

# The City Record

Official Publication of the City of Cleveland

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February the Twenty-Fourth, Nineteen Hundred and Ninety-Nine

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<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Jay Westbrook	
<b>Clerk of Council</b>	
Cecelia R. Huffman	
<b>Ward</b>	<b>Name</b>
1	Joseph T. Jones
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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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	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

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

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

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

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

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

**DEPT. OF PARKS, RECREATION & PROPERTIES** - Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.  
**DIVISIONS** - Convention Center & Stadium - James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.  
Property Management - 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** - Jeffrey K. Patterson, Director, Room 121

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD OF EXAMINERS OF PLUMBERS** - Joseph Gyorky, Chairman; Earl S. Bumgarner, \_\_\_\_\_, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, FEBRUARY 24, 1999

No. 4446

## CITY COUNCIL

MONDAY, FEBRUARY 22, 1999

### The City Record

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**CECELIA R. HUFFMAN**  
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:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio February 22, 1999.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White and Directors Carmody, Konicek, Balraj, Ricchiuto, Guzman, Jackson, Hudecek, Warren, Patterson, Morrison, Axelrod and Acting Directors Milton, Whitlow and Dove.

Absent: Director Carter.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Ogden W. White, Pastor of Bethany Presbyterian Church, located at 6415 West Clinton Avenue in Ward 17. Pledge of Allegiance

#### MOTION

On the motion of Councilman Gordon and seconded by Councilman Sweeney, the Clerk was instructed to correct the Journal of the February 8, 1999, meeting of the Council (City Record Volume 86, Page 155) by striking the following:

#### “SECOND READING EMERGENCY ORDINANCES

##### Ord. No. 1883-98.

By Councilman Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12525 St. Clair Avenue to Roscoe, Incorporated.

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

##### Ord. No. 1957-98.

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 3709 East 57th Street to Broadway Area Housing Coalition or designee.

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

##### Ord. No. 1958-98.

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 8303 Goodman Avenue to Eric J. Stopar.

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

##### Ord. No. 2009-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds used to partially finance certain improvements as part of the Lee Harvard Shopping Center redevelopment project and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

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

##### Ord. No. 2058-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway located in the Cleveland Area Enterprise Zone.

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

**Ord. No. 2102-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the STD — Diagnostic and Treatment Services Program.

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

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

**"Section 2. That the Director of Public Health shall provide a report to the Public Health Committee every six months during the grant term which shall include the number of individuals tested under the program."**

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2107-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fencing for baseball diamond fields, parks and playgrounds, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

1. In Section 1, lines 7 and 8, strike "in the approximate amount as purchased during the preceding year" and insert in lieu thereof **"shall not exceed \$60,000 for the term of the contract"**.

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 28-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Dictaphone Corporation for the purchase of maintenance services for Dictaphone equipment, including logging and playback recorders, for the Division of Emergency Medical Service, Department of Public Safety.

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

**Ord. No. 29-99.**

By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of expanding Brookside Park.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Recommended by Committees on Public Parks, Property and Recreation, Finance.

**Ord. No. 93-99.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into a requirement contract without competitive bidding with East Ohio Gas Company for the purchase of natural gas transportation services, and authorizing the purchase by requirement contract of natural gas, for the various divisions of City government.

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

1. In Section 2, at the end, insert the following new sentence:

**"Prior to the presentation of a resolution to the Board of control for the selection of a contractor or contractors under this Section, the Director of Finance shall report to this Council, through its Clerk, as to the identity of the contractor or contractors recommended by the Director and the contract amount to be paid under each such contract."**

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

and inserting in lieu thereof:

**"SECOND READING EMERGENCY ORDINANCES PASSED"****Ord. No. 1883-98.**

By Councilman Coats.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12525 St. Clair Avenue to Roscoe, Incorporated.

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

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

**Ord. No. 1957-98.**

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 3709 East 57th Street to Broadway Area Housing Coalition or designee.

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

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

**Ord. No. 1958-98.**

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 8303 Goodman Avenue to Eric J. Stopar.

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

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

**Ord. No. 2009-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds used to partially finance certain improvements as part of the Lee Harvard Shopping Center redevelopment project and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.

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

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

**Ord. No. 2058-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway located in the Cleveland Area Enterprise Zone.

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

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

**Ord. No. 2102-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the STD — Diagnostic and Treatment Services Program.

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

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

**"Section 2. That the Director of Public Health shall provide a report to the Public Health Committee every six months during the grant term which shall include the number of individuals tested under the program."**

2. That existing Section 2 shall be renumbered as Section 3.

3. That existing Section 3 shall be renumbered as Section 4.

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2107-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fencing for baseball diamond fields, parks and playgrounds, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

1. In Section 1, lines 7 and 8, strike "in the approximate amount as purchased during the preceding year" and insert in lieu thereof "shall not exceed \$60,000 for the term of the contract".

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 28-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Dictaphone Corporation for the purchase of maintenance services for Dictaphone equipment, including logging and playback recorders, for the Division of Emergency Medical Service, Department of Public Safety.

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

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

**Ord. No. 29-99.**

By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).

An emergency ordinance to appropriate property for the public purpose of expanding Brookside Park.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Recommended by Committees on Public Parks, Property and Recreation, Finance.

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

**Ord. No. 93-99.**

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into a requirement contract without competitive bidding with East Ohio Gas Company for the purchase of natural gas transportation services, and authorizing the purchase by requirement contract of natural gas, for the various divisions of City government.

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

1. In Section 2, at the end, insert the following new sentence:

"Prior to the presentation of a resolution to the Board of control for the selection of a contractor or contractors under this Section, the

Director of Finance shall report to this Council, through its Clerk, as to the identity of the contractor or contractors recommended by the Director and the contract amount to be paid under each such contract."

Amendment agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage."

and, further, that the Clerk be instructed to publish these amendments correctly in the February 24, 1999, City Record.

The reading of the minutes of the last meeting was dispensed with and the journal approved.

**COMMUNICATIONS****File No. 208-99.**

From the Division of Purchases and Supplies re: Emergency Requisition - (RE-27090). Received.

**File No. 209-99.**

From the State of Ohio Office of the Auditor re: Management Letter dated December 18, 1998. Received.

**File No. 210-99.**

From the Northeast Ohio Area-wide Coordinating Agency re: Single Audit Report for the period July 1, 1997 through June 30, 1998. Received.

**File No. 211-99.**

From the Cuyahoga Metropolitan Housing Authority re: Financial Statement for the year ended December 31, 1996. Received.

**File No. 212-99.**

From Mayor Michael R. White re: Report of City Contracts Awarded. Received.

**File No. 213-99.**

From Mayor Michael R. White re: Naming of Jeffery K. Patterson, Director of Personnel and Human Resources. Received.

**File No. 148-99-A.**

From Ohio Housing Finance Agency - Apprising Council of a Residential Development Project: Northeastern Neighborhood Development Corporation re: Gardner Homes.

Slavic Village Development re: Harvard School Senior Apartments. Glenville Elderly L.P. re: Glenville Elderly Development.

The Piedmont Foundation, Inc. re: The Hazledell School. Broadway Elderly LP. re: Broadway Elderly.

**File No. 214-99.**

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report - February, 1999. Received.

**File No. 215-99.**

From the Department of Community Development re: Application to establish Correctional Halfway House, 1829 East 55th Street. Received.

**File No. 216-99.**

From the Civil Service Commission re: Announcement of new position, Assistant School Building Custodian. Received.

**File No. 929-98-A.**

From North Point Properties, Inc. re: PPN# 101-07-019, Loc: Public Square Objection to Estimate of Assessment and Resolution 929-98. Received.

**File No. 217-99.**

From the Division of Purchases & Supplies re: Emergency Requisition (RE-17162). Received.

**File No. 218-99.**

From the Department of Health and Human Services, HIV/AIDS Bureau re: Ryan White CARE Act programs. Received.

**FROM THE DEPARTMENT OF LIQUOR CONTROL****File No. 219-99.**

Re: New Application - 7642327 - SM & AM, Inc., 14021 St. Clair Avenue. (Ward 10). Received.

**File No. 220-99.**

Re: Transfer of Ownership Application - 1892913 - Dambro, Inc. dba Lincoln Inn, 75 Public Square, first floor. (Ward 13). Received.

**File No. 221-99.**

Re: Transfer of Ownership Application - 9181396 - V.S.P. Lounge, Inc. dba V.S.P. Lounge, first and second floors and basement. (Ward 3). Received.

**File No. 222-99.**

Re: Transfer of Ownership and Location Application - 9552788 - Arthur Dean Wheeler dba Star Gate, 14805 St. Clair. (Ward 10). Received.

**File No. 223-99.**

Re: Transfer of Ownership and Location Application - 067737110005 - Betty, Inc., 2221 Professor Avenue. (Ward 13). Received.

**File No. 224-99.**

Re: Transfer of Ownership and Location Application - 40342570005 - Pamela Hubbard dba McClains Market II, 3904 Martin Luther King Blvd, first floor. (Ward 2). Received.

**File No. 225-99.**

Re: Transfer of Location Application - 06684880001 - Best Buy Food Market, Inc. dba Best Buy Food Market, 3831 East 93rd Street. (Ward 2). Received.

**STATEMENT OF WORK ACCEPTED****File No. 226-99.**

From the Department of Parks, Recreation and Properties re: Contract Number 53156, (06-98) City Hall Balcony Drain Repair Improvement. Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 263-99**—Miller Love, Sr.  
**Res. No. 264-99**—Henry B. Mobley.  
**Res. No. 273-99**—William Bates.  
**Res. No. 274-99**—Willie Irby, Jr.  
**Res. No. 275-99**—Kenneth J. Nobilio.  
**Res. No. 276-99**—Helen M. Brown.  
**Res. No. 277-99**—Victor Darwin Scott.  
**Res. No. 278-99**—William Hraster.  
**Res. No. 279-99**—Albert A. Ballew.  
**Res. No. 280-99**—Francis F. Frazier.

**CONGRATULATORY RESOLUTIONS**

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

**Res. No. 281-99**—Kappa Alpha Psi Fraternity, Inc. Cleveland Alumni Chapter.

**Res. No. 282-99**—Vietnamese Community in Greater Cleveland, Inc.

**Res. No. 283-99**—Monte Ahuja.

**Res. No. 284-99**—Agnese Slominsky.

**Res. No. 285-99**—Toni Sawyers.

**Res. No. 286-99**—Alan Buchner.

**Res. No. 287-99**—Kathy Benco.

**Res. No. 288-99**—Charlie Simpson.

**Res. No. 289-99**—Dr. Jerry Sue Thornton.

**Res. No. 290-99**—Celeste Frollo.

**Res. No. 291-99**—Stanley Erzen.

**Res. No. 292-99**—Emilee Jenko.

**Res. No. 293-99**—Artha Woods.

**Res. No. 294-99**—Greek Independence Day.

**Res. No. 295-99**—Pearl Barry.

**Res. No. 296-99**—Willard "Chubby" Talley.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 241-99.**

**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of de-icer, 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 de-icer 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.** 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 22426)

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

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

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

**Ord. No. 242-99.**

**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to employ one or more physicians to provide physical examinations for children and staff attending overnight camp during the 1999 summer season.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to employ by contract one or more physicians 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 provide physical examinations for children and staff attending overnight camp during the 1999 summer season.

The selection of said physicians for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified physicians available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Parks, Recreation and Properties, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund No. 01-70-04-0380, Request No. 20291.

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

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

**Ord. No. 243-99.**

**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football 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 Parks, Recreation and Properties is hereby authorized and directed to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program, in an amount not to exceed \$43,000, payable from Fund No. 01-70-04-0380, Request No. 21118.

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

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

**Ord. No. 244-99.**

**By Councilmen Coats, Zone and Johnson (by departmental request).**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.501 thereof relating to the application and acceptance of annual Drug Abuse Resistance Education grant.**

Whereas, this ordinance constitutes an emergency measure providing for 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 135.501 thereof to read as follows:

**Section 135.501 Application and Acceptance of Annual Drug Abuse Resistance Education Grant**

The Director of Public Safety is hereby authorized to apply for and accept annual grants from the Ohio Attorney General's office to conduct the Drug Abuse Resistance Education ("D.A.R.E.") Grant program, provided that the City is not obligated to provide in cash matching funds as a condition to receiving the grant. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under said grants and, upon acceptance of said grants the grant funds shall be appropriated for the purposes set forth in the grant agreement. The Director shall notify the Clerk of Council of the making of any grant application or the acceptance of any grant pursuant to this section.

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

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

**Ord. No. 245-99.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of inmate clothing, bedding and shoes, for the Division of Correction, Department of Public Health.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to 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 inmate clothing, bedding and shoes in the estimated sum of \$34,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Correction, Department of Public Health. 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 24677)

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

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

**Ord. No. 246-99.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste District for the 1999 Solid Waste Disposal Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$129,948 and such other funds as may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 1999

Solid Waste Disposal Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 246-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 247-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of Blaw Knox paver equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service 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 Blaw Knox paver equipment parts, including labor if necessary 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24161)

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

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

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

**Ord. No. 248-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

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

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. Therefore, the Director of Public Service is hereby authorized to make a written contract with said E.J. Ward, Inc. upon the basis of its proposal for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for a one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 24160.

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

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

**Ord. No. 249-99.**  
**By Councilmen Jones, Sweeney Robinson and Johnson (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Harvard Avenue from East 154th Street to the east corporation line; 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 here-

by given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The rehabilitation of Harvard Avenue from East 154th Street to the east corporation line (the "Improvement").

**Section 2.** That the City hereby proposes to cooperate with the County in the cost of the improvement by assuming and contributing the entire cost and expense of the Improvement less any funds administered by the Ohio Public Works Commission which are used for the Improvement, and less the County's portion of the cost of the Improvement. In addition, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the County not to be eligible or made necessary by the Improvement.

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

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

a) Keep the affected highway open to traffic at all 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 the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such

manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

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

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

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

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

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvements shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

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

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

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for

the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

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

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

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

f) That within the corporate limits of the City, the City hereby agrees to contribute twenty percent (20%) of the cost of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City hereby agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is hereby authorized to enter into escrow agreement with the Board of County Commissioners prior to an award of a contract for the improvement.

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

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

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



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

**Ord. No. 250-99.**

**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide architectural, engineering and other related services for the purpose of replacing or repairing roofs at various facilities in the Department of Public Service; determining the method of making the public improvement of replacing or repairing roofs, and authorizing the Director of Public Service 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 Service is hereby authorized to employ by contract one or more architects, engineers or other consultants or one or more firms of architects, engineers or other 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 replace or repair roofs at various facilities, including but not limited to the Glenville Service Center, Ridge Road Service Center, Building Nos. 4 and 5 at Harvard Yards, Streets and Waste Collection Buildings at the Ridge Road Station, and the Bridges and Docks Service Facility at East 65th Street.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Service from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

**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 replacing or repairing roofs at various facilities, including but not limited to the Glenville Service Center, Ridge Road Service Center, Building Nos. 4 and 5 at Harvard Yards, Streets and Waste Collection Buildings at the Ridge Road Station, and the Bridges and Docks Service Facility at East 65th Street, for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

**Section 3.** That the Director of Public Service is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade

and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

**Section 4.** That the cost of said improvement and professional services hereby authorized by this ordinance shall be paid from Fund Nos. 20 SF 340 and 20 SF 351, Request No. 24675.

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

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

**Ord. No. 251-99.**

**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary to create a detailed design of the consolidated maintenance facility at Cleveland Hopkins International Airport.**

Whereas, this ordinance constitutes an emergency measure providing for 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 employ by contract one or more design consultants or one or more firms of design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide a detailed design of the consolidated maintenance facility at Cleveland Hopkins International Airport.

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

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 119, and from any funds or sub-funds to which are credited any federal grants or federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 24854.

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

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

**Ord. No. 252-99.**

**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance to supplement Ordinance No. 1085-94, passed June 13, 1994, by adding new Sections 12 and 13 thereof and to renumber existing Section 12 to new Section 14, relating to proffering certain representations for purposes of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, and authorizing the Director of Port Control to apply to the bond trustee for land release.**

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

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

**Section 1.** That Ordinance No. 1085-94, passed June 13, 1994, is hereby supplemented by adding new Sections 12 and 13 thereof, to read, respectively, as follows:

**Section 12.** That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land heretofore subject to the Trust Indenture be released and removed from all obligations under said Trust Indenture. The portions of the land to be released are described as Parcels A and B in Section 1 above. Further, the City acknowledges, states and affirms that it is not in default under said Indenture, and that release of such land is necessary in order to exchange the land for certain land from NASA to ensure that the land is within the proper boundaries of its owners.

**Section 13.** That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of Parcels A and B described in Section 1 pursuant to the Trust Indenture, dated November 1, 1976, as amended.

**Section 2.** That existing Section 12 of Ordinance No. 1085-94, passed June 13, 1994, is hereby renumbered to new "Section 14".

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

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

**Ord. No. 253-99.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport.**

Whereas, this ordinance constitutes an emergency measure providing for 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 employ by contract one or more design or design review consultants, or one or more firms of design or design review 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 provide a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport, including but not limited to the exterior concrete areas, sewers, and appurtenances.

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

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 119, and from any funds or sub-funds to which are credited any federal grants or federal PFC authorization for the above contract and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above contract, Request No. 24792.

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

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

**Ord. No. 254-99.**  
**By Councilmen Westbrook, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to execute an easement granting to the East Ohio Gas Company certain easement rights in property located on which is situated the former LSG Sky Chef Building and declaring said easement rights no longer needed for public use.**

Whereas, the East Ohio Gas Company has requested the Director of Port Control to convey certain ease-

ment rights in property located on which is situated the former LSG Sky Chef Building; and

Whereas, the easement rights to be granted are no longer needed for public use 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 an easement interest in the following described property is no longer needed for public use:

East Ohio Gas Company Easement. Situated in the City of Cleveland, Cuyahoga County, Ohio and known as being part of Cleveland Hopkins International Airport, Lease Area.

From starting point, the Principal Place of Beginning the Easement herein intended to be described:

Thence North 66° 19' 06" East, 11.13 feet to a point;

Thence South 88° 10' 44" East, 209.89 feet to a point;

Thence South 55° 00' 37" East, 147.52 feet to a point;

Thence South 42° 59' 32" East, 19.21 feet to a point;

Thence South 01° 39' 40" West, 90.88 feet to a point;

Thence North 90° 00' 00" East, 44.42 feet to a point;

Thence South 01° 37' 30" West, 93.52 feet to a point;

Thence South 40° 02' 58" East, 40.35 feet to a point;

Thence South 88° 17' 34" East, 113.93 feet to a point;

86.81 feet about a curve having a radius of 120 feet to a point;

Thence South 46° 50' 39" East, 62.67 feet to a point;

Thence South 32° 18' 29" West, 31.13 feet to a point;

Thence North 57° 41' 31" West, 10 feet to a point;

Thence North 32° 18' 29" East, 22.87 feet to a point;

Thence North 46° 50' 39" West, 54.40 feet to a point;

79.58 feet about a curve having a radius of 110 feet to a point;

Thence North 88° 17' 34" West, 118.41 feet to a point;

Thence North 40° 02' 58" West, 48.63 feet to a point;

Thence North 01° 37' 30" East, 87.04 feet to a point;

Thence North 90° 00' 00" West, 29.45 feet to a point;

Thence South 01° 58' 13" West, 100.44 feet to a point;

Thence North 90° 00' 00" West, 161.89 feet to a point;

Thence North 00° 00' 00" West, 14 feet to a point;

Thence North 90° 00' 00" East, 10 feet to a point;

Thence North 00° 00' 00" West, 4 feet to a point;

Thence North 90° 00' 00" East, 142.23 feet to a point;

Thence North 01° 58' 13" East, 82.43 feet to a point;

Thence North 90° 00' 00" West, 4.69 feet to a point;

Thence North 01° 39' 40" East, 97.07 feet to a point;

Thence North 42° 59' 32" West, 14.05 feet to a point;

Thence North 55° 00' 37" West, 143.49 feet to a point;

Thence North 88° 10' 44" West, 204.65 feet to a point;

Thence South 66° 19' 06" West, 8.87 feet to a point;

Thence North 23° 40' 54" West, 10 feet to the Principal Place of Beginning and containing 0.2723 acres of land as described on June 8, 1998, by URS Greiner, Inc., Consulting Engineers.

**Section 2.** That the easement shall be non-exclusive and the purpose of the easement shall be for re-routing a gas line from the north side of the former LSG Sky Chef Building to avoid the gas line from running underneath paving for the taxiway.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described (non-exclusive) easement interest to the East Ohio Gas Company at a price not less than fair market value as determined by the Board of Control.

**Section 4.** That the duration of the easement shall be for so long as the re-routed gas line serves the purpose for which the easement was granted; that the easement may include reasonable access rights; that the easement shall be not assignable except after approval by the City's Board of Control; that the easement shall require the grantee to indemnify the City, provide reasonable insurance, maintain any grantee improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Port Control on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties. The Directors of Port Control and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the improvement within the property described in Section 1.

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

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance.

**Ord. No. 255-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the Board of County Commissioners for the 1999 Second District Probation Program, on behalf of the Cleveland Municipal Court.**

Whereas, this ordinance constitutes an emergency measure providing for 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 apply for and accept a grant in the amount of \$27,341, from the Board of

County Commissioners, to conduct the 1999 Second District Probation Program, on behalf of the Cleveland Municipal Court for the purposes set forth in the application and according thereto; that the Director of Finance 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. 255-99-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$9,115.00, payable from Fund No. 01-01-15-0901, is hereby approved in all respects.

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

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

**Ord. No. 256-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the State of Ohio Office of the Governor's Highway Safety Representative for the 1999 Traffic Intervention Program, on behalf of the Cleveland Municipal Court.**

Whereas, this ordinance constitutes an emergency measure providing for 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 apply for and accept a grant in the amount of \$72,000, from the State of Ohio Office of the Governor's Highway Safety Representative, to conduct the 1999 Traffic Intervention Program, on behalf of the Cleveland Municipal Court, for the purposes set forth in the application and according thereto; that the Director of Finance 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. 256-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 257-99.**  
**By Councilmen Robinson, Jones 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 City of Cleveland's municipal parking lot between East 139th - East 140th Streets and Kinsman Avenue to Mt. Pleasant Now 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 the City of Cleveland's municipal parking lot between East 139th - East 140th Streets and Kinsman 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 an easement interest in the following described property is no longer needed for public use:

Permanent Parcel No. 130-12-029  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning in the Easterly line of East 139th Street (50 feet wide) at a point 81.62 feet Northerly of its intersection with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Northerly along the Easterly line of East 139th Street, 40 feet to the Southerly line of land conveyed to Henry and A. Traylor by deed dated December 19, 1949 and recorded in Volume 6867, Page 122 of Cuyahoga County Records;

Thence Easterly along the Southerly line of land so conveyed to Henry and A. Traylor, 96.86 feet to a point;

Thence Southerly along a line parallel to East 139th Street, 40 feet to a point;

Thence Westerly along a line parallel to the Southerly line of aforesaid land conveyed to Henry and A. Traylor, 96.86 feet to the place of beginning, and further known as being part of Sublots Nos. 74 and 75 in Wm. Behm's proposed allotment.

Permanent Parcel No. 130-12-047  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning on the Westerly line of East 140 Street (60 feet wide) at a point 136.22 feet Northerly of its intersection with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Northerly along said Westerly line 45 feet;

Thence Westerly along a line at right angles to the Westerly line of East 140 Street, 96.86 feet to a point;

Thence Southerly along a line parallel to the Westerly line of East 140 Street, 45 feet;

Thence Easterly along a line at right angles to the last described course 96.86 feet to the place of beginning, and being further known

as the Northerly 45 feet of Sublots Nos. 1 and 2 in Wm. Behm's proposed subdivision.

Permanent Parcel No. 130-12-048  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point in the Westerly line of East 140 Street (60 feet wide) 181.22 feet Northerly from the intersection of said Westerly line of East 140 Street, with the Northerly line of Kinsman Road, S.E. (66 feet wide);

Thence Westerly at right angles to said Westerly line of East 140 Street, 145.29 feet to a point;

Thence Northerly along a line parallel to the Westerly line of East 140 Street, 50 feet to a point;

Thence Easterly along a line parallel with the first described course 145.29 feet to the Westerly line of East 140 Street;

Thence Southerly along said Westerly line of East 140 Street, 50 feet to the place of beginning, and further known as being Sublot No. 4 in Wm. Behm's proposed Allotment of a part of Original 100 Acre Lot No. 446, be the same more or less but subject to all legal highways.

Part of Permanent Parcel No. 130-12-089  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point in the Easterly line of East 139 Street (50 feet wide), 156.62 feet Northerly from the Northerly line of Kinsman Road S.E. (66 feet wide) and 290.58 feet Westerly at right angles from the Westerly line of East 140 Street (60 feet wide);

Thence Easterly at right angles to said Westerly line of East 140 Street, 96.86 feet to a point;

Thence Southerly along a line parallel with the Westerly line of East 140 Street, 35 feet to a point;

Thence Westerly parallel with the first described course 96.86 feet to a point in the Easterly line of East 139 Street, which point is 121.62 feet Northerly from the Northerly line of Kinsman Road, S.E. and 290.58 feet Westerly at right angles from the Westerly line of East 140 Street;

Thence Northerly along said Easterly line of East 139 Street, 35 feet to the place of beginning, and further known as the Northerly 35 feet of Sublots Nos. 74 and 75 in Wm. Behm's proposed allotment of part of Original 100 Acre Lot No. 446, be the same more or less, but subject to all legal highways.

Part of Permanent Parcel No. 130-12-089  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning in the Northerly line of Kinsman Road, S.E. (66 feet wide) at a point 150 feet Northwesterly from its intersection with the Westerly line of East 140 Street (60 feet wide);

Thence Northerly along a line parallel with the Westerly line of East 140 Street, 125.12 feet to the principal place of beginning;

Thence continuing Northerly along said line parallel to East 140 Street, 68.80 feet to a point;

Thence Westerly along a line at right angles to the Westerly line of East 140 Street, 48.43 feet to a point;

Thence Southerly along a line parallel to East 140 Street, 68.80 feet to a point;

Thence Easterly along a line at right angles to East 140 Street, 48.43 feet to the principal place of beginning, and further known as the Northerly 68.80 feet of Sublot No. 73 in Wm. Behm's Allotment of a part of Original 100 Acre Lot No. 446, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 130-12-111  
All that certain piece, parcel or tract of land situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 446, and bounded and described as follows:

Beginning at a point on the North-easterly line of Kinsman Road, S.E. (66 feet wide), 100 feet Northwest-erly from its intersection with the Westerly line of East 140 Street (60 feet wide);

Thence Northerly along a line parallel with the Westerly line of East 140 Street, about 111.35 feet to a point (said point being 45 feet Southerly of the Northerly line of land conveyed to Jerome S. Epstein, et al, by deed dated July 7th, 1957, and recorded in Volume 8888, Page 649 of Cuyahoga County Records, and the principal place of beginning;

Thence Northerly along said line parallel to East 140 Street, 45 feet to a point;

Thence Westerly on a line at right angles with the Westerly line of East 140 Street, 48.43 feet to a point;

Thence Southerly along a line parallel with the Westerly line of East 140 Street, 45 feet to a point;

Thence Easterly along a line at right angles to East 140 Street, 48.43 feet to a point in the Easterly line of aforesaid land conveyed to Jerome S. Epstein by deed dated July 7, 1957, and the principal place of beginning, and further known as being the Northerly 45 feet of Sublot No. 3 in Wm. Behm's proposed allotment of part of Original One Hundred Acre Lot No. 446, 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 Mt. Pleasant Now 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.

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law;

Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Ord. No. 258-99.**  
**By Councilmen Jones and Johnson (by departmental request).**

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

Whereas, this ordinance constitutes an emergency measure providing for 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 ball diamond clay 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.** 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 22427)

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

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

**Ord. No. 259-99.**  
**By Councilmen Coats, Polensek, Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Salvation Army, for administering and facilitating recreational services in Wards 10 and 11, 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 enter into contract with Salvation Army (Temple Corps), 17625 Grovewood Avenue, Cleveland, Ohio, or its designee, for professional services necessary to administer and facilitate recreational services in the Collinwood community in Wards 10 and 11 in the total sum of \$50,000 payable from Fund No. 01-70-04-0380, Request No. 21116, for the Department of Parks, Recreation and Properties.

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

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

**Ord. No. 260-99.**  
**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with City Year to perform community service work and to collaborate with various non-profit agencies.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$100,000.00, payable from Fund No. 01-70-04-0380, Request No. 21119, for a period of year beginning June 1, 1999.

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

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

**Ord. No. 261-99.**  
**By Councilmen Cimperman, Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Mayor and Directors of Parks, Recreation and Properties and Law and other City officers to enter into an amendment to Common Area Maintenance Agreement No. 48828 between The Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc. and the Great Lakes Museum of Science, Environment and Technology for maintenance of the common areas of the North Coast Harbor.**

Whereas, this ordinance constitutes an emergency measure providing for 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 Mayor and Directors of Parks, Recreation and Properties and Law and other City officers are hereby authorized to enter into an amendment to Common Area Maintenance Agreement No. 48828 between The Cleveland-Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc. and the Great Lakes Museum of Science, Environment and Technology for maintenance of the common areas of the North Coast Harbor, for the purposes of adding the Cleveland Browns Stadium Company LLC, the Cleveland Browns Football Company LLC, and the Cleveland Browns Holdings LLC as parties to the agreement, to enlarge the common area property, to authorize an assessment from the parties for the years 1998 and 1999 to fund site improvements to the common area property, and to permit the Cleveland Fire Fighters fund to maintain and repair the Cleveland Fire Fighters Memorial which shall be located on the common area property. That said amendment shall also provide that in each of the years 1998 and 1999, \$25,000 of the docking and license fees from the City's Concession Agreement with the Goodtime Cruise Line, Inc., shall be collected by the City and paid to the Port Authority for Capital Repairs to the common area property. The City shall deposit all of the license and docking fees from the Goodtime Cruise Line, Inc. Concession Agreement into Fund No. 01-70-12-0380 and shall pay \$25,000 for each of the years 1998 and 1999 to the Capital Repairs Fund from Fund No. 01-70-12-0380.

All other terms and conditions contained in the original common area maintenance agreement shall remain the same.

**Section 2.** That the amendment 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.

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

**Ord. No. 262-99.**

**By Councilmen Jones, Robinson 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 in Block H of the Cleveland Industrial Park to Crest Masonry, Inc.**

Whereas, the Director of Community Development has requested the sale of City-owned property no longer needed for public use and

located at Block H of the Cleveland Industrial Park; 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:

**Block H**  
(4.0000 acres)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Block "H" in the Lee-Seville/Cleveland Outerbelt Industrial Park of part of Original Warrensville Township Lots Nos. 81, 82, and 103 as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records, further bounded and described as follows:

Commencing in the centerline of Johnston Parkway, S.E. (60 feet wide), at its intersection with the centerline of Velma Avenue, S.E. (50 feet wide);

Thence South 0° 27' 00" East along said centerline of Johnston Parkway, S.E., 399.35 feet to an iron pin found at a point of curvature therein;

Thence South 89° 33' 00" West, 30.00 feet to a point in the Westerly line of Johnston Parkway, S.E. and the principal place of beginning of the following described parcel:

Thence Southeasterly along said Westerly line and the arc of a curve deflecting to the left, an arc distance of 334.78 feet, said curve having a radius of 495.00 feet, an included angle of 38° 45' 00", and a chord bearing South 19° 49' 30" East, 328.43 feet to a point therein;

Thence South 50° 48' 00" West, 101.24 feet to an angle point;

Thence North 89° 27' 00" West, 333.46 feet to an angle point;

Thence North 62° 53' 30" West, 128.68 feet to a point in the centerline of Osborn Blvd., S.E. (86 feet wide);

Thence Northeasterly along the arc of a curve deflecting to the right, an arc distance of 113.30 feet, said curve having a radius of 1076.47 feet, an included angle of 6° 01' 50", and a chord bearing North 30° 07' 26" East, 113.25 feet to a point;

Thence North 56° 51' 39" West, 97.25 feet to an angle point;

Thence North 19° 08' 35" East, 197.03 feet to an angle point;

Thence North 1° 23' 30" West, 4.31 feet to a point;

Thence North 89° 33' 00" East, 374.91 feet to a point in the Westerly line of Johnston Parkway, S.E.;

Thence South 0° 27' 00" East along said Westerly line, 33.39 feet to the principal place of beginning.

Containing within said bounds, an area of 174,240 square feet (4.0000 acres) of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record.

**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 Crest Masonry, Inc. 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.

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

**Ord. No. 265-99.**

**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours in accordance with the recommendations and pilot program proposed by the Committee of the Cleveland Summit on Education, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), payable from Fund No. 01-70-04-0380, Request No. 21117.

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

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

**Ord. No. 266-99.**  
**By Councilmen Jones and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.**

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

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract during June through August, 1999 with the National Junior Tennis League of Cleveland to provide youth tennis services.

**Section 2.** That the cost of such contract, not to exceed \$25,000, shall be paid from Fund No. 01-70-04-0380, Request No. 21115.

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

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

**Ord. No. 267-99.**  
**By Councilman Cimperman.**

**An emergency ordinance to amend Section 601.99 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 90-96, passed March 18, 1996, relating to penalties for misdemeanors.**

Whereas, this ordinance constitutes an emergency measure providing for 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 601.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 90-96, passed March 18, 1996, is hereby amended to read as follows:

**Section 601.99 Penalties for Misdemeanors**

(a) Whoever is convicted of or pleads guilty to a misdemeanor as classified in the Codified Ordinances (the "offender"), other than a minor misdemeanor, shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

Whoever is convicted of or pleads guilty to committing, attempting to commit, or complicity in committing a violation of Section 623.01 that is a misdemeanor, or a violation of division (a)(2) of Section 623.02 when the means used are fire or explosion, shall be required to reimburse agencies for their investiga-

tion or prosecution costs in accordance with RC 2929.28.

Misdemeanor Classification	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor (RC 2929.21)	No imprisonment	100.00

(b) Notwithstanding the provisions of division (a) of this section, if the sentencing court determines that the victim of an offense set forth in Section 619.04, 621.03, 621.06, 621.07, 621.09, 621.10, 621.11, 623.01, 623.02, 623.03, 623.04, 625.05, 625.07, 625.12, 625.17, 625.20 or 625.26 of these Codified Ordinances was sixty (60) years of age or older at the time of the commission of the offense:

(1) In the case of offenses which are classified misdemeanors of the first degree, the court shall set the offender's fine at \$1,000.00 and in addition to said fine, shall sentence the offender to the maximum imprisonment term of six (6) months.

(2) In the case of offenses which are classified minor misdemeanors or misdemeanors of the second, third or fourth degree, the penalty for the offense shall be the next greater degree of misdemeanor than that which is set forth in the section defining the offense.

A. In the case of offenses which become misdemeanors of the first degree pursuant to this division, the court shall set the offender's fine at one thousand dollars (\$1,000.00) and, in addition to said fine, shall sentence the offender to the maximum imprisonment term of six (6) months.

B. In the case of offenses which become misdemeanors of the second degree pursuant to this division, the court shall set the offender's fine at five hundred dollars (\$500.00) and, in addition to said fine, shall sentence the offender to sixty (60) days imprisonment.

C. In the cases of offenses which become misdemeanors of the third degree pursuant to this division, the court shall set the offender's fine at two hundred and fifty dollars (\$250.00) and, in addition to said fine, shall sentence the offender to fifteen (15) days imprisonment.

D. In the case of offenses which become misdemeanors of the fourth degree pursuant to this division, the court shall set the offender's fine at one hundred dollars (\$100.00) and, in addition to said fine, shall sentence the offender to ten (10) days imprisonment.

(3) Where applicable, the court shall may require the offender to make restitution for all or part of the property damage that is caused by his offense and for all or part of the value of the property that is the subject of any theft offense.

(4) The minimum fines and imprisonment to be imposed by the court pursuant to divisions (b)(1) and (b)(2) of this section are mandatory. The court shall not suspend all or any portion of said minimum fines and imprisonment.

(c) Regardless of the penalties provided in division (a) of this section, an organization convicted of an offense pursuant to Section 601.10 shall be fined, which fine shall be fixed by the court as follows:

Type of Misdemeanor	Maximum Fine
1st degree	\$5,000.00
2nd degree	4,000.00
3rd degree	3,000.00
4th degree	2,000.00
Minor Misdemeanor not specifically classified	1,000.00
Minor misdemeanor not specifically classified	2,000.00
Minor misdemeanor not specifically classified	1,000.00

(1) When an organization is convicted of an offense not specifically classified, and the section defining the offense or penalty plainly indicates a purpose to impose the penalty provided for violation upon organizations, then such penalty shall be imposed in lieu of the penalty provided in this division (c).

(2) When an organization is convicted of an offense not specifically classified, and the penalty provided includes a higher fine than that provided in this division (c), then the penalty imposed shall be pursuant to the penalty provided for violation of the section defining the offense.

(3) This division (c) does not prevent the imposition of available civil sanctions against an organization convicted of an offense pursuant to Section 601.10, either in addition to or in lieu of a fine imposed pursuant to this division (c). (RC 2929.31)

**Section 2.** That existing Section 601.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 90-96, passed March 18, 1996, is hereby repealed:

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

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

**Ord. No. 268-99.**  
**By Councilman Cimperman.**

**An emergency ordinance to amend Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, relating to traffic code misdemeanor classifications and penalties.**

Whereas, this ordinance constitutes an emergency measure providing for 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 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 1998, is hereby amended to read as follows:

**Section 403.99 Traffic Code Misdemeanor Classifications and Penalties**

(a) Misdemeanor Classifications.

(1) General classification. Whoever violates any provision of this Traffic Code or any regulation lawfully adopted pursuant thereto, for which violation no penalty is otherwise provided, is guilty of a minor misdemeanor on a first offense; on a second offense within one year after the first offense, such person is guilty of a misdemeanor of the fourth degree; on each subsequent offense within one year after the first offense such person is guilty of a misdemeanor of the third degree. When any person is found guilty of a first offense for violation of Section 433.03, upon a finding that he operated a motor vehicle in excess of the posted speed limit by ten miles an hour or more, such person is guilty of a misdemeanor of the fourth degree. (RC 4511.99(D), 4513.99(C)). When any person is found guilty of a violation of Section 433.07(b)(8), in addition to all other penalties provided by law, such person shall be fined two times the usual amount imposed for the violation.

(2) Driving under the influence. Whoever violates division (a) of Section 433.01, in addition to the license suspension or revocation provided in RC 4507.16 and any disqualification imposed under RC 4506.16 shall be punished as provided in division A., B. or C. below:

A. If, within six years of the offense, the offender has not been convicted of or pleaded guilty to any violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of three consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than two hundred dollars (\$200.00) nor more than one thousand dollars (\$1,000).

The court may suspend the execution of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court, in lieu of the suspended term of imprisonment, places the offender on probation and requires the offender to attend, for three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10. The court also may suspend the execution of any part of the mandatory three consecutive days of imprisonment that it is required to impose by this division, if the court places the offender on probation for part of the three consecutive days; requires

the offender to attend, for that part of the three consecutive days, a drivers' intervention program that is certified pursuant to RC 3793.10; and sentences the offender to a term of imprisonment equal to the remainder of the three consecutive days that the offender does not spend attending the drivers' intervention program. The court may require the offender, as a condition of probation, to attend and satisfactorily complete any treatment or education programs that comply with the minimum standards adopted pursuant to RC Chapter 3793, by the Director of Alcohol and Drug Addiction Services, in addition to the required attendance at a drivers' intervention program, that the operators of the drivers' intervention program determine that the offender should attend and to report periodically to the court on his progress in the programs. The court also may impose any other conditions of probation on the offender that it considers necessary.

B. If, within six years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500).

In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender.

C. If, within six years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC

2903.06, 2903.07, 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

In addition to any other sentence that it imposes upon the offender, the court shall require the offender to attend an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender. If the court determines that the offender is unable to pay the cost of his attendance at the treatment program, the court may order that the payment of the cost of the offender's attendance at the treatment program be made from the court's indigent drivers alcohol treatment fund, created pursuant to division (N) of RC 4511.191.

D. Twenty-five dollars (\$25.00) of each fine imposed pursuant to divisions (a)(2)A., B. or C. of this Section shall be deposited into the indigent drivers alcohol treatment fund of the court, created pursuant to division (N) of RC 4511.191.

E. Upon a showing that imprisonment would seriously affect the ability of an offender sentenced pursuant to divisions (a)(2)A. to C. of this section to continue his employment, the court may authorize that the offender be granted work release from imprisonment after the offender has served the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this Section to impose. No court shall authorize work release from imprisonment during the three, ten, thirty, or sixty consecutive days of imprisonment that the court is required by divisions (a)(2)A. to C. of this section to impose. The duration of the work release shall not exceed the time necessary each day for the offender to commute to and from the place of employment and the place of imprisonment and the time actually spent under employment.

F. Notwithstanding any section of the Revised Code or this Traffic Code that authorizes suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court shall suspend the ten, thirty, or sixty consecutive days of imprisonment required to be imposed by divisions (a)(2)B. to C. of this section or place an offender who is sentenced pursuant to division (a)(2)B. to C. of this section in any treatment program in lieu of imprisonment until after the offender has served the ten, thirty, or sixty consecutive days of imprisonment required to be imposed pursuant to division (a)(2)B. to C. of this section.

Notwithstanding any section of the Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment pro-

gram in lieu of imprisonment, no court, except as specifically authorized by division (a)(2)A. of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (a)(2)A. of this section or place an offender who is sentenced pursuant to division (a)(2)A. of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (a)(2)A. of this section.

G. No court shall sentence an offender to an alcohol treatment program pursuant to division (a)(2)A. to C. of this section unless the treatment program complies with the minimum standards adopted pursuant to RC Chapter 3793. by the director of alcohol and drug addiction services (RC 4511.99(A)).

H. As used in this section, "three consecutive days" means seventy-two consecutive hours. (RC 4511.991)

(3) Physical control. Whoever violates division (b) of Section 433.01 is guilty of a misdemeanor of the first degree.

(4) Street racing. Whoever violates Section 433.07 is guilty of a misdemeanor of the first degree.

(5) Licensing drivers. Whoever violates any provision of Sections 435.01 to 435.07, inclusive, is guilty of a misdemeanor of the first degree.

(6) Accidents. Whoever violates any provision of Sections 435.15 to 435.17, inclusive, is guilty of a misdemeanor of the first degree.

(7) Willfully fleeing a police officer. Whoever violates division (b) of Section 403.02 is guilty of a misdemeanor of the first degree.

(8) Stopping for school buses. Whoever violates division (a) of Section 431.38 may be fined not more than five hundred dollars (\$500.00).

(9) Placing dangerous material on streets. Whoever violates division (e) of Section 411.01 is guilty of a misdemeanor of the first degree.

**(10) Physically handicapped parking. Whoever violated division (h) of Section 451.051 shall be fined two hundred and fifty dollars (\$250.00).**

(b) Penalties. Whoever is convicted of or pleads guilty to a violation of this Traffic Code shall be imprisoned for a definite term or fined, or both, which term of imprisonment and fine shall be fixed by the court as provided in this section.

**Misdemeanor Classification**

	Maximum Imprisonment Term	Maximum Fine
1st degree	6 months	\$1,000.00
2nd degree	90 days	750.00
3rd degree	60 days	500.00
4th degree	30 days	250.00
Minor	None	100.00
(RC 2929.21)		

(c) License Suspension.

(1) The trial judge of the Cleveland Municipal Court, in addition to

or independent of all other penalties provided by law or ordinance, shall suspend for not less than thirty days nor more than three years or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to any of the following:

A. Division (a) of Section 431.38:

B. Sections 435.01 to 435.07, inclusive:

The trial judge, in addition to suspensions or revocations of licenses, permits, or privileges pursuant to this division and in addition to or independent of all other penalties provided by law or by ordinance, shall impose a suspended jail sentence of not to exceed six months, if that imprisonment was not imposed for the offense for which the person was convicted.

(2) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties provided by law or ordinance, shall suspend or revoke the driver's or commercial driver's license or permit or nonresident operating privileges of any person who is convicted of or pleads guilty to a violation of division (b) of Section 433.01. The length of the suspension or revocation imposed by the trial judge upon a person who is convicted or pleads guilty to a violation of division (b) of Section 433.01 shall be the same as that imposed pursuant to division (B) of RC 4507.16 upon a person who is convicted of or pleads guilty to a violation of RC 4511.19, or a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, or a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine.

(3) The trial judge of the Cleveland Municipal Court may, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than fifteen days who is convicted of or pleads guilty to a violation of operating a motor vehicle faster than five miles per hour in excess of the prima-facie speed limits specified in Section 433.03 relating to passing a school building or grounds or operating a motor vehicle in a residential district.

For any subsequent conviction of any such provision, the trial judge shall, in addition to or independent of all other penalties provided by law, suspend the license of any person for not more than thirty days who is convicted of or pleads guilty to any offense specified in this division. The first five days may not be suspended by the Court.

**Section 2.** That existing Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 472-98, passed August 19, 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.

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

**Ord. No. 269-99. By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2228 and 2220 Seymour Avenue, S.W. to Greater Cleveland Habitat for Humanity, Incorporated.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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). 008-01-032 and 008-01-033, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity, Incorporated.

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

P. P. No. 008-01-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and described as follows, to-wit: and known as being Sublot No. 1 in J.G. Graham's Subdivision of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 4 of Maps, Page 43 of Cuyahoga County Records and being 40 feet front on the Northerly side of Seymour Avenue, S.W., (60 feet wide) and extending back between parallel lines 119.5 feet deep on the Westerly line, 119.44 feet deep on the Easterly line and 40 feet wide in the rear, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P. P. No. 008-01-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in J.G. Graham Allotment of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 4 of Maps, Page 43 of Cuyahoga County Records and being 40 feet front on the Northerly side of Seymour Avenue, S.W., and extending back 119'-5-1/2" on the Westerly line, 119-4-1/2" on the Easterly line and having a rear line of 40 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.

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

**Ord. No. 272-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of presort mail service, for the various divisions of City government, 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 Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of presort mail service 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 City government. 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 24637)

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

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

#### FIRST READING ORDINANCE REFERRED

**Ord. No. 270-99.**

**By Councilman Westbrook.**

**An ordinance to change the Use and Area Districts of lands on the north side of Madison Avenue, N.W. between West Park Boulevard and West 100th Street. (Map Change No. 1987, Sheet No. 1)**

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

**Section 1.** That the Use and Area Districts of lands bounded and described as follows:

Beginning at the intersection of the center line of West 100 Street and the center line of Madison Avenue, N.W.; thence westerly along said center line of Madison Avenue, N.W. to its intersection with the center line of West Boulevard, N.W.; thence northerly along said center line of North Boulevard, N.W. to its intersection with the westerly prolongation of the center line of Mueller Court, N.W., thence easterly along said westerly prolongation and along said center line of Mueller Court, N.W. and along its easterly extension to the center line of West 100 Street; thence southerly along said center line of West 100 Street to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a General Retail Use District and a 'C' Area District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1987, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

#### FIRST READING EMERGENCY RESOLUTION REFERRED

**Res. No. 271-99.**

**By Councilman Melena (by request).**

**An emergency resolution declaring the intention to vacate a portion of West 76th Street.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of West 76th Street 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 76TH STREET (20.00 feet wide) extending Northerly from the Northerly line of Lorain Avenue (66.00 feet wide) to the Southerly line of Colgate Court (14.00 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.

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

#### FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

**Ord. No. 227-99.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to CVS/Pharmacy to stretch a banner on utility poles (by separate permission) at 1727 Euclid Ave. publicizing the start of the race, and a banner at Euclid & E. 22nd St. publicizing the finish of the race, for the period of April 27, 1999 to May 3, 1999 inclusive, publicizing the CVS-Cleveland Marathon & 10K Races.**

Whereas, this ordinance constitutes an emergency measure providing for 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 CVS/Pharmacy, 29525 Chagrin Blvd. #316, Pepper Pike, Ohio 44122, to install, maintain and remove banners at Euclid Avenue and East 22nd Street, to be attached to utility poles, (by separate permission) for the CVS-Cleveland Marathon and 10K Race at 1727 Euclid Avenue (No Pole Number -\*Note- this banner, in this location only, shall be erected and taken down on Race Day, Sunday, May 2, 1999); and (Pole # NE 1056), publicizing the Start of the Marathon and 10K Race; and, Euclid Avenue and East 22nd Street (Pole # B 65 20 and Pole # BO 21 14) publicizing the Finish of the Marathon and 10K Race for the period of April 27, 1999 to May 3, 1999 inclusive. Said banner shall be approved by the Director of Public Service in consultation with the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the

permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 228-99.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 797 East 93rd Street, 9316-18 St. Clair Avenue, N.E., and 790 East 95th Street to Glenville Elderly L.P.**

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). 108-20-092, 108-20-002 and 108-20-004, as more fully described in Section 2 below, to Glenville Elderly L.P.

**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. 108-20-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 27 feet 6 inches of Subdivision 6 in Mary D. Stockpole's Subdivision of part of Original One Hundred Acre Lot No. 368 as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 93rd Street (formerly Park Street), at the Southwesterly corner of said Sublot No. 6; thence Easterly along the Southerly line of said Sublot No. 6, 55 feet to the South-easterly corner of said Sublot No. 6; thence Northerly along the Easterly line of said Sublot No. 6, 27 feet 6 inches; thence Westerly parallel with Southerly line of said Sublot No. 6, 55 feet to the Easterly line of

East 93rd Street; thence Southerly along the Easterly line of East 93rd Street, 27 feet 6 inches to the place of beginning, and being a parcel of land having a frontage of 27 feet 6 inches on the Easterly side of East 93rd Street, and extending back of equal width 55 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 108-20-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 7 in Mary D. Stockpole's Subdivision, of part of Original One Hundred Acre Lot No. 368, as shown by the recorded plat in Volume 4 of Maps, Page 28 of Cuyahoga County Records, having a frontage of 64 feet on the Southerly side of St. Clair Avenue, N.E., 182.5 feet deep on the Westerly line, 214.5 feet deep on the Easterly line, and being 55 feet wide in the rear, excepting therefrom, however, a strip of land 10 feet in width taken off the front of said Sublot to widen St. Clair Avenue, N.E., appropriated by the Village of Glenville, August 11, 1888 by proceedings in the Probate Court of Cuyahoga County, recorded in Volume C, Page 87 of Appropriation records.

P.P. No. 108-20-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 31 and 32 in Nellie Livingston's Subdivision of part of Original One Hundred Acre Lot No. 369 as shown by the recorded plat in Volume 22 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Beginning at the intersection of the Southeastery line of St. Clair Avenue, N.E., (80 feet wide) with the Southwesterly line of East 95th Street, (40 feet wide); thence South-easterly, along said Southwesterly line of East 95th Street, about 123 feet to the Southeastery corner of said Sublot No. 31; thence Westerly, along the Southerly line of said Sublot No. 31, about 107.80 feet, but to the Southwesterly corner thereof; thence Northerly, along the Westerly lines of said Sublots Nos. 31 and 32 about 94.90 feet, but to the South-easterly line of said St. Clair Avenue, N.E.; thence Northeasterly, along said Southeastery line of St. Clair Avenue, N.E., about 68.10 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

**Section 5.** That the conveyance authorized hereby shall be made by

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

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

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

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

**Ord. No. 229-99.**

**By Councilman Patmon.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 495 and 489 East 105th Street to David F. Perse and Jeanne A. Perse.**

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). 108-13-013 and 108-13-014, as more fully described in Section 2 below, to David F. Perse and Jeanne A. Perse.

**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. 108-13-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 65 feet of Sublot No. 5 in the Remington Subdivision of part of Original One Hundred Acre Lot No. 362, as shown by the recorded plat in Volume 35 of Maps, Page 29 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 105th Street, and extending back of equal width 65 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions contained in the instrument dated June 6, 1992 and recorded in Volume 2635, Page 419 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

P.P. No. 108-13-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Allotment of Sublots Nos. 3 and 4 of the Remington Subdivision of part of Original One Hundred Acre Lot No. 362, the same being recorded in Volume 35 of Maps, Page 29 of Cuyahoga County Records, excepting therefrom the portion of said Sublots Nos. 3 and 4 deeded to the City of Cleveland, said portions excepted from this deed being described as follows:

Beginning at the intersection of the Easterly line of East 105th Street with the Southerly line of Remington Avenue N.E.; thence South along the Easterly line of East 105th Street, 67 25/100 feet to a point of tangency; thence Northerly along the arc of a circle to the right, whose radius is 49 04/100 feet, a distance of 34 24/100 feet to a point of tangency; thence Northerly along the arc of a circle to the right, whose radius is 30 10/100 feet, a distance of 26 11/100 feet to a point of a tangency in the Southerly line of Remington Avenue, N.E.; thence South 89° 42' West 56 feet to the place of being, 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.

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

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

**Ord. No. 230-99.**

**By Councilman Willis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 834 and 843 Eddy Road to Gardner Development, L.P.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate 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). 110-11-040 and 110-11-042, as more fully described in Section 2 below, to Gardner Development, L.P.

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

P.P. No. 110-11-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 15 and the Northerly part of Sublot No. 16 in the Boulevard Drive Subdivision No. 1 of part of Original One Hundred Acre Lot No. 372, as shown by the recorded plat in Volume 55 of Maps, Page 12 of Cuyahoga County Records, together forming a parcel of land bounded and described as follows:

Beginning in the Westerly line of Eddy Road, N.E., at a point distant Northerly measured along said Westerly line 40.9 feet from the Southeast corner of said Sublot No. 16; thence Westerly 46 feet to a point distant Southerly at right angles 4.35 feet from the Northerly line of Sublot No. 16; thence continuing Westerly 27 feet to a point distant Southerly at right angles 3.82 feet from said Northerly line of Sublot No. 16; thence continuing Westerly 12.50 feet to a point distant Southerly at right angles 3 feet from said Northerly line of Sublot No. 16; thence continuing Westerly on a line which is parallel with and distant 3 feet Southerly from said Northerly line of Sublot No. 16 to its point of intersection with the Westerly line of said Sublot No. 16; thence Northerly along said Westerly line of Sublot No. 16 and the Westerly line of Sublot No. 15, 48 feet to the Northwesterly corner of Sublot No. 15; thence Easterly along the Northerly line of Sublot No. 15, 120.10 feet to its intersection with the Westerly line of Eddy Road, N.E.; thence Southerly along said Westerly line of Eddy Road, N.E., 44.1 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 110-11-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 11, 12 and 13 in the Boulevard Drive Subdivision No. 1 of part of Original One Hundred Acre Lot No. 372, as shown by the recorded plat in Volume 55 of Maps, Page 12 of Cuyahoga County Records and together forming a parcel of land

having a frontage of 120 feet on the Westerly side of Eddy Road, N.E., and extending back 120 feet on the Northerly line, 120.10 feet on the Southerly line, and having a rear line of 125 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.

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

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

**Ord. No. 232-99.**

**By Councilman Lewis.**

**An emergency ordinance withdrawing Resolution No. 199-99 urging the utility companies to discontinue certain collection practices in regard to HEAP participants.**

Whereas, this Council urged the utility companies to discontinue certain collection practices in regard to participants of the Home Energy Assistance Program (HEAP) in Resolution No. 199-99; and

Whereas, this Council wishes to withdraw Resolution No. 199-99 as made in error; and

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

**Section 1.** That Resolution No. 199-99 be hereby withdrawn and repealed.

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

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

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

**FIRST READING EMERGENCY  
RESOLUTIONS READ IN FULL  
AND ADOPTED**

**Res. No. 231-99.**

**By Councilmen Cintron, Jones, Westbrook, Sweeney, Rybka, Polensek, Coats, Robinson, Gordon, Johnson and Melena.**

**An emergency resolution urging the Mayor of the City of Cleveland, and Municipal Court Judges and the City Prosecutor to consider creating a City of Cleveland House Arrest Program for those individuals who have committed nonviolent and minor misdemeanor offenses with the exception of drug and sexual offenders in order to reduce overcrowded conditions in Cleveland City Jails.**

Whereas, there is a severe problem of overcrowded conditions at the Cleveland Workhouse, and local city jails, especially during weekends, holidays and summer months which often creates an unsafe environment for both inmates and correctional guards that increases the threat to their health and safety; and

Whereas, nonviolent and minor misdemeanor offenders are often sharing the same correctional facility with major felons and violent criminals, which places their safety at risk; and

Whereas, overcrowded jail conditions places an additional burden on correctional officials to maintain control and safety in such a large population that is confined in a limited enclosed physical environment; and

Whereas, a House Arrest Program can help alleviate overcrowded jail conditions by placing non-violent and minor misdemeanor offenders under specialized electronic monitoring, which restricts the offender's freedom of movement within the community; and

Whereas, this program will enable the community to incarcerate more violent criminals in City correctional facilities, since there will be more space available to confine them due to placing nonviolent offenders under specialized electronic House Arrest supervision; and

Whereas, a House Arrest Program with electronic monitoring increases supervision of convicted offenders, reduces jail overcrowding and saves taxpayers expenses; and

Whereas, many other communities throughout the United States effectively utilize this particular program in order to ease prison overcrowding; now, therefore

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

**Section 1.** That the Council of the City of Cleveland strongly supports the creation of a House Arrest Program in order to reduce jail overcrowding and to place nonviolent and minor misdemeanor offenders under specialized electronic supervision that closely monitors their activities while serving out their sentence within the confinement of their home.

**Section 2.** That the House Arrest Program allows such offenders to maintain full-time employment or to participate in rehabilitative services thus enabling them to remain a productive member of the community while being under close electronic supervision by local correctional authorities.

**Section 3.** That the House Arrest Program enables the offender to remain a productive member of the

community while being under close electronic supervision by the local authorities in a restricted home environment.

**Section 4.** That the Council of the City of Cleveland strongly urges the Mayor of the City of Cleveland, and Municipal Court Judges and the City Prosecutors to consider creating a House Arrest Program for nonviolent and minor misdemeanor offenders in order to reduce the jail population and expenses to the taxpayer.

**Section 5.** That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Mayor of the City of Cleveland and to the presiding Administrative Judge of the Cleveland Municipal Court, and City Prosecutor.

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

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

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

**Res. No. 233-99.**

**By Councilman Willis.**

**An emergency resolution urging the City's Department of Community Development, the Director of City Planning, the Chair of the City Planning Commission and the Cleveland Landmarks Commission to seek designation of Hazeldell School as a historical landmark.**

Whereas, Hazeldell School, located at 654 East 123rd Street in the City of Cleveland, was constructed beginning in 1900 and reflects the work of notable craftsmanship; and

Whereas, Hazeldell School consists of three primary elements, the original 1900 school and 2 later annexes built in 1910 and 1915, with such annexes being designed by noted architect Frank Seymour Barnum; and

Whereas, Hazeldell School is a significant historical structure because it demonstrates the advances and changes in American elementary education from 1900 through 1947; and

Whereas, in passing Codified Ordinance 161.01, the Council of the City of Cleveland declared as a matter of public policy that the preservation, protection, and perpetuation of buildings and structures having a special historical, community or aesthetic interest or value is a public necessity and is in the interest of the people; and

Whereas, the Cleveland Landmarks Commission, working in conjunction with the City Planning Commission, may designate structures of historical and architectural significance as a landmark; and

Whereas, the State of Ohio may also designate a structure as a historical landmark; now, therefore,

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

**Section 1.** That the Council of the City of Cleveland urges the Chair of the Cleveland Landmarks Commission, the Director of City Planning and the Chair of the City Planning

Commission to recognize the historical and architectural significance of Hazeldell School and to pursue the designation of Hazeldell School as a City landmark in accordance with Chapter 161 of the Codified Ordinances of the City of Cleveland.

**Section 2.** That the Director of Community Development is requested to pursue the designation of Hazeldell School as a historic landmark by the State of Ohio.

**Section 3.** That the Clerk of Council is requested to transmit a copy of this Resolution to Linda Hudecek, Director of Community Development; Hunter Morrison, Director of the City Planning; Anthony Coyne, Acting Chair of the City Planning Commission; and Richard Schanfarber, Chair of the Cleveland Landmarks Commission.

**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.

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

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

**Res. No. 234-99.**

**By Councilman Britt.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10101 Quebec Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of a C2 and C2X Liquor Permit from Permit No. 1860347, Doris & Hubert Currie, DBACurries Delicatessen, 10101 Quebec Ave., Cleveland, Ohio 44106, to Permit No. 4951248, L & L Grocery Inc., 10101 Quebec Ave., Cleveland, Ohio 44106; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

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

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

**Section 1.** That Council does hereby record its objection to the transfer of a C2 and C2X Liquor Permit from Permit No. 1860347, Doris & Hubert Currie, DBACurries Delicatessen, 10101 Quebec Ave., Cleveland, Ohio 44106, to Permit No. 4951248, L & L Grocery Inc., 10101 Quebec Ave., Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 235-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 14021 St. Clair Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 7642327, SM & AM Inc., 14021 St. Clair Avenue, Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 7642327, SM & AM Inc., 14021 St. Clair Avenue, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 236-99.**

**By Councilman Coats.**

**An emergency resolution objecting to the transfer of ownership and location of a C1 and C2 Liquor Permit to 14805 St. Clair.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C1 and C2 Liquor Permit from Permit No. 2783964, Flos Food Market Inc., DBAFlos Food Market, 1509 E. 55th St., 1st Fl. & Bsmt., Cleveland, Ohio 44103, to Permit No. 9552788, Arthur Dean Wheeler, DBAStar Gate, 14805 St. Clair, Cleveland, Ohio 44110; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a C1 and C2 Liquor Permit from Permit No. 2783964, Flos Food Market Inc., DBAFlos Food Market, 1509 E. 55th St., 1st Fl. & Bsmt., Cleveland, Ohio 44103, to Permit No. 9552788, Arthur Dean Wheeler, DBAStar Gate, 14805 St. Clair, Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 237-99.**

**By Councilman White.**

**An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 3904 Martin Luther King Blvd, 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 8376235, Sonny Shores Inc., 17700 Lake Shore Blvd., Cleveland, Ohio 44119, to Permit No. 40342570005, Pamela Hubbard, DBA McClains Market II, 3904 Martin Luther King Blvd., 1st Fl., Cleveland, Ohio 44105; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 8376235, Sonny Shores Inc., 17700 Lake Shore Blvd., Cleveland, Ohio 44119, to Permit No. 40342570005, Pamela Hubbard, DBA McClains Market II, 3904 Martin Luther King Blvd., 1st Fl., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 238-99.**

**By Councilman Rybka.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue and repealing Res. No. 1506-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue, by Res. No. 1506-98, adopted, August 19, 1999; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed December 29, 1999, a copy of which is in the file for this address in the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 6506 Fleet Avenue, be and the same is hereby withdrawn and Res. No. 1506-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**Res. No. 239-99.**

**By Councilman Sweeney.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5A and D6 Liquor Permit to 4181 West 150th Street, and repealing Res. No. 1977-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5A and D6 Liquor Permit to 4181 West 150th Street, by Res. No. 1977-98, adopted by Council on November 9, 1998; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D5A and D6 Liquor Permit to 4181 West 150th Street, be and the same is hereby withdrawn and Res. No. 1977-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**Res. No. 240-99.**

**By Councilman Robinson.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 3551-55 E. 93rd St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3,

D3A and D6 Liquor Permit from Permit No. 8939036, Timvirmat Inc., DBATims Bar, 1st & 2nd Fls. & Bsmt., 3551-55 E. 93rd St., Cleveland, Ohio 44105, to Permit No. 9181396, VSP Lounge Inc., DBAVSPLounge, 1st & 2nd Fls. & Bsmt., 3551-55 E. 93rd St., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 8939036, Timvirmat Inc., DBATims Bar, 1st & 2nd Fls. & Bsmt., 3551-55 E. 93rd St., Cleveland, Ohio 44105, to Permit No. 9181396, VSP Lounge Inc., DBA VSP Lounge, 1st & 2nd Fls. & Bsmt., 3551-55 E. 93rd St., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 2100-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a Lease By Way of Concession with MetroHealth System to provide space for MetroHealth System's WIC Program at various City health centers.

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

**Ord. No. 2104-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with All American Fire for the purchase of replacement parts for E-One fire apparatus, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, strike lines 9 and 10 in their entirety, and insert in lieu thereof "**Public Safety.**".

2. In Section 1, line 5, strike "two years" and insert in lieu thereof "one year".

Amendments agreed to.

**Ord. No. 2105-98.**

By Councilmen Coats and Johnson (by departmental request).

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

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

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

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

Amendments agreed to.

**Ord. No. 2165-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one rooftop air conditioning unit, including installation and modifications to existing appurtenances, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 2166-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed ten digital alpha workstations, and related peripherals and accessories, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 2171-98.**

By Councilmen Sweeney and Johnson (by departmental request).

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

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

**Ord. No. 2172-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Leach Packer parts, including labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

**Ord. No. 2173-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install automobile and truck spring parts, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

**Ord. No. 2174-98.**

By Councilmen Sweeney and Johnson (by departmental request).

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

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

**Ord. No. 2175-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Duplex cab and chassis parts, including labor if necessary, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, lines 7 and 8, strike "**for a period not to exceed two years.**".

2. In Section 1, line 4 and in line 13, strike "two (2) years" and insert in lieu thereof "**one year.**".

Amendments agreed to.

**Ord. No. 2176-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Sutphen Corporation for the purchase of replacement parts for Sutphen Corporation fire apparatus, for

the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, lines 10 and 11, strike "**for a period not to exceed two years.**".

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

Amendments agreed to.

**Ord. No. 2177-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Finley Fire Equipment Co. for the purchase of replacement parts for Finley Fire Equipment Co. fire equipment, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, lines 10 and 11, strike "**for a period not to exceed two years.**".

2. In Section 1, line 5 strike "two years" and insert in lieu thereof "**one year.**".

Amendments agreed to.

**Ord. No. 2178-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Maltese Fire Equipment Co. for the purchase of replacement parts for L.T.I. apparatus and the purchase of parts and labor for accident damage to L.T.I. apparatus in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period not to exceed two years.

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

1. In the title, lines 13 and 14, strike "**for a period not to exceed two years.**".

2. In Section 1, line 5 strike "two years" and insert in lieu thereof "**one year.**".

Amendments agreed to.

**Ord. No. 2179-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into contract with the Cleveland Board of Education to conduct recreational, cultural and extracurricular programs for the benefit of school children during the 1998-99 school year.

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

**Ord. No. 33-99.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Alcohol and

Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; and to enter into a contract for the lease of a facility to implement the Centerpoint Program.

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

1. In the title, strike lines 7, 8, 9 and 10 in their entirety and insert in lieu thereof the following: "**Intervention Program.**"

2. Strike Section 3 in its entirety and renumber existing Section 4 to new "**Section 3**".

Amendments agreed to.

**Ord. No. 94-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 68-98, passed October 19, 1998, relating to the design and implementation of improvements to enhance the Division of Water's Waterworks plants.

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

1. In Section 1, line 5, following "Request No. 23420.", insert a new sentence to read as follows:

**"This legislation shall not authorize any expenditures from capital funds, except to perform the professional consulting services and make the purchases in connection with such consulting services authorized by this ordinance."**

Amendment agreed to.

**Ord. No. 179-99.**

By Councilmen Gordon and Johnson (by departmental request).

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

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

1. In the title, lines 3; and in Section 1, line 2, strike "and accept".

2. In Section 1, strike lines 5, 6, 7, 8, 9 and 10 in their entirety and insert in lieu thereof "**STD Control Program.**"

Amendments agreed to.

**Ord. No. 180-99.**

By Councilmen Gordon and Johnson (by departmental request).

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

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

1. In the title, line 3; and in Section 1, line 2, strike "and accept".

2. In Section 1, strike lines 6, 7, 8, 9, 10 and 11 in their entirety and insert in lieu thereof "**Program.**"

Amendments agreed to.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1773-98.**

By Councilmen Jackson, Rybka and Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 69th Street to Garden Village Housing Development Incorporated.

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

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

**Ord. No. 137-99.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11714, 11806, 11808 Miles Avenue to Union Miles L.P.

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

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

**MOTION**

The Council adjourned at 8:35 p.m. to meet on Monday, March 1, 1999 at 7:00 p.m.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES**

**Ord. No. 2100-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a Lease By Way of Concession with MetroHealth System to provide space for MetroHealth System's WIC Program at various City health centers.

**Ord. No. 2104-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with All American Fire for the purchase of replacement parts for E-One fire apparatus, for the Division of Fire, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than All American Fire. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract for the period of **one year** with said contractor for replacement parts for E-One fire apparatus to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety.

**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 21141)

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

**Ord. No. 2105-98.**

By Councilmen Coats and Johnson (by departmental request).

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

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

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

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

**Section 2.** The 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 24388)



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

**Ord. No. 2165-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one rooftop air conditioning unit, including installation and modifications to existing appurtenances, for the Division of Water, Department of Public Utilities.

**Ord. No. 2166-98.**

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed ten digital alpha workstations, and related peripherals and accessories, for the Division of Water, Department of Public Utilities.

**Ord. No. 2171-98.**

By Councilmen Sweeney and Johnson (by departmental request).

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

**Ord. No. 2172-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Leach Packer parts, including labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

**Ord. No. 2173-98.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install automobile and truck spring parts, for the Division of Motor Vehicle Maintenance, Department of Public Service.

**Ord. No. 2174-98.**

By Councilmen Sweeney and Johnson (by departmental request).

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

**Ord. No. 2175-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Duplex cab and chassis parts, including labor if necessary, for the Divisions of Fire and Emergency Medical Service, 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 Duplex cab and chassis parts, including labor if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Service, 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 21138)

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

**Ord. No. 2176-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Sutphen Corporation for the purchase of replacement parts for Sutphen Corporation fire apparatus, for the Divisions of Fire and Emergency Medical Service, 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 it is hereby determined that the within commodities are noncompetitive and cannot be secured from any source other than Sutphen Corporation. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract for the period of **one year** with said contractor for replacement parts for Sutphen Corporation fire apparatus to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the

initial 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 21139)

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

**Ord. No. 2177-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Finley Fire Equipment Co. for the purchase of replacement parts for Finley Fire Equipment Co. fire equipment, for the Divisions of Fire and Emergency Medical Service, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Finley Fire Equipment Co. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract for the period of **one year** with said contractor for replacement parts for Finley Fire Equipment Co. fire equipment to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 21142)

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

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

**Ord. No. 2178-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract without competitive bidding with Maltese Fire Equipment Co. for the purchase of replacement parts for L.T.I. apparatus and the purchase of

parts and labor for accident damage to L.T.I. apparatus in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Service, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Maltese Fire Equipment Co. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract for the period of **one year** with said Maltese Fire Equipment Co. for the purchase of replacement parts for L.T.I. apparatus and the purchase of parts and labor for accident damage to L.T.I. apparatus in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 20040)

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

**Ord. No. 2179-98.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into contract with the Cleveland Board of Education to conduct recreational, cultural and extracurricular programs for the benefit of school children during the 1998-99 school year.

**Ord. No. 33-99.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and **Intervention Program**.

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

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

**Section 1.** That the Director of Public Health is hereby authorized to accept a grant in the amount of \$232,266.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Inter-

vention Program, for the purposes set forth in the application according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File 1247-98-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.

**Ord. No. 94-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 68-98, passed October 19, 1998, relating to the design and implementation of improvements to enhance the Division of Water's Waterworks plants.

Whereas, this ordinance constitutes an emergency measure providing for 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 4 of Ordinance No. 68-98, passed October 19, 1998, is hereby amended to read as follows:

Section 4. That the costs for such services herein contemplated shall be paid from Fund No. 52 SF 001, 52 SF 219, 50 SF 223, and 52 SF 225, Request No. 23420. **This legislation shall not authorize any expenditures from capital funds, except to perform the professional consulting services and make the purchases in connection with such consulting services authorized by this ordinance.**

**Section 2.** That existing Section 4 of Ordinance No. 68-98, passed October 19, 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.

**Ord. No. 179-99.**

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for a grant in the approximate amount of \$62,409, and any other funds as they become available during the grant term, from the

Ohio Department of Health, to conduct the 1999 **STD Control Program**.

**Section 2.** That the application for said grant, File No. 179-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

**Ord. No. 180-99.**

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for a grant in the approximate amount of \$112,838.00, and any other funds as they may become available during the grant year, from the Federation for Community Planning from Ohio Department of Health, to conduct the 1999 Immunization Action Plan **Program**.

**Section 2.** That the application for said grant, File No. 180-99-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.

**BOARD OF CONTROL**

February 17, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 17, 1999, at 11:00 a.m., with Director Carter presiding.

Present: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Director Ross, Director Patterson and Acting Director Huth.

Absent: Mayor White and Director Axelrod.

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

On motion, the following resolutions were adopted.

**Resolution No. 80-99.**

By Director Carmody.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on February 3, 1999 for Check Printing, Signing, Folding and Sealing Equipment (All items) for the Division of Various Divisions of City Government, Department of

Finance, pursuant to the authority of Ordinance No. 1744-97, passed by the Council of the City of Cleveland on October 20, 1997, be and the same are hereby rejected.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 81-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of American Waste Management Services, Inc. for an estimated quantity of disposal of catch basin debris for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 17th day of December 1998, pursuant to the authority of Ordinance No. 1111-98, passed July 29, 1998, which on the basis of the estimated quantity would amount to Two Hundred Forty-Seven Thousand Eight Hundred and 00/100 Dollars (\$247,800.00), 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. 27098**

which shall be certified against such contract in the sum of One Hundred Thousand and 00/100 Dollars (\$100,000.00).

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

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 82-99.**

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 478-98, passed by Cleveland City Council June 1, 1998, and Resolution No. 561-98, adopted August 4, 1998, the Director of Economic Development entered into City Contract No. 53577 with WTW Architects ("Consultant") for professional services necessary to make site improvements necessary to develop Cleveland Enterprise Park; and

Whereas, the City has determined to modify the scope of work to include additional services related to the Cleveland Enterprise Park Master Plan; and

Whereas, Consultant has presented a proposal dated November 15, 1998 to perform such additional services, which said additional-services proposal the City finds acceptable; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Economic Development is authorized to enter into a

First Amendment to the agreement with WTW Architects, City Contract No. 53577, based on its additional-services proposal dated November 15, 1998 to provide additional services related to the Cleveland Enterprise Park Master Plan. The compensation for additional services authorized hereby shall not exceed One Hundred Eighty-Six Thousand, Two Hundred Ninety-Five Dollars (\$186,295.00), thereby increasing the total contract to an amount not to exceed \$418,845.00.

Be it further resolved that all other terms and provisions of City Contract No. 53577 not expressly modified hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 83-99.**

By Director Warren.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ozanne Construction, Base Bid and Add Alternates Nos. 1 and E-2, for the construction of the Warehouse, Vehicle Garage and Maintenance Building for the Division of Corrections, Department of Public Health, received on December 23, 1998, pursuant to the authority of Ordinance No. 478-98, passed June 1, 1998 by Cleveland City Council, for a price for the improvements in the aggregate amount of One Million, Six Hundred Twenty-One Thousand, Two Hundred Fifty and No/100 Dollars (\$1,621,250.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Economic Development 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 Ozanne Construction are hereby approved:

Bumgarner Mechanical  
MBE — 4%

Ballast Fence  
FBE — 4%

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 84-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 004-17-026, 004-19-101, 128-01-075, 128-02-111, 135-18-036 and 135-18-037 under said Land Reutilization Program; and

Whereas, Ordinance No. 197-99 passed February 8, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cleveland Housing Network Limited Partnership XVI has

proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 197-99 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Cleveland Housing Network Limited Partnership XVI for the sale and development of Permanent Parcel Nos. 004-17-026, 004-19-101, 128-01-075, 128-02-111, 135-18-036 and 135-18-037, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 85-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 119-01-069, 119-01-070 and 119-01-071 under said Land Reutilization Program; and

Whereas, Ordinance No. 196-99 passed February 8, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Rhonda Bowman has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 196-99 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Rhonda Bowman for the sale and development of Permanent Parcel Nos. 119-01-069, 119-01-070 and 119-01-071, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.  
Absent: None.

**Resolution No. 86-99.**

By Director Hudecek.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with

the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 119-01-004 and 119-01-005 under said Land Reutilization Program; and

Whereas, Ordinance No. 195-99 passed February 8, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Paula Gist Shivers has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 195-99 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized execute an official deed for and on behalf of the City of Cleveland with Paula Gist Shivers for the sale and development of Permanent Parcel Nos. 119-01-004 and 119-01-005, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Director Jackson, Acting Director Ross, Director Patterson and Acting Director Huth.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

FREDDIE J. FENDERSON,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCHS, 1999

9:30 A.M.

**Calendar No. 99-20:** 3446 West 117th Street

Ray Galindo owner, Richard Lalli, agent, appeal to change the use of an existing approximately 35' x 35' one-story brick building, formerly a cabinet shop, into a kitchen for the preparation and retail distribution of salsa, all located on a 124' x 40' parcel at the northwesterly corner of Governor Avenue and West 117th Street at 3446 West 117th Street; said change of use being contrary to Section 343.11 where the manufacturing of food products is not permitted in a General Retail Business District but first permitted in a Semi-Industry District as per Section 345.03 and contrary to Section 349.07C(3) where the maximum width of such driveway shall be 30' and approximately 81' are proposed and subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 99-21:** 3611 Payne Avenue, a.k.a. 1629-1633 East 36th Street

Eric Duong, owner, and Nicholas Daria, agent, appeal to change the use of an existing 170' x 92' one-story laundry and office masonry building into a warehouse storage and distribution facility all situated on an approximate 270' x 150' irregular shaped parcel and located in a Local Retail and Two-Family District on the northeasterly corner of Payne Avenue and East 36th Street at 3611 Payne Avenue, a.k.a. 1629-1633 East 36th Street; said change of use being contrary to Section 337.03 where a warehouse is not permitted in a Two-Family District and Section 343.01 where a warehouse is not permitted in a Local Retail District but first permitted in a Semi-Industry District as stated in Section 345.03C(33) and contrary to the Off-Street Parking and Loading Regulations of Section 349.04 where 6 parking spaces are required and 0 are proposed and contrary to the Landscaping and Screening Regulations where an 8' landscaped strip and a 6' screened fence are required at the rear of the property and 0' is proposed and a 6' landscaped strip is required along East 36th Street as per Section 352.10 and 352.11 of the Codified Ordinances.

**Calendar No. 99-22:** 3063 West 48th Street

Saul Garcia, owner, and Ramon Harrigan, agent, appeal to change the use of an existing 50' x 20' 1-1/2 dwelling house into a 2 dwelling house, all situated on a 125' x 40' parcel and located in a Two-Family District and located on the east side of West 48th Street at 3063 West 48th Street; said change of use being contrary to Section 357.09 where a 10' interior side yard is required and 18' and 2' are proposed and contrary to the Area Requirements Regulations where a 6000 sq. ft. lot area is required and 5000 sq. ft. are proposed but subject to the substitution limitations of Section 359.01(A) of the Codified Ordinances.

**Calendar No. 99-23:** 1361 East Boulevard

Thomas Peters, owner, and Edward Mamone, agent, appeal to construct a 54' x 48' one-story mason-

ry garage to the east of an existing 80' x 48' building all situated on a 188' x 60' parcel and located in a Multi-Family District on the east side of East Boulevard at 1361 East Boulevard, said construction being contrary to the Residential District Requirements where 2,592 sq. ft. are proposed and the allowable square footage permitted for this accessory use in a Residence District is 1,200 sq. ft. as established in Section 337.23(A) of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 22, 1999

At the Meeting of the Board of Zoning Appeals on Monday, February 22, 1999, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 99-13:** 3425 Roehl Avenue

Ripepi Funeral Homes, Inc., owner, and Clark Metro Development Corporation, prospective purchaser, appealed to construct a three-story, 30 unit (2-bedroom) elderly housing apartment building on an approximate 198' x 206' irregular shaped parcel in a Two-Family District.

**Calendar No. 99-15:** 7008-7058 Broadway

Third Federal Savings and Loan, owners, appealed to construct a three-story, 42 unit (2-bedroom) elderly housing apartment building on an approximate 184' x 287' irregular shaped parcel in a General Retail and a Two-Family District.

**Calendar No. 99-17:** 12432 St. Clair Avenue

Giltz and Associates and Save-a-Lot Food Stores, tenant, appealed to construct a 105' x 160' one-story 18'-8" high food store building and parking lot for 71 cars on an approximate 251' x 282' parcel in a Local Retail District.

**Calendar No. 98-251:** 10022 Madison Avenue

Marbo Inc., owner c/o Zarembo Group L.L.C. and Revco Discount Drug Centers Inc., appealed to construct a 75' x 135' one-story CVS pharmacy building and accessory parking lot on an approximate 232' x 172' corner parcel in a Local Retail and Multi-Family District.

**Calendar No. 98-265:** 8820 Broadway, S.E.

Mario Festa, owner, and Millcreek Automotive Corporation c/o Terry Arnold, tenant, appealed to change use of an existing 83' x 122' irregular shaped vacant parcel into a used car sales lot in a Semi-Industry District; approval subject to submission of plan identifying landscaping detail and fencing and adherence to the time-lines and subsequent paving and draining as referenced in writing, signed by the appellant and made a condition for granting the requested variance.

The following appeal was **Postponed**:

**Calendar No. 99-16:** 12702 Bellaire Road postponed to March 8, 1999.

**On Monday, February 22, 1999, in Executive Session:**

The following appeal was heard on Tuesday, February 16, 1999, and said decision to **GRANT** was approved and adopted by the Board on Monday, February 22, 1999:

**Calendar No. 99-1:** 10507 Buckeye Road

Morning Star Baptist Church, owner, and AT&T Wireless Inc. c/o Ron Russo, appealed to install a 164' tall monopole antenna tower and a prefabricated radio equipment building and approximately 100 linear feet of 8' fencing on a 152' x 50' parcel in a General Retail Business District.

The following appeals were heard on Tuesday, February 16, 1999, and said decisions to **DENY** were approved and adopted by the Board on Monday, February 22, 1999:

**Calendar No. 99-10:** 9816 Gambier Avenue, N.W.

Tom Pallas, owner, appealed to change use of an existing two unit dwelling into a three unit dwelling and maintain one dwelling unit on the second floor and two dwelling units on the first floor in a Two-Family District.

**Calendar No. 99-14:** 4617 West 130th Street

John Cossu, owner, appealed to change use of an existing one-story masonry produce market building into a used car lot for the purpose of auto sales and repairs in a General Retail Business District.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of February 17, 1999

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

\* \* \*

**Docket A-231-98.**

RE: Appeal of Union Planters Bank, N.A., Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 2190 West 83rd Street from a 72 HR. FIRE CONDEMNATION/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated November 30, 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 HR. FIRE CONDEMNATION/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant

two months (2 mos.) in which to obtain permits and abate the violations, the property must be 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 HR. FIRE CONDEMNATION/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 May 3, 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-232-98.**

RE: Appeal of Bridget Terese Stefan, Owner of the Two Stores/Two Dwelling Units Masonry Property located on the premises known as 3085-89 West 25th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 9, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action, Docket A-232-98 has been POSTPONED; to be rescheduled for a later date.

\* \* \*

**Docket A-233-98.**

RE: Appeal of Sandra M. Williams, Owner of the One Dwelling Unit Residential Property located on the premises known as 8618 Capital Avenue from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 25, 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 REMAND the property at 8618 Capitol Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

\* \* \*

**Docket A-234-98.**

RE: Appeal of Mike Sadowsky, Owner and Frank Maenza, Tenant, of the Night Club located on the premises known as 1628 Fall Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-234-98 has been POSTPONED; to be rescheduled for March 31, 1999.

\* \* \*

**Docket A-235-98.**

RE: Appeal of Horace McClay, Owner of the Four Dwelling Unit Two-Story Masonry Property located on the premises known as 8015 Quin-

cy Avenue from a VACATE/CONDEMNATION ORDER/ELECTRICAL/HVAC of the Commissioner of the Division of Building and Housing dated December 8, 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 VACATE/CONDEMNATION ORDER/ELECTRICAL/HVAC and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations, the property is to be boarded and 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 VACATE/CONDEMNATION ORDER/ELECTRICAL/HVAC 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 June 3, 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-236-98.**

RE: Appeal of Robert L Tobik, Owner of the Commercial Property located on the premises known as 4403 St. Clair Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated December 2, 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 REMAND the property at 4403 St. Clair Avenue to the Division of Fire for any required 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-1-99.**

RE: Appeal of Case Western Reserve University, Owner of the Property/Millis Atrium located on the premises known as 2074 Adelbert Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated December 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 grant the variance and permit the buildings to co-exist without the fire separation through the roof of the auditorium, with the provision that a sprinkler head be centered over each window in the adjacent buildings within one foot of the glass of the exterior wall. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-11-99.**

RE: Appeal of Mt. Sinai Baptist Church, Owner of the Rectory Use Group R-2 to Case/Youth Management Centre located on the premises known as 7211 Woodland Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 22, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variances, noting that it is an existing building of limited use and that the program is temporary, and noting that the occupancy is to be limited to less than fifty (50) people and that the ADA requirements is to be provided at other venues. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**EXTENSION OF TIME:**

**Docket A-121-98 — Emile & Hayat Daher, Owners — Robert Modic, Tenant — 3230-34 Euclid Avenue:**

A motion is in order at this time to DENY the Appellant's request for an "Extension of Time" in which to complete abatement of the violations, 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. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan for Approval and Adoption of the Resolutions 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-210-98—Carol Suva.
- A-211-98—S.G.K Development Corporation.
- A-212-98—Delmar Gogol.
- A-214-98—The Provident Bank.
- A-218-98—A.R. Muhammad.
- A-227-98—Gregory Patrick.
- A-228-98—Seventeenth Street Association, Inc.

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Bowes 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:

February 3, 1999

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

\* \* \*

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, MARCH 3, 1999**

**Rebuilt Allison Transmission,** for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2099-98, passed by the Council of the City of Cleveland, February 1, 1999.

February 17, 1999 and February 24, 1999

**THURSDAY, MARCH 4, 1999**

**West 49th Street Sewer Replacement,** for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 757-98, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) 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.

February 17, 1999 and February 24, 1999

**THURSDAY, MARCH 11, 1999**

**Gym Floor Renovations,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1727-98, passed by the Council of the City of Cleveland, October 19, 1998.

February 17, 1999 and February 24, 1999

**WEDNESDAY, MARCH 17, 1999**

**Ductile Iron Pipe and Fittings,** for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified of the City of Cleveland, 1976.

February 17, 1999 and February 24, 1999

**FRIDAY, MARCH 19, 1999**

**One (1) Endloader,** 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) Triplex Mower, One (1) Utility Truck with Sprayer and Two (2) Utility Vehicles,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1690-98, passed by the Council of the City of Cleveland, November 23, 1998.

February 17, 1999 and February 24, 1999

**WEDNESDAY, MARCH 10, 1999**

**Natural Gas,** for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 93-99, passed by the Council of the City of Cleveland.

February 24, 1999 and March 3, 1999

**WEDNESDAY, MARCH 17, 1999**

**Hydraulic Shoring,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2048-98.

A MANDATORY PRE-BID MEETING WILL BE HELD ON FRIDAY, MARCH 5, 1999, 10:00 A.M., AT THE HARVARD YARDS ADMINISTRATION BUILDING, TRAINING ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

**Various Equipment and appurtenances for Combination Sewer and Catch Basin Cleaners**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 817-98, passed by the Council of the City of Cleveland, June 8, 1998.

February 24, 1999 and March 3, 1999

**THURSDAY, MARCH 18, 1999**

**Labor and Materials to Repair the Arch Entrance Doors**, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

**Flashers, Safety Lights, Arrow Bars and Traffic Control Devices**, for the various divisions of Public Utilities, as authorized by Ordinance No. 1945-98, passed by the Council of the City of Cleveland, December 14, 1998.

**Plumbing, Heating Materials and Supplies**, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1956-98, passed by the Council of the City of Cleveland, December 7, 1998.

**Tree Maintenance**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2054-98, passed by the Council of the City of Cleveland, December 14, 1998.

February 24, 1999 and March 3, 1999

**FRIDAY, MARCH 19, 1999**

**One (1) Trackless Skid/Steer Loader**, 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.

February 24, 1999 and March 3, 1999

**WEDNESDAY, MARCH 24, 1999**

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

February 24, 1999 and March 3, 1999

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 198-99.**  
**By Councilman Rybka.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., and repealing Res. No. 1508-98, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., by Res. No. 1508-98, adopted August 19, 1998; and

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

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

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

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., be and the same is hereby withdrawn and Res. No. 1508-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 8, 1999.

Effective February 17, 1999.

**Res. No. 199-99.**  
**By Councilman Lewis.**  
**An emergency resolution urging the utility companies to discontinue certain collection practices in regard to HEAP participants.**

Whereas, as the Home Energy Assistance Program (HEAP) is a federally funded program administered by the State of Ohio designed to help eligible low-income Ohioans meet the high costs of home heating; and

Whereas, the members of Cleveland City Council have received a number of complaints from HEAP participants regarding the utility companies referral of them to collection agencies, threat of foreclosure and other aggressive practices, and

Whereas, HEAP was not intended to cause such results and it being in the best interest of the City that these issues be addressed and resolved; and

Whereas, a meeting between representative(s) of the utility companies and members of Cleveland City Council to discuss these issues would help to resolve these issues for the benefit of the general public; now therefore

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

**Section 1.** That this Council urges the local utility companies to appear and meet with members of Cleveland City Council to resolve these issues.

**Section 2.** That the Clerk of Council is requested to transmit a copy of this resolution to the East Ohio Gas Co. and the Cleveland Electric Illuminating Co.

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

Adopted February 8, 1999.

Effective February 17, 1999.

**Res. No. 200-99.**

**By Councilman Willis.**

**An emergency resolution urging the Mayor and his staff to join with other governmental entities for the purpose of purchasing natural gas at a decreased rate.**

Whereas, the City of Cleveland, through the Department of Finance, purchases natural gas and contracts for the purchase of natural gas transportation from East Ohio Gas Company on an annual or biannual basis; and

Whereas, East Ohio Gas is the sole provider of natural gas for Cleveland; and

Whereas, since 1997, the City of Cleveland has utilized the services of a broker in order to purchase natural gas at a decreased rate, rather than purchasing natural gas directly from East Ohio Gas; and

Whereas, it may be possible for the City of Cleveland to realize a greater cost savings if other governmental entities in and around the City would work in a collaborative manner with the City to purchase natural gas; now, therefore,

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

**Section 1.** That the Council of the City of Cleveland urges the Directors of Finance and Public Utilities to examine the possibility of the City of Cleveland entering into or forming a consortium with other governmental entities in and around the City of Cleveland for the purpose of purchasing natural gas from East Ohio Gas Company at a decreased rate.

**Section 2.** That the Clerk of Council is requested to transmit a copy of this Resolution to Mayor Michael White and Directors Carmody and Konicek, Cuyahoga County Commissioners, President of the Cuyahoga County Mayors and Managers Association, General Manager of the Regional Transit Authority.

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

Adopted February 8, 1999.

Effective February 17, 1999.

**Ord. No. 1883-98.**

**By Councilman Coats.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12525 St. Clair Avenue to Roscoe, Incorporated.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio, Revised Code and Section 183.621 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), 111-11-011, as more fully described in Section 2 below, to Roscoe, Incorporated.

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

P. P. No. 111-11-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 72 and part of Sublot No. 71 in the Schatzinger Consolidated Realty Company's Maple Leaf Subdivision of part of Original One Hundred Acre Lot No. 365, as shown by the recorded plat in Volume 39 of Maps, Page 2 of Cuyahoga County Records and bounded and described as follows:

Beginning at the most Easterly corner of said Sublot No. 72; thence Northwestwardly along the Southwesterly line of Vashti Avenue, N.E., 120 feet to the Southeasterly line of Denman Court; thence Southwesterly along the Southeasterly line of Denman Court 42 feet; thence Southeasterly 120.27 feet to a point in the Northwesterly line of St. Clair Avenue, N.E., 10 feet Southwesterly from the most Easterly corner of said Sublot No. 71; thence Northwesterly along the Northwesterly line of St. Clair Avenue, N.E., 50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions recorded in Volume 1336, Page 388 of Cuyahoga County Records.

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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 1957-98.**  
**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 3709 East 57th Street to Broadway Area Housing Coalition or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 131-37-087, as more fully described in Section 2 below, to Broadway Area Housing Coalition or designee.

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

P.P. No. 131-37-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 187 in Hubbard Cooke, Trustee's Allotment of part of Original One Hundred Acre Lots Nos. 317 and 321, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 21 of Cuyahoga County Records, said Sublot No. 187 has a frontage of 40 feet on the Easterly side of East 57th Street (formerly Vergennes Street) and extends back of equal width 140 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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 1958-98.**  
**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 8303 Goodman Avenue to Eric J. Stopar.**

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), 134-14-070, as more fully described in Section 2 below, to Eric J. Stopar.

**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. 134-14-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Goodman Subdivision of part of Original One Hundred Acre Lots Nos. 463 and 464 as shown by the recorded plat in Volume 24 of Maps, Page 3 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Goodman Avenue, S.E., and extending back of equal width 121.60 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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



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

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

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

Passed February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 2009-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with LH Development LLC, to provide for the purpose of repayment of NDIF funds used to partially finance certain improvements as part of the Lee Harvard Shopping Center redevelopment project and to provide for payments to the Cleveland City School District, and to declare certain improvements to real property to be a public purpose.**

Whereas, by Ordinance No. 1270-98, passed \_\_\_\_\_, this Council designated the Lee-Harvard Area Urban Redevelopment Area ("Area") and approved the Lee-Harvard Area Urban Redevelopment ("Plan"); and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property within the Area and consistent with the Plan, may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 1267-98, passed August 19, 1998, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District

would have received had the improvements not been exempt; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; 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 improvements to be constructed in the Area by LH Development LLC ("Redeveloper"), as more fully described in the plans contained in File No. 2009-98-A ("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

**Section 2.** That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of fifteen years; and that in no event shall the exemption period extend beyond December 31, 2015.

**Section 3.** That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of fifteen years in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the district had the Improvements not been exempt from taxation.

**Section 5.** That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this Ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest, which agreement(s) shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

**Section 6.** That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

shall take effect and be in force from and after the earliest period allowed by law.

Passed February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 2058-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway located in the Johnston Area Enterprise Zone.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA (the "Enterprise") has proposed the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway expand its facilities at its operation in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; 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 its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA for enterprise zone incentives on the basis that West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise

Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten (10) year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2058-98-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 2102-98.**  
**By Councilmen Gordon and Johnson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the STD — Diagnostic and Treatment Services Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to accept a grant in the approximate amount of \$126,000, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the STD - Diagnostic and Treatment Services Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the Director of Public Health shall provide a report to the Public Health Committee every six months during the grant term which shall include the number of individuals tested under the program.

**Section 3.** That the application for said grant, File No. 2102-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 2107-98.**  
**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace fencing for baseball diamond fields, parks and playgrounds, 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 labor and materials necessary to repair or replace fencing for baseball diamond fields, parks and playgrounds, shall not exceed \$60,000 for the term of the contract, 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.** 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 22466)

**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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 28-99.**  
**By Councilmen Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Dictaphone Corporation for the purchase of maintenance services for Dictaphone equipment, including logging and playback recorders, for the Division of Emergency Medical Service, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Dictaphone Corporation. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said Dictaphone Corporation upon the basis of its proposal dated July 21, 1998, for maintenance services for Dictaphone equipment, including logging and playback recorders, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20681.

**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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 29-99.**  
**By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).**

**An emergency ordinance to appropriate property for the public purpose of expanding Brookside Park.**  
Whereas, the Council of the City of Cleveland, by Resolution No. 39-99, adopted January 11, 1999, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of expanding Brookside Park; and

Whereas, notice of 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 expanding Brookside Park, the following described fee simple

interests be and the same hereby are appropriated: Sublot Number 1 through 8 in the Municipal Realty Company's Memphis Avenue Subdivision as recorded in Volume 84, Page 12 of the Cuyahoga County Map Records.

**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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 93-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into a requirement contract without competitive bidding with East Ohio Gas Company for the purchase of natural gas transportation services, and authorizing the purchase by requirement contract of natural gas, for the various divisions of City government.**

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

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

**Section 1.** That it is hereby determined that natural gas transportation services are non-competitive and cannot be secured from any source other than the East Ohio Gas Company. Therefore, the Director of Finance is hereby authorized to make a written requirement contract with said East Ohio Gas Company for a period of one year, for natural gas transportation services, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government.

**Section 2.** That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the purchase of natural gas to be transported by the East Ohio Gas Company 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 various divisions of City government. Bids shall be taken in such manner as to permit an award to be made or 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 year. Prior to the presentation of a resolution to the Board of Control for the selection of a contractor or contractors under this Section, the Director of Finance

shall report to this Council, through its Clerk, as to the identity of the contractor or contractors recommended by the Director and the contract amount to be paid under each such contract.

**Section 3.** That the cost of said contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchases thereunder, which purchases, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contracts duly certified by the Director of Finance. (RL 23266)

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

Passed February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 194-99.**  
**By Councilman Cimperman.**  
**An emergency ordinance consenting to and approving the issuance of a permit for the Walk for Hunger on May 8, 1999, sponsored by the Hunger Network of Greater Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 8, 1999, beginning at Burke Lakefront Airport and progresses to E. 9th St., south on E. 9th St. to Lakeside, west on Lakeside to W. 3rd St., south on W. 3rd to St. Clair, west on St. Clair to W. 9th St., south on W. 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to E. 9th St., north on E. 9th St. to Huron, east on Huron to Euclid, west on Euclid back to E. 9th St., north on E. 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th St. to North Coast Harbor, 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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 195-99.**  
**By Councilman Lewis.**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1815 and 1817 East 79th Street to Paula Gist Shivers.**

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). 119-01-004 and 119-01-005, as more fully described in Section 2 below, to Paula Gist Shivers.

**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. 119-01-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublots 1 and 2 in L.M. Holt's Re-Subdivision of part of Original 100 Acre Lots 391 and 392, as shown by the recorded plat of said Re-Subdivision in Volume 5 of Maps, Page 29 of Cuyahoga County Records, and more particularly bounded and described as follows:

Beginning in the Westerly line of said Sublot No. 1, at a point distant 114-1/2 feet Southerly, (measured along said Westerly line), from the Northwesterly corner thereof, said Westerly line of said Sublot No. 1, being also the centerline of East 79th Street (50 feet wide), formerly known as East Madison Avenue and the Northerly line of said Sublots 1 and 2 being also the Southerly line of Hough Avenue, N.E.; thence Easterly parallel with the Southerly line of Hough Avenue, N.E., 150 feet to a point; thence Southerly parallel with the Westerly line of said Sublot No. 1, which is also the centerline of East 79th Street, a distance of 32-1/2 feet to a point in the Southerly line of said Sublot No. 2; thence Westerly along the Southerly line of said Sublots Nos. 2 and 1 to the Southwesterly corner of said Sublot No. 1, which is in the centerline of East 79th Street; thence Northerly along the centerline of East 79th Street, a distance of 32-1/2 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Right-of-way from R. E. Burdick and Mary H. Burdick to Elizabeth Odbert, dated March 29, 1895, filed for record April 6, 1895 and recorded in Volume 597, Page 366 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

P.P. No. 119-01-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the easterly 207 feet of Sublot No. 4 in L.M. and A.J. Holt's Re-subdivision of part of Original 100 Acre Lot Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records, and being 50 feet front on the easterly side of East 79th Street, and extending back between parallel lines 207 feet deep, 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 February 8, 1999.

Effective February 17, 1999.

**Ord. No. 196-99.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1893, 1895, 1899 East 81st Street to Rhonda Bowman.**

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). 119-01-069, 119-01-070 and 119-01-071, as more fully described in Section 2 below, to Rhonda Bowman.

**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. 119-01-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 399, and bounded and described as follows:

Beginning on the Easterly line of East 81st Street (formerly Princeton Street) 45 feet wide, at its intersection with the Northerly line of land conveyed to Thomas Larter, by deed dated June 30, 1892, and recorded in Volume 517, Page 519 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Thomas Larter and parallel with the Northerly line of said Original Lot No. 399 about 87.36 feet to the Westerly line of land conveyed to Maria O. Barkwill by deed dated January 26, 1895, and recorded in Volume 589, Page 474 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Maria O. Barkwill, 25 feet; thence Westerly and parallel with the Northerly line of said Original Lot No. 399, about 87.36 feet to the Easterly line of East 81st Street; thence Southerly along the Easterly line of East 81st Street, 25 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-01-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot 399, bounded and described as follows: Beginning on the Easterly line of East 81st Street (45 feet wide) at the Southwesterly corner of a parcel of land conveyed to Gilbert P. Deering by deed dated December 4, 1939, and recorded in Volume 5043, Page 349 of Cuyahoga County Records; said place of beginning being also distant Southerly measured along the Easterly line of said East 81st Street, 923.04 feet from the Southerly line of Hough Avenue N.E. (66 feet wide); thence Southerly along the Easterly line of said East 81st Street 40 feet; thence Easterly parallel with the Southerly line of said parcel so conveyed to Gilbert P. Deering and the Easterly prolongation thereof, about 97 feet to the Westerly line of a parcel of land conveyed to the Bayer Goodman Company by deed dated March 1, 1933 and recorded in Volume 4292, Page 51 of Cuyahoga County Records; thence Northerly along the

Westerly line of said parcel so conveyed to the Bayer Goodman Company and along the Westerly line of a parcel of land conveyed to Robert Larter Nelson by deed dated November 1, 1928 and recorded in Volume 3735, Page 391 of Cuyahoga County Records 40 feet to the Northwesterly corner of said parcel and the Easterly prolongation of the Southerly line of the parcel conveyed to Gilbert P. Deering as aforesaid; thence Westerly along said Easterly prolongation and along the Southerly line of said parcel so conveyed to Gilbert P. Deering about 97.36 feet to the place of beginning be the same more or less, but subject to all legal highways.

P.P. No. 119-01-071

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. 399, and bounded and described as follows: Beginning on the Easterly side of East 81st Street at the Northwesterly corner of land conveyed to Thomas J. McMurdie by Deed dated January 23, 1920, and recorded in Volume 2371, Page 50 of Cuyahoga County Records; thence Northerly along the Easterly line of East 81st Street, about 40 feet to the Southwesterly corner of land conveyed to Ida Isaacs by Deed dated October 27, 1941, and recorded in Volume 5419, Page 436 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Ida Isaacs, about 97 feet to the Westerly line of land conveyed to The Mac Seiber Realty Co. by Deed dated August 15, 1936, and recorded in Volume 4653, Page 691 of Cuyahoga County Records; thence Southerly along the Westerly line of land conveyed to The Mac Seiber Realty Co., about 40 feet to the Northerly line of land conveyed to Henry S. Johnson by Deed dated December 22, 1905, and recorded in Volume 1009, Page 576 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Henry S. Johnson and along the Northerly line of land conveyed to Thomas J. McMurdie, as aforesaid, about 96.75 feet to the place of beginning, 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 February 8, 1999.  
Effective February 17, 1999.

**Ord. No. 197-99.**

**By Councilmen White, Britt and Cimperman.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2468 West 7th Street, 2478 West 5th Street, 10518 Grandview Avenue, 10512 Grandview Avenue and Gay Avenue to Cleveland Housing Network Limited Partnership XVI.**

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. 004-17-026 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XVI.

**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. 004-17-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly one-half of the Sublot No. 163 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 226 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 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. 004-19-101 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 004-19-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 125 feet of Sublot No. 713 in S.S. Ston's College Tract Subdivision of the Original Brooklyn Township Lot No. 87. Said Sublot has a frontage of 33 feet on the Westerly side of West 5th Street and extends back of equal width 125 feet deep, and as found recorded in Volume 2 of Maps, Pages 31 and 32 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-075 as more fully described in Section 6 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 128-01-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as described as follows:

Namely being part of Original One Hundred Acre Lot No. 418 bounded and described as follows:

Beginning on the Southerly line of a proposed Street 40 feet wide to be called Grandview Avenue; the Southerly line of which is parallel with and distant 105 feet Northerly from the Southerly line of land set off to Clara Burroughs in the partition of lands belonging to the estate of Rudolph Edwards, as recorded in Cuyahoga County Common Pleas Records in Volume 40, Page 440, at a point on the Southerly line of proposed Grandview Avenue, 1058-91/100 feet Westerly from its intersection with the Easterly line of said Original Lot No. 418; thence Westerly, along the Southerly line of said proposed street 40 feet; thence Southerly, at right angles with the last described line 105 feet to the Southerly line of lands set off to Clara Burroughs as aforesaid; thence Easterly, along said line 40 feet; thence Northerly 105 feet to the place of beginning and being further known as Sublot No. 17 in Charles A. Bingham's proposed Luna Subdivision of part of Original One Hundred Acre Lots No. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records; be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-111 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 128-02-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Charles L. Bingham's Luna Heights Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 40 feet front on the Southerly side of Grandview Avenue, S.E., and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 135-18-036 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XVI.

**Section 10.** That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 135-18-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 110, 111 and 112 in A. Harris Subdivision of part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat in Volume 4 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land 150 feet front on the Southerly side of Gay Avenue, S.E., and extending back of equal width 100 feet, the Westerly side of said premises, being the Easterly side of East 100 Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-18-037 as more fully described in Section 12 below, to Cleveland Housing Network Limited Partnership XVI.

**Section 12.** That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 135-18-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 113, 114 and 115 in Ariel Harris Allotment of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat in Volume 4 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 150 feet on the Southerly side of Gay

Avenue, S.E., and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 13.** 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 14.** 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 15.** 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 16.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 8, 1999.  
Effective February 17, 1999.

**COUNCIL COMMITTEE MEETINGS**

**Thursday, February 18, 1999**

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

**Monday, February 22, 1999**

**Public Health Committee: 9:00 A.M.** — Present: Gordon, Chairman; Cimperman, Vice Chairman; Britt, Dolan, Jackson, Robinson. Excused: Cintron.

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

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