 97,000.00
M&R Enterprises, Inc. MBE	\$341,000.00
Cook Paving & Construction Co., Inc. MBE	\$ 60,000.00
Gateway Electric, Inc. MBE	\$190,000.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 809-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Acticarb, Division of Royal Oak Enterprises, Inc. for an estimated quantity of powdered activated carbon (items 1 and 3) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 2nd day of December, 1998, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Twenty Eight Thousand Two Hundred Thirty Dollars (\$28,230.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase

as the initial amount of such contract of the following:

Requisition No. 02879 which shall be certified against such contract in the sum of Twenty Eight Thousand Two Hundred Thirty Dollars (\$28,230.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 810-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Norit Americas, Inc. for an estimated quantity of powdered activated carbon (items 2 and 4) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 2nd day of December, 1998, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Twenty Eight Thousand Nine Hundred Dollars (\$28,900.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 02878 which shall be certified against such contract in the sum of Twenty Eight Thousand Nine Hundred Dollars (\$28,900.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 811-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Cook Paving/Nerone & Sons, JV for the public improvement of Project to Demolish Various Non-Operative Stations and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on December 4, 1998, pursuant to the authority of Ordinance No. 1980-96, passed June 2, 1998, for a unit basis for the improvement in the aggregate amount of One Million Two Hundred Ninety Two Thousand Seven Hundred Seventy Five Dollars (\$1,292,775.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public

Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cook Paving/Nerone & Sons, JV, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR	WORK
Wolves, Inc. MBE	\$280,000.00
Lito Trucking, Inc. FBE	\$ 10,000.00
Collinwood Concrete FBE	\$ 7,000.00
Ballast Fence FBE	\$ 8,000.00
Steward Supply MBE	\$ 55,000.00
Kingsway Contracting FBE	\$ 25,000.00
Alpha-Omega MBE	\$ 25,000.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 812-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of D M Painting Corporation for the public improvement of Kinsman Water Tower Rehabilitation and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on November 18, 1998, pursuant to the authority of Ordinance No. 312-98, passed June 15, 1998, for a unit basis for the improvement in the aggregate amount of Two Million Seven Hundred Eighty Two Thousand Six Hundred Forty Dollars (\$2,782,640.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by D & M Painting Corporation, for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR	WORK
Sircle Construction MBE	\$ 59,000.00
Steward Supply Company MBE	\$627,000.00
Kingsway Construction FBE	\$125,779.00
United Ready Mix MBE	\$ 12,000.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 813-98.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 19, 1998 for water meter parts for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 814-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of General Safety Equipment, LLC for an estimated quantity of three (3) cab and chassis with custom pumper body (all items) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1998, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Six Hundred Sixteen Thousand Two Hundred Seventy Two and no/100 Dollars (\$616,272.00), (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 29494

which shall be certified against such contract in the sum of Six Hundred Sixteen Thousand Two Hundred Seventy Two and no/100 Dollars (\$616,272.00).

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

Yeas: None.

Nays: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Absent: None.

Resolution No. 815-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jalco Truck Products, d.b.a. Admiral Truck Parts for an estimated quantity of various automotive and truck parts, items: 7 (A-D), 9, 14, 22, 37, 44 and 46 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Eighty Thousand Five Hundred and no/100 Dollars (\$80,500.00), (2% 31 Days), is here-

by affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30497

which shall be certified against such contract in the sum of Eleven Thousand and no/100 Dollars (\$11,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 816-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Austin Ignition Corp., d.b.a. Austin Parts & Service for an estimated quantity of various automotive and truck parts, items: 4 (B and C), 5 (B and C) and 17 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Sixty Three Thousand and no/100 Dollars (\$63,000.00), (2% 10th/Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30498

which shall be certified against such contract in the sum of Four Thousand and no/100 Dollars (\$4,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 817-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Point Spring Company, d.b.a. Brake Drum and Equipment Company for an estimated quantity of various automotive and truck parts, items: 21, 27, 28 and 33 for the Divi-

sion of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Sixty Thousand and no/100 Dollars (\$60,000.00), (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30499

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 818-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Carquest Auto Parts of Tower, Ohio, Inc. for an estimated quantity of various automotive and truck parts, items: 1, 3, 4 (A), 5 (a), 20, 35, 38 and 43 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Five Thousand Five Hundred and no/100 Dollars (\$105,500.00), (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30500

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

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 819-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of H & H Wheel Service Detroit, Inc. for an estimated quantity of various automotive and truck parts 6 (D & E), 8, 13, and 36 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Fifty Five Thousand and no/100 Dollars (\$55,000.00), (Net 10th Prox), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30501

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 820-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Perkins Motor Service Ltd. for an estimated quantity of various automotive and truck parts, items: 2, 6, (B and C), 11, 15, 19, 23, 29 and 34 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Seventy Eight Thousand and no/100 Dollars (\$178,000.00), (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30502

which shall be certified against such contract in the sum of Twenty Thousand and no/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 821-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Quality First Auto Parts for an estimated quantity of various automotive and truck parts, items: 6 (A), 18, 24 and 45 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Sixty Five Thousand and no/100 Dollars (\$65,000.00), (2% - 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30503

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 822-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Truckzone, Inc., d.b.a. Truckpro for an estimated quantity of various automotive and truck parts, items: 7(E), 10, 12, 16, 25, 26, 30 and 32 for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Ninety Eight Thousand and no/100 Dollars (\$98,000.00), (Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30505

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

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Truckzone, Inc., d.b.a. Truckpro, for the purchase of various automotive and truck parts, items 7 (E), 10, 12, 16, 25, 26, 30 and 32, is hereby approved:

Servco Products
MBE — 10%

Poly Services
MBE — 10%

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 823-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Servco Products, Inc. for an estimated quantity of various automotive and truck parts, item: #39, for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on November 13, 1998, pursuant to the authority of Ordinance No. 998-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately Twenty Five Thousand and no/100 Dollars (\$25,000.00), (1% Net 30), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 30504

which shall be certified against such contract in the sum of Three Thousand and no/100 Dollars (\$3,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 824-98.

By Director Denihan.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 181.19(b), Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing

the serial numbers listed to the right of the respective officer's name:

- Davis, Ollie, #9692 — Model Smith & Wesson, 5943, Serial #TVB0278.
- Ferris, Bernard, #323 — Model Smith & Wesson, 5943, Serial #TVB0192.
- Nolan, William C., #2221 — Model Smith & Wesson, 5903, Serial #TCZ2088.
- Resek, James J., #2231 — Model Smith & Wesson 5943, Serial #TVB0401.
- Rutt, Richard, Lieut. — Model Smith & Wesson 6906, Serial #TCU3996.
- Schaffer, Larry, #2073 — Model Smith & Wesson 5943, Serial #TYR4986.
- Tolliver, Bobby, #9537 — Model Smith & Wesson 5943, Serial #TVH5897.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 825-98.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Company, LLC for the public improvement of Highland Park Cemetery Site Improvements, for Base Bid Items 1-21, 23-49 and 60-70 including the 5% contingency line item, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on September 9, 1998, pursuant to the authority of Ordinance No. 1422-98, passed December 7, 1998, upon a unit basis for the improvement in the aggregate amount of Two Hundred Ninety Eight Thousand, Five Hundred Thirty Seven and 79/100 Dollars (\$298,537.79), is hereby affirmed and approved as the lowest responsible bid; and the Director of Department of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for R. DiLillo & Company, LLC on the public improvement of Highland Park Cemetery Site Improvements are hereby approved:

SUBCONTRACTORS

RESPONSIBILITY

- Cook Paving (MBE) Asphalt
- Alexa Trucking (MBE) Trucking
- United Ready Mix (MBE) Concrete
- Barrow Sign (FBE) Signage

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 826-98.

By Director Warren.
Whereas, pursuant to the authority of Ordinance No. 2197-88, passed January 30, 1989, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell certain City-owned property in the City of Beachwood, no longer needed for public use, in order to construct the Interchange, as defined in said Ordinance; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of Ordinance No. 2197-88, passed January 30, 1989 by Cleveland City Council, the Commissioner of Purchases and Supplies is hereby directed to sell a portion of certain City-owned property in the City of Beachwood, no longer needed for public use, to the Ohio Department of Transportation in order to construct the Interchange; said property is a portion of P.P.N. 742-33-001 and is more fully described as follows:

CUY-Chagrin Highlands
Wetland Mitigation

Auditor's Parcel No. 742-33-001

PARCEL NO. 1WD

Being a parcel of land lying on the left side(s) of the centerline of survey, made by the Department of Transportation, and recorded in Vol. 22, Page 6, of the records of Cuyahoga County and being located within the following described points in the boundary thereof:

Beginning at a point at the intersection of the centerline of Richmond Road with the centerline of Harvard Road (162 feet wide), said point being at centerline survey Sta. 108 + 79.66 Harvard Road;

Thence, North 89° 44' 40" East on the centerline of Harvard Road a distance of 1160.47 feet to a point;

Thence, North 0° 15' 20" West a distance of 81.00 feet to a point on the existing Limited Access Right of way line of I-271, said point being 81.00 feet left of centerline survey Sta. 120 + 40.13 Harvard Road and 547.77 feet left of centerline survey Sta. 398 + 62.10 I-271 and the true place of beginning of the parcel herein described;

Thence, North 0° 15' 20" West a distance of 314.37 feet to a point;

Thence, North 19° 44' 36" East a distance of 99.99 feet to a point;

Thence, North 15° 18' 55" East a distance of 229.19 feet to a point;

Thence, North 21° 31' 39" East a distance of 275.00 feet to a point;

Thence, North 7° 56' 17" West a distance of 334.10 feet to a point;

Thence, North 89° 39' 22" East a distance of 287.00 feet to a point;

Thence, South 7° 24' 40" West on the existing Limited Access right of way line of I-271 a distance of 160.63 feet to a point;

Thence, South 2° 23' 56" West on the existing Limited Access right of way line of I-271 a distance of 96.95 feet to a point;

Thence, South 16° 16' 03" West on the existing Limited Access right of way line of I-271 a distance of 49.38 feet to a point;

Thence, South 24° 53' 48" West on the existing Limited Access right of way line of I-271 a distance of 50.23 feet to a point;

Thence, South 1° 49' 23" West on the existing Limited Access right of way line of I-271 a distance of 101.14 feet to a point;

Thence, South 31° 13' 41" West on the existing Limited Access right of way line of I-271 a distance of 51.12 feet to a point;

Thence, South 21° 31' 28" West on the existing Limited Access right of way line of I-271 a distance of 98.81 feet to a point;

Thence, South 24° 13' 48" West on the existing Limited Access right of way line of I-271 a distance of 49.48 feet to a point;

Thence, South 15° 18' 55" West on the existing Limited Access right of way line of I-271 a distance of 247.61 feet to a point;

Thence, South 19° 44' 36" West on the existing Limited Access right of way line of I-271 a distance of 300.01 feet to a point;

Thence, South 36° 30' 01" West on the existing Limited Access right of way line of I-271 a distance of 81.48 feet to a point;

Thence, South 89° 44' 40" West on the existing Limited Access right of way line of I-271 a distance of 73.43 feet to the true place of beginning. Containing within said bounds, an area of about 5.7072 acres of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

This description is based on a survey made by Thomas Fok, Registered Surveyor No. 4896 in December, 1993, as to location of the Limited Access Right of Way Line and a survey made by URS Greiner in April, 1998 under the direction and supervision of Richard E. Rockich Registered Surveyor no. 5680 as to location of the westerly and northerly boundaries of Parcel 1WD.

Basis of bearing is on the Cleveland Regional Geodetic Survey Grid System (CRGS).

Grantor claims title by instrument recorded in Deed Book 968, Page 8 of the Cuyahoga County Records.

The consideration to be paid for said land is fixed at Twenty-Eight Thousand, Five Hundred Dollars (\$28,500.00), which amount is determined to be not less than the fair market value when taking into account all restrictions and encumbrances placed by the City in the deed of Conveyance. The deed from the City to the Ohio Department of Transportation shall contain such terms and conditions as the Director of Economic Development and the Director of Law deem appropriate and necessary to protect the interest of the City of Cleveland.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 827-98.

By Director Jackson.
Whereas, pursuant to the authority of Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1996, and Resolutions Nos. 408-96, 27-98, 187-98, 492-98, 511-98 and 669-98, adopted by this Board of Control on June 12, 1996, January 14, 1998, March 18, 1998, July 1, 1998, July 8, 1998 and September 23, 1998,

respectively, the City, through its Director of Parks, Recreation and Properties entered into City Contract No. 49912 with Hellmuth, Obata and Kassabaum, Inc. ("Architect") for the professional architectural services necessary for the construction of the new Cleveland Browns NFL Stadium and First, Second, Third, Fourth and Fifth Modifications thereto; and

Whereas, the City has determined to modify the scope of work further to include the additional professional services necessary for the wind mitigation peer review and building redesign; and

Whereas, Architect has proposed, by Additional Services Proposal number 86 dated July 7, 1998 and 95 dated October 2, 1998, to perform such additional professional services; and

Whereas, the City finds Architect's proposal acceptable and desires to modify City Contract No. 49912, as previously modified, on the basis of the Architect's Additional Services Proposal; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Parks, Recreation and Properties is hereby authorized to enter into a Sixth Modification to City Contract No. 49912, as previously modified, with Hellmuth, Obata and Kassabaum, Inc., based upon its Additional Services Proposal number 86 dated July 7, 1998, to perform the additional professional services necessary for the wind mitigation peer review for the Stadium project. The compensation for additional services authorized hereby shall not exceed Seventy-Two Thousand Eight Hundred Dollars (\$72,800.00), thereby increasing the total contract amount to not exceed \$14,961,760.00.

Be it further resolved that all other terms and provisions of City Contract No. 49912, as previously modified, hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek and Acting Director Alexander.

Nays: None.

Absent: Director Warren.

Resolution No. 828-98.
By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2103-98, passed by the Council of the City of Cleveland on December 14, 1998, Volume/English Enterprises, LLC is hereby selected from a list of firms determined, after a full and complete canvass by the Director of Parks, Recreation & Properties, as the firm to be employed by contract to provide the professional services necessary for the operation of a first-class food and beverage services concession at the Cleveland Convention Center.

Be it further resolved that the Director of Parks, Recreation & Properties is hereby requested to enter into a concession agreement with said Volume/English Enterprises, LLC based upon the proposal submitted on its behalf by Volume Services, Inc., to operate the food and beverage services concession operations at the Cleveland Convention Center for a term of five (5) years with two (2) options, exercisable by the Director of Parks,

Recreation & Properties, to extend the term for one (1) year each, for the following percentages of gross receipts:

\$0 to \$1,500,000	19.0%
\$1,500,001 to \$2,000,000	22.0%
\$2,000,001 end over	27.5%, plus
Fifty percent (50%) of the net profits from valet parking,	
Fifty percent (50%) of any third-party sales fees.	

Be it further resolved that the concession agreement authorized hereby shall be prepared by the Director of Law in accordance with the Request For Proposals and the Proposal, and shall contain such additional provisions as said Director deems necessary to protect and benefit the public interest.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Acting Directors Myles, Terry, Directors Jackson, Hudecek, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 11, 1999

9:30 P.M.

Calendar No. 98-254: 18240 Harvard Avenue, S.E.

Harvard Community Service, Inc., owner c/o Elaine Gohlstein, Executive Director, appeals to add a 15'-8" x 47'-4" (approximately 740 square feet) one-story masonry kitchen extension to the west wall of the existing 56' x 162' one and two-story masonry irregular shaped community center building, all on a

142' x 424' irregular shaped corner parcel located in a One-Family District on the southwest corner of Feiner Drive and Harvard Avenue at 18240 Harvard Avenue; said addition and use being contrary to the use limitations of Section 337.02 but subject to the approval authority of Section 337.02(f)(3)(B) and the expansion limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 98-255: 1216-1222 East 105th Street

Mary Daniels, owner, appeals to change the use of an existing 46' x 97' two-story, masonry irregular shaped 3 stores building with 5 dwelling units and 1 office space into 3 stores and 6 dwelling units on a 46' x 120' lot located in a Local Retail District on the west side of East 105th Street at 1216-1222 East 105th Street; the north and south side yards being 0' instead of each being 8' in width as required by Section 357.09(b)(2)(C) but subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 98-257: 11601 Detroit Avenue, N.W.

Detroit Apartments Inc., owner c/o Nancy Wilson, and Eller Media, lessee c/o Donald Isham and Scott Rowland, appeal under Sections 329.01(e) and 329.02(d) from a Notice of Violation of Housing Ordinances dated August 28, 1998 issued by the Department of Community Development, Division of Building and Housing regarding a wall sign attached to the east wall of the two-story stores-and-suites building on a corner lot at the southwest corner of West 116th Street and Detroit Avenue at 11601 Detroit Avenue and erected without obtaining a permit contrary to the requirements of Section 350.04 of the Codified Ordinances.

Calendar No. 98-258: 6802 Bonna Avenue, N.E.

Lydia Jackson, owner, appeals to enclose the 17'-6" x 6' one-story existing front porch of the 17'-6" x 35' two-story frame one family dwelling house on a 28' x 111' lot located in a Two-Family District on the south side of Bonna Avenue at 6802 Bonna Avenue; said enclosure to project 6' from the structure contrary to Section 357.13(b)(4) which prohibits enclosed porches from projecting more than 4' and aggregating a vertical area in any story more than 20% of the facade in that story and the existing west side yard being 1' instead of 3' in width as required by Section 357.09 and the enclosure to constitute an expansion of the nonconforming dwelling house contrary to the limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 98-259: 10406 Kinsman Road, S.E.

Unity Baptist Church, owner c/o Reverend E. L. Cryer, and Ministerial Day Care c/o Verneda Bentley, Executive Director, tenant, appeal to change use of an existing 85' x 80' one and two-story masonry, nonconforming nursing home building into a day care center and assembly area, classrooms and offices for the church all located on a 97' x 140' corner lot located on the south side of Kinsman Road at the southeast corner of East 104th Street and Kinsman Road at 10406 Kinsman

Road; said use as a day care center being subject to the review and approval authority under Sections 337.02(f)(3)(C) and 337.03; said uses not being in compliance with the off-street parking requirements of Sections 349.03 and 349.04 (deficient 4 parking spaces) and said uses not being in compliance with the 6' wide landscaping strip required along the east and south property lines which are proposed at 0' contrary to Section 352.10 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 28, 1998

NO MEETING

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
December 23, 1998

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

* * *

Docket A-179-96.

RE: Appeal of IMC Mortgage Company/Decision One Mortgage Co. LLC Ltd., Mortgagee of the Two Stores/Two-Story Frame Property located on the premises known as 1117-19 Lakeview Road from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 14, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations, and to require that the property be maintained secured during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 6, 1999. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

Docket A-180-98.

RE: Appeal of Prime Properties Limited Partnership, Owner of the Limited Retail Business Masonry Property located on the premises known as 1277-81 West 6th Street from a EXTENSION OF TIME LETTER of the Commissioner of the Division of Building and Housing dated September 11, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-180-98 has been POSTPONED; to be rescheduled for January 20, 1999.

* * *

Docket A-181-98.

RE: Appeal of Associated Estates Corporation, Owner of the Two-Story Masonry Brick 12 Dwelling Unit located on the premises known as 9220 Hough Avenue from 30 DAY FIRE CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated September 15, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-181-98 has been POSTPONED; to be rescheduled for January 20, 1999.

* * *

Docket A-191-98.

RE: Appeal of Willie M. Tolbert, Owner of the Two/one-half Story Frame Residential Property located on the premises known as 11217 Itasca Avenue from a 72 HOUR EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated October 21, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HOUR EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to clean the property within two weeks (2 wks.) and to grant the Appellant three months (3 mos.) in which to obtain permits and abate the violations; the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the 72 HOUR EMERGENCY FIRE CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 6, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

Docket A-193-98.

RE: Appeal of Kenneth Clapacs, Owner of the Two/one-half Story Frame Residential Property located on the premises known as 3030 Ashwood Road from a 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated October 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations or assign the property to a new owner; the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 6, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-198-98.

RE: Appeal of Keybank National Association, Mortgagee of the Two/one-half Story Frame Residential Property located on the premises known as 1773-75 Alcoy Road from a NOTICE OF VIOLATION/EXTERIOR of the Commissioner of the Division of Building and Housing dated September 9, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to board and secure the property and to clean the grounds within two weeks (2 wks.), and to grant the Appellant three months (3 mos.) in which to dispose of the property and/or obtain permits and abate the violations, and to require that the property remain boarded and secured during that period of time; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-230-98.

RE: Appeal of City of Cleveland (Cleveland Hopkins International Airport), Owner of the Property located on the premises known as 5300 Riverside Drive from a NOTICE OF VIOLATION — ELEVATOR

CODE of the Commissioner of the Division of Building and Housing dated November 12, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action; the docket will be rescheduled for January 20, 1999.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-103-98—George Cornell.
A-121-98—Emile & Hayat Daher/Robert Modic.
A-165-98—Ian J. Abrams.
A-177-98—The Northern Ohio Lumber & Timber Co.
A-183-98—Antoinette Hamilton.
A-187-98—John S. Tripodis.
A-188-98—James Nelson.
A-189-98—Margaret Arthur.
A-192-98—Lewis G. Robinson.
A-213-98—Musical Arts Assoc. (Severance Hall).

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

* * *

APPROVAL OF AMENDED RESOLUTION FROM JULY 22, 1998

Docket A-78-98 — 1799-1873 Beall Avenue Co., Inc. — 6605 Clark Avenue:

FROM: . . . Owner of the Property located on the premises known as 6605 Clark Avenue appealed to the Board of Building Standards and Building Appeals from a NOTICE OF VIOLATION — ELECTRICAL of the Commissioner of the Division of Building and Housing dated April 8, 1998 and from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated April 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC)

TO: . . . Owner of the Property located on the premises known as 6605 Clark Avenue appealed to the Board of Building Standards and Building Appeals from a NOTICE OF VIOLATION — ELECTRICAL of the Commissioner of the Division of Building and Housing dated April 8, 1998, from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated April 7, 1998, from a NOTICE OF VIOLATION — LEGAL USE of the Commissioner of the Division of Building and Housing dated April 13, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC)

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Saunders and seconded by Mr. Sullivan for Approval of the Minutes

as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

December 9, 1998

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

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

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.
Effective December 22, 1998.

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 Northeastly side of Broadway, S.E.;

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

Thence Northeastly along the Southeastly line of said parcel so conveyed, 30 feet to the Southwestly side of Aetna Road, S.E.;

Thence Southeastly 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.
Effective December 22, 1998.

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.
Effective December 22, 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 essential 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.

Effective December 24, 1998, without the signature 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 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.

Effective December 24, 1998.

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.

er, 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, operator, 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.

Effective December 24, 1998, without the signature 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 maintenance 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.

Effective December 24, 1998.

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.

Effective December 24, 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.

Effective December 22, 1998.

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 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 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 secu-

rity 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.

Effective December 22, 1998.

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 recon-

struction 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 companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements im-

mediately 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.

Effective December 24, 1998.

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.

Effective December 24, 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.

Effective December 22, 1998.

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

Effective December 24, 1998.

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.

Effective December 24, 1998.

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 Southeast corner of said Sublot No. 4; thence Northerly along said Westerly line 60 feet to the Northeast corner of said Sublot No. 4; thence Westerly along the Northerly line of said Sublot No. 4, 132 feet to the Southeast 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 Southwesterly 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 con-

veyance 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.

Effective December 22, 1998.

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 Southwesterly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwesterly 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 Southwesterly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwesterly 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.

Effective December 22, 1998.

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.
Effective December 22, 1998.

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.
Effective December 22, 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 autho-

rized 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.
Effective December 22, 1998.

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
Situating 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.

Effective December 22, 1998.

**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 Westerly part of Sublot No. 9 in Bisking-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 Southeastern 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.

Effective December 22, 1998.

**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 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.

Effective December 22, 1998.

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)	<u>30,083.00</u>
	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	<u>3,247.26</u>
	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.

Effective December 22, 1998.

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.

Effective December 22, 1998.

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 Northeasterly 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 simple 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.
Effective December 22, 1998.

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.
Effective December 22, 1998.

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.

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.
Effective December 22, 1998.

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.

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.
Effective December 22, 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.
Effective December 24, 1998.

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.

Effective December 22, 1998.

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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary 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.

Effective December 22, 1998.

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.

Effective December 22, 1998.

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.

Effective December 24, 1998.

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.

Effective December 24, 1998.

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.

Effective December 22, 1998.

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.

Effective December 22, 1998.

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.

Effective December 24, 1998.

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.

Effective December 22, 1998.

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 West-erly part of Sublot Number 118 in the Stewart, Frisbie, and Ford Sub-division 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 South-westerly 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 West-erly 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 West-erly 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 bill-boards except permitted identifica-tion 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.

Effective December 24, 1998.

Ord. No. 1956-98.
By Councilmen Willis and John-son
(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 written 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 approxi-mate 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 Manage-ment, Department of Parks, Recre-ation 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 combina-tion 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 desir-able by the Commissioner of Pur-chases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said con-tract shall not exceed \$210,000 and shall be charged against the proper appropriation account and the Direc-tor of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, togeth-er with all subsequent purchases, shall be made on order of the Com-missioner 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 7, 1998.

Effective December 15, 1998.

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 Develop-ment Fund was established by Amended Sub. H.B. 107 for the purpose of funding the design, upgrade and/or construction of public road-ways serving commercial or indus-trial economic development projects; and

Whereas, the City of Cleveland wishes to apply for and accept funds from the Roadwork Develop-ment Fund to undertake and com-plete applicable economic develop-ment projects in the City of Cleve-land; and

Whereas, this ordinance consti-tutes an emergency measure provid-ing for the usual daily operation of a municipal department; now, there-fore,

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 road-work 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.
Effective December 22, 1998.

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.
Effective December 24, 1998.

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.
Effective December 24, 1998.

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.
Effective December 22, 1998.

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.
Effective December 24, 1998.

**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.

Effective December 22, 1998.

**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 ser-

vices 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.

Effective December 24, 1998.

**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 general 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, AI-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 subgrade (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 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 development 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 at 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.
Effective December 22, 1998.

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.
Effective December 24, 1998.

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. 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
	—————	—————
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
	—————	—————
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
	—————	—————
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	—	—
	—————	—————
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
	<hr/>	<hr/>
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
	<hr/>	<hr/>
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
	<hr/>	<hr/>
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
	<hr/>	<hr/>
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
	<hr/>	<hr/>
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.

Effective December 22, 1998.

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.

Effective December 22, 1998.

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.

Effective December 22, 1998.

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 applica-

tion 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.

Effective December 24, 1998.

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.

Effective December 22, 1998.

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.
Effective December 22, 1998.

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.
Effective December 24, 1998.

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.
Effective December 24, 1998.

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.
Effective December 24, 1998.

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.

Effective December 24, 1998.

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.

Effective December 23, 1998.

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.

Effective December 22, 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.
Effective December 18, 1998.

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 providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-23-109, 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.
Effective December 22, 1998.

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 Vol-

ume 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 Northeasterly 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.

Effective December 22, 1998.

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	47,205.92

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.

Effective December 24, 1998.

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.

Effective December 22, 1998

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.
 Effective December 24, 1998

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.
 Effective December 22, 1998

COUNCIL COMMITTEE MEETINGS
 NO MEETINGS

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

Agreements

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 (O 2005-98).....**2223**

Banners

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