

# The City Record

Official Publication of the City of Cleveland

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November the Twelfth, Nineteen Hundred and Ninety-Seven

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
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	John C. Skrha	5100 Broadway Avenue	44127
14	Helen K. Smith	3016 Carroll Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

**MAYOR**-Michael R. White  
 LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy  
 Barry Withers, Executive Assistant for Administration  
 Judith Zimomra, Executive Assistant for Service  
 Kenneth Silliman, Executive Assistant for Economic Development  
 Richard Werner, Executive Assistant for Governmental Affairs.  
 Susan E. Axelrod, Executive Assistant for Communications and Support Services  
 Linda Willis, Director, Office of Equal Opportunity

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

**DEPT. OF FINANCE** - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit  
**DIVISIONS** - Accounts - A. Schneider, 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 - Keith D. Schuster, 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 - M. Blech, Commissioner  
 Cleveland Public Power - Jim Majer, Acting Commissioner  
 Street Lighting Bureau - Frank Schilling, Acting Chief.

**DEPT. OF PORT CONTROL** - William F. Cunningham, Jr., Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;  
 Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner  
 Burke Lakefront Airport - Michael C. Barth, Commissioner

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

**DEPT. OF PUBLIC HEALTH** - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.  
**DIVISIONS** - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue  
 Environment - Joseph W. Jasper, Jr., Commissioner, Mural Building, 1925 St. Clair Avenue  
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

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

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

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

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

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

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

**DEPT. OF AGING** - Rm. 122, Delores A. Lynch, Director

**COMMUNITY RELATIONS BOARD** - Room 11, Gary L. Holland, 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; Donna K. Nelson, 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, Hunter Morrison, Acting Sec'y.

**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, Sharon Sobol Jordan; Pres. Finance Director, \_\_\_\_\_, Director Sec'y. Council President Jay Westbrook.

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

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

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

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

**MORAL CLAIMS COMMISSION** - Sharon Sobol Jordan, \_\_\_\_\_, Councilman Jay Westbrook.

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

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

**CLEVELAND LANDMARKS COMMISSION** - Room 519, \_\_\_\_\_, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobile, Theodore Sande, Randall Shorr, Shirley Thompson, Councilmen Craig E. Willis and Helen K. Smith.

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 84

WEDNESDAY, NOVEMBER 12, 1997

No. 4379

## CITY COUNCIL

MONDAY, NOVEMBER 10, 1997

### The City Record

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### ARTHA WOODS

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; White, Vice Chairman; Britt, Johnson, Melena, Moran, Smith, Sweeney, Westbrook.

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

#### MONDAY

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

#### TUESDAY

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

1:30 P.M.—**Legislation Committee:** Willis, Chairman; Melena, Vice Chairman; Dolan, Johnson, Rybka, Sweeney, White.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Smith, Chairman; Sweeney, Vice Chairman; Dolan, Patton, Skrha, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Dolan, Gordon, Jackson, Moran, Patton, Zone.

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Dolan, Lewis, Moran, Patton, Skrha, Willis.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; Jackson, Gordon, Skrha, White, Zone.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio November 10, 1997.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Coats, Dolan, Gordon, Jackson, Johnson, Lewis, Melena, Patton, Polensek, Robinson, Rybka, Skrha, Smith, Sweeney, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Sobol-Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Lynch, Willis, Nelson, Morrison and Acting Directors Buford and Charles.

Absent: Mayor White and Directors Dennihan, Holland.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Wesley I. Reid, Pastor, Lee Memorial A.M.E. Church. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 1977-97.**  
From the Department of Port Control re: Notification of "Set-Aside" Req. #s 13381. Received.

**File No. 1978-97.**  
From the Division of Purchases & Supplies re: Emergency Requisition (RE-097668) and (RE-097669). Received.

**File No. 1979-97.**  
From The City of Fairview Park City Council re: Copy of Resolution No. 97-20 passed October 6, 1997; effective October 9, 1997. Received.

**File No. 1980-97.**  
From The Director of Public Utilities re: written notice of contract with Motorola, Inc. for purchase of equipment for the City's 800 MHz radio system. Received.

#### File No. 1981-97.

From Coordinator of Community Health Initiatives Partnership re: letter of gratitude for the Clerk of Council's assistance in hosting the visit of the Slovak delegation to Cleveland. Received.

#### File No. 1982-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement, letter dated October 22, 1997. Received.

#### File No. 1983-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement, letter dated November 5, 1997. Received.

#### File No. 1984-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation, Case No. 92-154-HT-AEC, Standard Steam Service Agreements for BOMA Members, letter dated November 5, 1997. Received.

#### File No. 1985-97.

From Division of Purchases and Supplies re: Emergency Requisition (RE-84249). Received.

#### File No. 1986-97.

From Office of Equal Opportunity re: MBEs/FBEs Deleted from OEO's database Third Quarter, 1997. Received.

#### File No. 1987-97.

From Director of Public Safety: Quarterly OC Spray Usage for the period of July 1, 1997 through September 30, 1997. Received.

#### File No. 1988-97.

From Office of Equal Opportunity re: Certified MBEs and FBEs Reporting Period: Third Quarter, 1997. Received.

#### File No. 1989-97.

From Office of Equal Opportunity re: Denials of Certification — Third Quarter, 1997. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

#### File No. 1990-97.

Re: Transfer of Ownership Application - 55184350230 — Mark Glassman Inc. dba Marc's Lorain, 13693 Lorain Avenue. (Ward 20). Received.

#### File No. 1991-97.

Re: Transfer of Ownership Application - 0978449 — Brooklyn Corner Foods Inc., 11025 Ashbury Avenue, first floor. (Ward 9). Received.

**File No. 1992-97.**

Re: Transfer of Ownership Application - 089835654157 — BP Exploration & Oil Inc. dba Site 54157, 10812 Cedar Avenue and Gas Pumps. (Ward 9). Received.

**File No. 1993-97.**

Re: Transfer of Ownership Application - 6548831 — 1187 Old River Road Inc. dba Porky's Café in the Flats, 1187 Old River Road and patio. (Ward 13). Received.

**File No. 1994-97.**

Re: Transfer of Ownership Application - 8003622 — 7540 Inc. dba J. CS Place, 17406 Grovewood Avenue, first floor and basement. (Ward 11). Received.

**File No. 1995-97.**

Re: Transfer of Ownership Application - 5304519 — Lotus Euclid Corp. dba Lotus Mini Market, 17801 Euclid Avenue. (Ward 10). Received.

**File No. 1996-97.**

Re: Transfer of Ownership Application - 0596608 — Bell Aire Bar & Grill Inc., 11026 Bellaire Road and basement. (Ward 19). Received.

**File No. 1997-97.**

Re: Transfer of Ownership Application - 0700204 — Bilton Enterprises LTD LLC dba Sky Bar Hollywood Nights, 16400 Brookpark Road. (Ward 20). Received.

**File No. 1998-97.**

Re: Transfer of Location Application - 3566283 — Hand Cleveland Inc., 1204 Old River Road. (Ward 13). Received.

**File No. 1999-97.**

Re: Transfer of Location Application - 4795052 — Scott A. Koritansky, 1575 Merwin Avenue. (Ward 13). Received.

**File No. 2000-97.**

Re: Stock Transfer Application - 6755191 — Patton & Gaughan Inc. dba Night Flights, 4995 Rocky River Drive, first floor and basement. (Ward 20). Received.

**File No. 2001-97.**

Re: Stock Transfer Application - 7027250 — Porch & Porch Enterprise Inc. dba Porch Beverage, 13612 Coit Road, first floor and basement - n-portion. (Ward 10). Received.

**File No. 2002-97.**

Re: Stock Transfer Application - 26777950001 — Felices Main Street Inc., 1929 West 25th Street, first floor and basement. (Ward 14). Received.

**File No. 2003-97.**

Re: New Application - 17092740110 — Convenient Food Mart Inc. dba Convenient Food Mart 3 143 2, 8504 Detroit Avenue. (Ward 17). Received.

**File No. 2004-97.**

Re: New Application - 1547493 — Cleveland Museum of Natural History, 1 Wade Oval Drive, University Circle. (Ward 9). Received.

**File No. 2005-97.**

Re: Transfer of Ownership Application - 9900925 — Zebby Inc. dba Squires Inn, 3535 West 117th Street. (Ward 19). Received.

**File No. 2006-97.**

Re: Transfer of Ownership Application - 5729924 — Ransom McDow-

ell Jr., 7018 Union Avenue, first floor and basement. (Ward 12). Received.

**File No. 2007-97.**

Re: Transfer of Ownership Application - 5926846 — Midee Restaurants Inc. dba Alvies Gateway Grill, 2033 Ontario Street, first floor. (Ward 13). Received.

**File No. 2008-97.**

Re: Transfer of Ownership Application - 74865650005 — Rojanet Inc. dba Casablanca Restaurant and Lounge, 2218 Broadview Road. (Ward 15). Received.

### STATEMENT OF WORK ACCEPTED

**File No. 2009-97.**

From the Department of Parks, Recreation and Properties re: Contract No. 48813 for Mall B — Hanna Plaza Renovations Site Improvements. Received.

### COMMUNICATIONS

**File No. 2010-97.**

From Artha Woods, Clerk of City Council re: Requirement Contracts Awarded to Cleveland Letter Service, Inc., Brothers Printing Co., and The Legal News Publishing Co.

**File No. 2011-97.**

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report November, 1997. Received.

### CONDOLENCE RESOLUTION

The rule was suspended and the following Resolution was adopted by a rising vote:

**Res. No. 2059-97**—Earl Coates.

### CONGRATULATORY RESOLUTIONS

The rules were suspended and the following Resolutions were adopted with objection:

**Res. No. 2057-97**—Cleveland Warriors 1997 Midget Football Champions.

**Res. No. 2060-97**—Judge George W. White.

**Res. No. 2061-97**—Revs. W. Frank & Vinoa Wilson.

**Res. No. 2062-97**—Martin Hauserman.

**Res. No. 2063-97**—Equal Opportunity Day.

**Res. No. 2064-97**—Denison Avenue United Church of Christ.

**Res. No. 2065-97**—Inez Threadgill.

**Res. No. 2066-97**—Jesse & Caree Byous.

**Res. No. 2067-97**—Bishop Willie J. Marbury.

**Res. No. 2068-97**—Buddy Theodore & Mary Elizabeth Bush.

**Res. No. 2069-97**—Carolina Martin.

**Res. No. 2070-97**—Judge Salvatore Rocco Calandra.

**Res. No. 2071-97**—United Methodist Women's Cotillion-Beautillion.

**Res. No. 2072-97**—Pastor Joan E. Walker.

### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 2012-97.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to design, layout and produce 1997 and 1998 annual report and consumer information materials for the various divisions of the Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, layout and produce 1997 and 1998 annual reports and consumer information materials, including but not limited to writing, photography, artwork and offset lithographic reproduction for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Utilities 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 Utilities 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 Utilities, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 58 SF 001 and 54 SF 001, Request No. 23405.

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

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

**Ord. No. 2013-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to test and dispose of PCB oils and contaminated materials, and to retrofill or filter contaminated transformers, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to test and dispose of PCB oils and contaminated materials, and to retrofill or filter contaminated trans-

formers in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 22191)

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

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

**Ord. No. 2014-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and replace various roofs, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and replace various roofs in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 22187)

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

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

**Ord. No. 2015-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace sidewalks, curbs, driveways and various concrete or asphalt areas, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to repair or replace sidewalks, curbs, driveways and various concrete or asphalt areas in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire 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 22186)

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

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

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

**Ord. No. 2016-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of various equipment and appurtenances for vac-all catch basin cleaners, for the Division of Water Pollution Control, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various equipment and appurtenances for vac-all catch basin cleaners in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 23016)

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

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

**Ord. No. 2017-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair various air tools, for the Division of Water, Department of Public Utilities.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23418)

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2018-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install or repair underground duct line, street-lighting bases and pull boxes, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to install and repair duct line, streetlighting bases and pull boxes in the approximate amount as purchased during the preceding term, to

be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (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 22185)

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

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

**Ord. No. 2019-97.**

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

**An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modifications in Contract No. 49347 for Phase II of the Doan Brook Project, with Able/SS Inc., for the Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 49347 with Able/SS Inc. for Phase II of the Doan Brook Project, for the Department of Public Utilities:

**Additional Items**

1. Installation of Ornamental Fence	\$38,533.30
2. Tree Planting and Landscaping	15,214.10
3. Local Portion of Repairs to Outside Culvert	<u>+ 1,124.89</u>
Additional Item Total	\$54,872.29
Less Amount Approved and Paid by Issue II	\$15,182.20
Less Amount Approved and Paid by WPC	<u>+ 3,912.61</u>
Total Credits	\$19,094.81
Additional Item Total	\$54,872.29
Total Credits	<u>- 19,094.81</u>
Total Subsidiary Additions	\$35,777.48
Original Contract Amount	\$940,890.50
Total Subsidiary Additions	<u>+ 35,777.48</u>
REVISED CONTRACT AMOUNT	\$976,667.98

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Directors of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$35,777.48 to be paid from Fund No. 54 SF 001.

**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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 2020-97.**

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

**An emergency ordinance determining the method of making the public improvement of constructing and reconstructing the Erieside and West 3rd Street area pump station, force mains and sanitary sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing and reconstructing the Erieside and West 3rd Street area pump station, force mains and sanitary sewer, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23018.

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

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

**Ord. No. 2021-97.**

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

**An emergency ordinance determining the method of making the public improvement of constructing or reconstructing the West 10th Street and St. Clair Avenue sewer, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing or reconstructing the West 10th Street and St. Clair Avenue sewer, for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23017.

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

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

**Ord. No. 2022-97.**

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

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1468-97, passed September 22, 1997, relating to a requirement con-**

**tract for the labor and materials necessary to maintain and repair escalators and elevators for the Department of Port Control.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1468-97, passed September 22, 1997, are hereby amended to read, respectively, as follows:

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

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

**Section 2.** The the existing title and Section 1 of Ordinance No. 1468-97, passed September 22, 1997, are hereby repealed.

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

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

**Ord. No. 2023-97.**

**By Councilmen Britt and Johnson (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles (by separate permission).**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Health Hill Hospital for Children, 2801 Martin Luther King, Jr. Drive, Cleveland, Ohio 44104-3865, its successors and assigns, for the construction, maintenance and use of approximately eleven (11) hospital identification banners, to be hung on Cleveland Electrical Illuminating Company utility poles (by separate permission), which banners will encroach into the public right-of-way of Martin Luther King, Jr., Boulevard and Shaker Boulevard, and are more fully described as follows:

<u>POLE LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER / POLE TYPE:</u>
Five (5) Poles on the north side of the eastbound lanes of Shaker Blvd. beginning at the corner of Shaker & MLK & extending east on Shaker Blvd.	No tag or # No tag or # No tag or # No tag or # #548839	C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southeast corner of MLK & Shaker Blvd.	No tag or #	City of Cleveland/ Traffic Signal
Two (2) poles on the easterly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539752 #539560	C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southwest corner of MLK & Shaker Blvd.	#701856	C.E.I. / Streetlight
Two (2) poles on the westerly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539753 #45259	C.E.I. / Streetlight C.E.I. / Streetlight

**Section 2.** That said banners will be located within the public right-of-way of Martin Luther King, Jr. Boulevard and Shaker Boulevard and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

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

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

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

**Ord. No. 2024-97.**  
**By Councilmen Coats, Rybka and Westbrook (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of repairing or replacing the retaining wall at West 61st Street, including contiguous improvements; authorizing the Director of Public Service to employ professional design services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**

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

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

**Section 1.** That, it is hereby determined to make the public improvement of repairing and replacing the retaining wall at West 61st Street, between Frontier Avenue and Clark Avenue, including filling the street to grade, installing a cul-de-sac, closing the street between the cul-de-sac and Clark Avenue, and installing lighting, drainage, curbing and sidewalks (the "Improvement"), for the Division of Engi-

neering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

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

**Section 3.** That the Director of Public Service is hereby authorized and directed to employ by contract one or more professional design consultants or one or more firms of professional design consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Improvement.

The selection of said consultant or consultants for such services shall be made by the Board of Control upon the nomination of the Director of Public Service from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Service for the purpose of compiling such a list.

The compensation to be paid for such services shall be fixed by the Board of Control. The contracts authorized herein shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

**Section 4.** That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

**Section 5.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

**Section 6.** That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

**Section 7.** That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund Nos. 20 SF 322, 20 SF 334, 20 SF 342 and 20 SF 312, Request No. 21960.



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

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

**Ord. No. 2025-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of vehicle seat repair, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of vehicle seat repair in the estimated sum of \$50,000, 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 22907)

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

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

**Ord. No. 2026-97.**

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

**An emergency ordinance authorizing the Director of Public Service to accept a grant from the Ohio Department of Natural Resources for the 1998 Recycle Ohio! Program; and to**

**enter into one or more contracts with various agencies for the implementation and operation of the program and for the purchase of equipment and supplies, if necessary.**

Whereas, pursuant to Ordinance No. 1156-97, Council authorized the Director of Public Service to apply for a grant to conduct the within described 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 Public Service is hereby authorized to accept a grant in the approximate amount of \$200,000, from the Ohio Department of Natural Resources, to conduct the 1998 Recycle Ohio! Program, for the purposes set forth in the application and according thereto; that the Director of Public Service 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. 1156-97-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide varying levels of cash match dependent upon the activities applied for and the Cuyahoga County per capita income (CPCI) as compared to the median county per capita income (MCPCI) of the State of Ohio, payable from Fund No. 01-40-03-0901, is hereby approved in all respects.

**Section 3.** That the Director of Public Service is hereby authorized to enter into an agreement with the Department of Natural Resources to implement said program.

**Section 4.** That the Director of Public Service is authorized to enter into a contract or contracts with various entities, including but not limited to Cleanland Ohio, for the implementation and operation of the program, as described in the application contained in the file, and, if necessary, for the purchase of equipment and supplies for the program, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

**Ord. No. 2027-97.**

**By Councilman Gordon.**

**An emergency ordinance to vacate a portion of Park Drive S.W., hereinafter described.**

Whereas, on the 29th day of April 1996 the Council of the City of Cleveland adopted Resolution No. 1709-95 declaring its intention to vacate a portion of Park Drive S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1709-95 has been served upon the owners of all

the property abutting the Park Drive S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Park Drive S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Park Drive S.W. (40.00 feet wide) Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a portion of Park Drive S.W., in the Memphis Ridge Subdivision of part of Original Brooklyn Township Lot Number 44 as shown by the recorded plat in Volume 56 of Maps, Page 24 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Easterly line of West 56th Street, 50.00 feet wide, being the Westerly line of Sublot Number 109 of the Memphis Ridge Subdivision at a point distant North 0°-24'-15" West, 92.31 feet from the Southwesterly corner thereof, thence Northeasterly, along a curve to the right, an arc distance of 19.90 feet, said curve having a radius of 15.00 feet and a chord which bears North 37°-36'-10" East, 18.47 feet to a point of reverse curvature; thence continuing Northeasterly, along the Northerly line of Sublot Number 109, 110 and 111 on a curve to the left, an arc distance of 114.73 feet, said curve having a radius of 2,400.00 feet and a chord which bears North 74°-14'-25" East, 114.72 feet to a point of tangency; thence North 72 degrees-52'-15" East, 1.56 feet to a point in the Northeasterly corner of Sublot Number 111; thence South 89°-35'-45" West, parallel to the Southerly line of Sublot Number 109, 110 and 111, 123.49 feet to a point; thence South 0°-24'-15" East, 45.38 feet to the point of beginning and containing 2175 square feet of land, be the same more or less, but subject to all legal highways.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Park Drive S.W., herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 2028-97.**  
**By Councilman Patton.**  
**An emergency ordinance to vacate a portion of Mann Avenue, S.E., hereinafter described.**

Whereas, on the 14th day of August 1996, the Council of the City of Cleveland adopted Resolution No. 1202-96 declaring its intention to vacate a portion of Mann Avenue, S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1202-96 has been served upon the owners of all the property abutting the Mann Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Mann Avenue, S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Mann Avenue, S.E. (50.00 feet wide), extending Westerly from the Westerly line of Jo-Ann Drive, S.E. (50.00 feet wide), to the Easterly line of East 183rd Street (50.00 feet wide).

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Mann Avenue, S.E., herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 2029-97.**  
**By Councilman Smith.**  
**An emergency ordinance to vacate a portion of Auburn Avenue, S.W., hereinafter described.**

Whereas, on the 14th day of August 1996, the Council of the City of Cleveland adopted Resolution No. 1115-96 declaring its intention to vacate a portion of Auburn Avenue, S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1115-96 has been served upon the owners of all the property abutting the Auburn Avenue S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vaca-

tion of Auburn Avenue, S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Auburn Avenue, S.W. (20 feet wide) extending Easterly from the Easterly line of West 25th Street (66 feet wide) to the Southerly prolongation of the Westerly line of West 19th Street (30 feet wide).

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

That portion of Auburn Avenue, S.W. (20 feet wide) extending Easterly from the Easterly line of West 25th Street (66 feet wide) to the Southerly prolongation of the Westerly line of West 19th Street (30 feet wide).

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

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

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

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

**Ord. No. 2030-97.**  
**By Councilman Skrha.**  
**An emergency ordinance to vacate a portion of West 6th Street, hereinafter described.**

Whereas, on the 2nd day of June 1997 the Council of the City of Cleveland adopted Resolution No. 976-97 declaring its intention to vacate a portion of West 6th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 976-97 has been served upon the owners of all the property abutting West 6th Street, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 24th day of September, 1997, the Board of Revision of Assessments approved the vacation of West 6th Street, hereinafter described, in accordance with the

provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating West 6th Street, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the following described real property: Located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion beginning on the Southwesterly line of said WEST 6TH STREET (99.00 feet wide) at the most Southerly corner of that portion of said West 6th Street vacated by Ordinance Number 829-75, passed May 12, 1975, shown by the recorded plat in Volume 216 of Maps, Page 13 of Cuyahoga County Records; thence South 33°-56'-25" East, along said Southwesterly line of West 6th Street about 82.74 feet to an iron pin at the Southeasterly corner of a parcel of land conveyed to Bardons & Oliver, by deed date June 25, 1979 and recorded in Volume 15058, Page 819 of Cuyahoga County Records; thence North 41°-25'-14" East, a distance of 102.32 feet to an iron pin in the North-easterly line of West 6th Street; thence North 33°-56'-25" West along said Northeasterly line, about 56.88 feet to Southwesterly corner of the portion of West 6th Street vacated as aforesaid; thence South 56°-03'-35" West, and along the Southeasterly line of West 6th Street as vacated, 99.00 feet to the place of beginning.

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

That portion of the following described real property: Located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion beginning on the Southwesterly line of said WEST 6TH STREET (99.00 feet wide) at the most Southerly corner of that portion of said West 6th Street vacated by Ordinance Number 829-75, passed May 12, 1975, shown by the recorded plat in Volume 216 of Maps, Page 13 of Cuyahoga County Records; thence South 33°-56'-25" East, along said Southwesterly line of West 6th Street about 82.74 feet to an iron pin at the Southeasterly corner of a parcel of land conveyed to Bardons & Oliver, by deed date June 25, 1979 and recorded in Volume 15058, Page 819 of Cuyahoga County Records; thence North 41°-25'-14" East, a distance of 102.32 feet to an iron pin in the North-easterly line of West 6th Street; thence North 33°-56'-25" West along said Northeasterly line, about 56.88 feet to the Southeasterly corner of that portion of West 6th Street vacated as aforesaid; thence South 56°-03'-35" West, and along the Southeasterly line of West 6th Street as vacated, 99.00 feet to the place of beginning.

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

Commissioner of the Division of Water and Heat of the City of Cleveland.

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of West 6th Street, herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 2031-97.**

**By Councilman Smith.**

**An emergency ordinance to vacate a portion of Moore Avenue N.W., hereinafter described.**

Whereas, on the 9th day of January 1995 the Council of the City of Cleveland adopted Resolution No. 1490-94 declaring its intention to vacate a portion of Moore Avenue N.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1490-94 has been served upon the owners of all the property abutting Moore Avenue N.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Moore Avenue N.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That all that portion of Moore Avenue N.W. (66.00 feet wide), extending Easterly from the Easterly line of Columbus Road N.W. (80.00 feet wide), 70.25 feet to Southerly prolongation of the Westerly line of an unnamed alley.

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

That portion of Moore Avenue N.W. (66.00 feet wide), extending Easterly from the Easterly line of Columbus Road N.W. (80.00 feet wide), 70.25 feet, from the Southerly prolongation of the Westerly line of an unnamed alley.

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

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

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

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

**Ord. No. 2032-97.**

**By Councilman White.**

**An emergency ordinance to vacate a portion of the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., hereinafter described.**

Whereas, on the 14th day of August 1996, the Council of the City of Cleveland adopted Resolution No. 1203-96 declaring its intention to vacate a portion of the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1203-96 has been served upon the owners of all the property abutting the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., hereinafter described, in accordance with the provisions of Section 178 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of the first unnamed alley (15.00 feet wide) East of East 93rd Street, extending from the Northerly line of Cassius Avenue S.E. (50.00 feet wide), to that portion of said alley vacated by the Council of the City of Cleveland by Ordinance Number 1395-49.

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

That portion of the first unnamed alley (15.00 feet wide) East of East 93rd Street, extending from the Northerly line of Cassius Avenue S.E. (50.00 feet wide) to that portion of said alley vacated by the Council of the City of Cleveland by Ordinance

Number 1395-49.

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of the first unnamed alley east of East 93rd Street and north of Cassius Avenue S.E., herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 2033-97.**

**By Councilman White.**

**An emergency ordinance to vacate a portion of the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., hereinafter described.**

Whereas, on the 5th day of June 1995 the Council of the City of Cleveland adopted Resolution No. 531-95 declaring its intention to vacate a portion of the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 531-95 has been served upon the owners of all the property abutting the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of THE FIRST ALLEY (20 feet wide) NORTH OF ROSEWOOD AVENUE S.E. (width varies), extending from the Northerly prolongation of the Westerly line of Effie Road S.E. (50 feet wide) to the Northerly prolongation of the Easterly line of Joliet Road S.E. (30 feet wide), AND

JOLIET ROAD S.E. (30 feet wide) extending Southerly from the Easterly prolongation of the Southerly line of the FIRST ALLEY NORTH

OF Rosewood Avenue S.E. (width varies) to the dividing line between the City of Cleveland and the City of Garfield Heights.

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

That portion of THE FIRST ALLEY (20 feet wide) NORTH OF ROSEWOOD AVENUE S.E. (width varies), extending from the Northerly prolongation of the Westerly line of Effie Road S.E. (50 feet wide) to the Northerly prolongation of the Easterly line of Joliet Road S.E. (30 feet wide), AND

JOLIET ROAD S.E. (30 feet wide) extending Southerly from the Easterly prolongation of the Southerly line of the First Alley North of Rosewood Avenue S.E. (width varies) to the dividing line between the City of Cleveland and the City of Garfield Heights.

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

**Section 3.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of the first alley north of Rosewood Avenue S.E. and Joliet Road S.E., herein provided by sending him a copy of this Ordinance.

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

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

**Ord. No. 2034-97.**  
By Councilmen Johnson and Westbrook (by departmental request).

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to service and maintain elevators and escalators, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed three years.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of three years for the necessary items of labor and materials necessary to service and maintain elevators and escalators 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 Convention Center and Stadium, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than three 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 20241)

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

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

**Ord. No. 2035-97.**  
By Councilmen Jackson and Westbrook (by departmental request).

**An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing to provide compensating balance loan funds to Cleveland Action to Support Housing for use in its Multi-Family Pilot Project.**

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into contract with Cleveland Action to Support Housing (CASH), a private, non-profit agency administering housing rehabilitation, new construction and commercial redevelopment loan programs in the City of Cleveland, for provision of compensating balance loan funds at a zero percent (0%) rate for five (5) years to CASH for use in its Multi-Family Pilot Project.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$200,000 and shall be paid from Fund No. 13 SF 864, Request No. 23093.

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

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

**Ord. No. 2036-97.**  
By Councilmen Patmon, Jackson, Rybka and Westbrook (by departmental request).

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1000-97, passed June 16, 1997, relating to the sale of real property as part of the Land Reutilization Program and located at 10401, 10405, 10409 Barrett Avenue and 564 and 570 East 105 Street.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 1000-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10401, 10405 and 10409 Barrett Avenue and 564 and 570 East 105th Street to Shore Bank Enterprise Group.

**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. 108-10-071, 108-10-072, 108-10-073, 108-10-075 and 108-10-076, as more fully described in Section 2 below, to Shore Bank Enterprise Group.

**Section 2.** That existing the title and Section 1 of Ordinance No. 1000-97, passed June 16, 1997, are hereby repealed.

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

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

**Ord. No. 2037-97.**  
By Councilmen Skrha, Jackson, Rybka and Westbrook (by departmental request).

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Pomodoro Properties, Ltd., or their designee, to provide economic development assistance to partially finance exterior and interior renovation of property at 3821 Prospect Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone Business Opportunity contract with the Pomodoro Properties, Ltd., or their designee, to provide economic development assistance to partially finance exterior and interior renovation of property at 3821 Prospect Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2037-97-A.

**Section 3.** That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone debt Service Reserve account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

**Section 4.** That the costs of said contract shall not exceed a Loan Amount of \$141,000 and a Rebate Amount equal of forty percent (40%) of the Loan Amount. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003 and the Rebate Amount shall be paid from Fund No. 18 SF 003, Request No. 23701.

**Section 5.** That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 7.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 9.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 2038-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Micro Pro, Inc. and Fadel Properties to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate Micro Pro, Inc. from 5400 Brookpark Road to 5700 Brookpark Road in the Cleveland 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, Micro Pro, Inc. and Fadel Properties (the "Enterprise") has proposed to relocate Micro Pro, Inc.'s facility from 5400 Brookpark Road to 5700 Brookpark Road; 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,

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

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

**Section 1.** That this Council hereby approves the application of Micro Pro, Inc. and Fadel Properties for enterprise zone incentives on the basis that Micro Pro, Inc. and Fadel Properties are 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 Micro Pro, Inc. and Fadel Properties, or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to relocate Micro Pro, Inc.'s facility from 5400 Brookpark Road to 5700 Brookpark Road, 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. 2038-97-A.

**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.

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

**Ord. No. 2039-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Glenville Development Corporation, or its designee, to provide a grant to partially finance the exterior and interior renovations of the Faith Building located at 10640 St. Clair Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Glenville Development Corporation, or its designee, to provide a grant to partially finance exterior and interior renovations of the Faith Building located at 10640 St. Clair Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2039-97-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Fifty Thousand Dollars (\$150,000.00), and shall be paid from Fund No. 18 SF 003, Request No. 23702.

**Section 4.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

**Section 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 Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**Ord. No. 2040-97.**

**By Councilmen Robinson and Westbrook (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 1998 State Child Lead Poison Prevention Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$75,844, from the Ohio Department of Health, to conduct the 1998 State Child Lead Poison Prevention Program, for the purposes set forth in the application and according thereto; that the Director

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

**Section 2.** That the application for said grant, File No. 2040-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 2041-97.**  
**By Councilmen Robinson and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the Healthy Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services for Phase II of the Healthy Family Health Start Program, Phase II; and to enter into contract with various entities to implement the 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 grants for Phase II of the Healthy Family Healthy Start Program, from the Healthy Start Initiative, Maternal Child Health Bureau, U.S. Department of Health and Human Services, each year for a period of five (5) years, in the approximate amount of \$2,521,000 for the first project year, for the purposes set forth in the applications 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 grants; and that said funds be and they hereby are appropriated for the purposes set forth in the applications for said grants.

**Section 2.** That the application for the first project year of said grants, File No. 2041-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That for each of the project years described above, the Director of Public Health is authorized to enter into a contract or contracts with various entities, including but not limited to Neighborhood Centers Association, Cleveland Public Schools, Northeast Ohio Neighborhood Health Service, and Case Western Reserve University, for the implementation of the program, as described in the applications including the application for the first project year contained in the file, and that said contracts are payable from the fund or funds to which are credited the grant proceeds accepted annually pursuant to Section 1 of this ordinance.

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

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

**Ord. No. 2042-97.**  
**By Councilmen Robinson and Westbrook (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by contract of not to exceed five insulated food distribution carts, 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 and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed five (5) insulated food distribution carts, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Correction, Department of Public Health.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF' 006, Request No. 22979.

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

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

**Ord. No. 2043-97.**  
**By Councilmen Robinson and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment.**

Whereas, this ordinance constitutes an emergency measure providing for 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 grants in the approximate amount of \$511,423 from the U.S. Environmental Protection Agency and \$1,149,050 from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment in accordance with the purposes set forth in the respective application; that the Director of Public Health is hereby authorized to file all papers and execute all doc-

uments 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 applications for said grants.

**Section 2.** That the applications for said grant, File No. 2043-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects, including the obligation of the City of Cleveland to provide in cash matching funds in the sum of \$392,995, from Fund No. 01-50-06-0901 in order to receive the grant from the U.S. Environmental Protection Agency.

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

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

**Ord. No. 2044-97.**  
**By Councilman Westbrook (by departmental request).**

**An emergency ordinance authorizing the issuance and sale by the City of Cleveland, Ohio of Airport Special Revenue Bonds for the purpose of paying costs of facilities at Cleveland Hopkins International Airport to be leased to Continental Airlines, Inc., including refunding outstanding Special Revenue Bonds issued for that purpose, in the maximum aggregate principal amount not to exceed \$150,000,000 with respect to new improvements and an aggregate principal amount not to exceed \$80,000,000 with respect to that refunding; authorizing the execution and delivery of agreements with respect to the bonds; and authorizing and approving related matters.**

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio, owns and operates Cleveland Hopkins International Airport (the "Airport") and is authorized and empowered by virtue of the laws of the State, including without limitation, the Article XVIII of the Constitution of the State and the City's Charter, (i) to make improvements to and enlarge the Airport to provide air travel facilities to the public; and (ii) to issue revenue bonds for the purpose of paying the costs thereof and for refunding outstanding revenue bonds issued for that purpose; and

Whereas, by Ordinance No. 561-97 passed on June 2, 1997, this Council authorized the expansion and improvement of the airport facilities at the Airport, to be undertaken by the City in cooperation with Continental Airlines, Inc. (the "Airline"), including: construction of a new regional jet concourse, currently denominated as Concourse D; construction of a connector tunnel with moving walkways between existing Concourse C and new Concourse D; expansion of aircraft ramp area; improvements to existing Concourse C, including but not limited to, a new President's Club, holdroom expansion, jet bridge reconfiguration, reconfigurations and improvements of ramp level operations areas, vertical access to the connector tunnel and utility work; interim

and permanent rental car facilities for the relocation of airport rental car operations; a new employee parking lot; a deicing pad; a hydrant fueling system for Concourses C and D; the establishment and operation by the Airline of a regional jet line maintenance base at the Airport; and other related improvements (the "Expansion Program"); and

Whereas, by Ordinance No. 561-97 this Council approved a plan of finance for the Expansion Program and expressed its intention to provide by subsequent ordinances for the issuance of special revenue bonds, payable solely from lease payments by the Airline, and general airport revenue bonds, payable from airport revenues, to pay costs of the Expansion Program; and

Whereas, by Ordinance No. 923-97 passed June 9, 1997, this Council authorized the issuance of general airport revenue bonds of the City to fund improvements to the Airport, including funding costs of certain of the facilities of the Expansion Program not paid from special revenue bonds; and

Whereas, the Airline has requested the City to authorize the issuance of special revenue bonds to fund those Expansion Program facilities to be leased to the Airline and to refund the City's \$76,320,000 Airport Special Revenue Bonds, Series 1990 (Continental Airlines, Inc. Project) (the "Series 1990 Bonds"), the entire principal amount of which is presently outstanding; and

Whereas, the Council has determined that it will further the public purpose for the City to issue and sell special revenue bonds on the terms and subject to the conditions set forth herein to finance the costs of the Continental Special Facilities and, if it is advantageous to do so, to refund the Series 1990 Bonds; and

Whereas, the Continental Special Facilities (as defined below) will provide needed facilities for the provision of air services to the public, and the prompt commencement of the acquisition, construction, and equipping of the improvements requires the issuance of the Bonds and the undertaking of the transactions contemplated herein and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

#### **Section 1. Definitions.**

In addition to the words and terms defined elsewhere in this Ordinance, the following words and terms shall have the following meanings, unless the context or use indicates clearly another meaning or intention:

"1989 Special Facilities Lease" means the Special Facilities Lease Agreement dated as of December 1, 1989 between the City and the Airline relating to the improvements constructed from the proceeds of the Series 1990 Bonds, as heretofore amended and supplemented pursuant to Ordinance No. 3005-90, passed by the Council of the City on February 11, 1991.

"1997 Special Facilities Lease" means the Special Facilities Lease between the City and the Airline for the construction, operation, maintenance and use by the Airline of the

Continental Special Facilities, the execution and delivery of which was authorized by this Council pursuant to Ordinance No. 561-97, passed June 2, 1997.

"Bonds" means, collectively, the Series 1998 Bonds and the Series 1999 Bonds, provided that if the Series 1999 Bonds are not delivered on the Delayed Delivery Closing Date, "Bonds" shall mean the Series 1998 Bonds.

"Bond Service Charges" means, for any period of or payable at any time, the principal of and premium, if any, and interest on the applicable Bonds for that period or payable at that time whether due at maturity or upon redemption or acceleration.

"Book Entry Form" or "Book Entry System" means, with respect to each series of Bonds, a form or system, as applicable, under which (i) physical Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner, with the physical Bond certificates deposited and retained in the custody of the Depository and (ii) the ownership of book entry interests in Bonds and Bond Service Charges thereon may be transferred only through a book entry made by others than the City or the Trustee. The records maintained by others than the City or the Trustee constitute the written record that identifies the owners, and records the transfer, of book entry interests in those Bonds and Bond Service Charges thereon.

"Certificate of Award" means the certificate or certificates authorized by Section 4 of this Ordinance to be completed and executed by the Executive or Fiscal Officer, determining such terms, details or other matters pertaining to each series of Bonds and their issuance, sale and delivery, as are directed hereby to be determined in the Certificate of Award.

"City Documents" means this Ordinance, the Indentures, the 1997 Special Facilities Lease, the 1989 Special Facilities Lease as supplemented and amended pursuant to Ordinance No. 3005-90, passed by the Council of the City on February 11, 1991 and by the First Supplemental Lease and the Second Supplemental Lease, and the Purchase Contracts; provided that when reference is made to the execution and delivery of the City Documents, the reference with respect to this Ordinance means instead its passage.

"Clerk" means the Clerk of the Council of the City.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations under that Code and the statutory predecessor of the Code, and any official rulings and judicial determinations under the foregoing applicable to the Bonds.

"Continental Special Facilities" when used with respect to the Project and the Series 1998 Bonds, shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Delayed Delivery Closing Date" means the date on which the Series 1999 Bonds are issued and delivered to the registered owners, subject to the terms and conditions of the Series 1999 Purchase Contract.

"Depository" means, with respect to the Bonds, The Depository Trust Company (a limited purpose trust

company), New York, New York, until a successor Depository shall have become such pursuant to the applicable provisions of an Indenture, and thereafter, Depository shall mean the successor Depository. Any Depository shall be a securities Depository that is a clearing agency under a federal law operating and maintaining, with its participants or otherwise, a Book Entry System to record ownership of book entry interests in Bonds or Bond Service Charges thereon, and to effect transfers of book entry interest in Bonds.

"Executive" means the Mayor or Acting Mayor of the City.

"Expiration Date" shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Financial Advisor" means, with respect to the Bonds, Carmona, Motley & Co., Inc.

"First Supplemental Lease" means the First Supplemental Special Facilities Lease dated as of January 1, 1998 between the City and the Airline, supplementing and amending the 1989 Special Facilities Lease.

"Fiscal Officer" means the Director of Finance or Acting Director of Finance of the City.

"Holder" means the Person in whose name a Bond is registered on the Register.

"Indenture" or "Indentures" means, collectively, the Series 1998 Indenture and the Series 1999 Indenture, as each may be amended or supplemented from time to time.

"Interest Payment Date" or "Interest Payment Dates" means, as to either series of Bonds, the dates specified as such in the Certificate of Award, provided that the first such date shall be no later than one year after the date of such Bonds.

"Official Statement" means the Official Statement relating to the original issuance and sale of the Bonds.

"Original Purchaser" means, as to the Bonds, the Person or Persons identified as the purchaser or purchasers in Section 4 of this Ordinance and in the Certificate of Award and the Purchase Contracts, and their respective lawful successors and assigns.

"Paying Agent" means any bank or trust company designated as a Paying Agent by or in accordance with an Indenture.

"Person" or words importing persons mean firms, associations, partnerships (including without limitation, general and limited partnerships), joint ventures, societies, estates, trusts, corporations, public or governmental bodies, other legal entities and natural persons.

"Principal Payment Date" or "Principal Payment Dates" means, as to either series of the Bonds, the dates specified in the Certificate of Award on which the principal of such Bonds will be retired, whether at maturity or by mandatory sinking fund redemption.

"Project" means the construction, furnishing, equipping and improving of the Continental Special Facilities by (i) constructing Concourse D, as described in Exhibit B-1 to the 1997 Special Facilities Lease, (ii) making certain improvements to Concourse C, as described in Exhibit B-2 to the 1997 Special Facilities Lease, (iii) constructing a deicing pad, as described in Exhibit B-3 to the 1997 Special Facilities Lease, (iv) acquiring, constructing and installing a hydrant fueling system, as described in Exhibit B-4 to the

1997 Special Facilities Lease, and (v) making improvements to the Related Facilities as set forth in the 1997 Special Facilities Lease.

"Purchase Contracts" means, collectively, the Series 1998 Purchase Contract and the Series 1999 Purchase Contract.

"Register" means the books kept and maintained by the Registrar for registration and transfer of Bonds pursuant to either Indenture.

"Registrar" means, (i) as to the Series 1998 Bonds, the Series 1998 Trustee, until a successor Registrar shall have become such pursuant to applicable provisions of the Series 1998 Indenture and (ii) as to the Series 1999 Bonds, the Series 1999 Trustee, until a successor Registrar shall have become such pursuant to the applicable provision of the Series 1999 Indenture; each Registrar shall be a transfer agent registered in accordance with Section 17A(c) of the Securities Exchange Act of 1934.

"Related Facilities" shall have the meaning given to that term in the 1997 Special Facilities Lease.

"Representations Letters" means, collectively, the Series 1998 Representations Letter and the Series 1999 Representations Letter.

"Second Supplemental Lease" means the Second Supplemental Special Facilities Lease between the City and the Airline, supplementing and amending the 1989 Special Facilities Lease and executed in connection with the issuance of the Series 1999 Bonds.

"Series 1990 Indenture" means the Trust Indenture dated as of December 1, 1989 between the City and The Huntington National Bank, as Trustee, pursuant to which the Series 1990 Bonds were issued.

"Series 1998 Bond Fund" means the Bond Fund created under the Series 1998 Indenture, including the accounts therein.

"Series 1998 Bond Rent" means the rent payable by the Airline under Section 7.05 of the 1997 Special Facilities Lease.

"Series 1998 Bonds" means the City's Airport Special Revenue Bonds, Series 1998 (Continental Airlines, Inc. Project) authorized in this Ordinance in the maximum aggregate principal amount of \$150,000,000.

"Series 1998 Construction Fund" means the Construction Fund created under the Series 1998 Indenture.

"Series 1998 Guaranty" means the Guaranty Agreement dated as of even date with the Series 1998 Bonds between the Airline and the Trustee, securing repayment of the Series 1998 Bonds.

"Series 1998 Indenture" means the Trust Indenture, dated as of even date with the Series 1998 Bonds between the City and the Series 1998 Trustee.

"Series 1998 Purchase Contract" means the Purchase Contract between the City and the Original Purchaser of the Series 1998 Bonds approved pursuant to Section 9 of this Ordinance.

"Series 1998 Rebate Fund" means the Rebate Fund created in the Series 1998 Indenture.

"Series 1998 Representations Letter" means the Letter of Representations from the Airline to the Original Purchaser and the City delivered pursuant to the Series 1998 Purchase Contract.

"Series 1998 Revenues" means, with respect to the Series 1998 Bonds, (a) the Series 1998 Bond

Rent, (b) all other moneys received or to be received by the Issuer or the Series 1998 Trustee in respect of repayment of the Series 1998 Bonds, including without limitation, all moneys in the Series 1998 Bond Fund and any moneys in any other funds or accounts pledged to the Series 1998 Bonds, including unexpended moneys in the Series 1998 Construction Fund to the extent permitted by and under the conditions set forth in the Series 1998 Indenture, and (c) all income and profit from the investment of the foregoing moneys.

"Series 1998 Trustee" means the party designated as the Series 1998 Trustee in the applicable Certificate of Award in accordance with the applicable provisions of the Series 1998 Indenture, until a successor Series 1998 Trustee shall have become such pursuant to the applicable provisions of the Series 1998 Indenture, and thereafter, "Series 1998 Trustee" shall mean the successor Series 1998 Trustee.

"Series 1999 Bond Fund" means the Bond Fund created under the Series 1999 Indenture.

"Series 1999 Purchase Contract" means the Purchase Contract between the City and the Original Purchaser of the Series 1999 Bonds approved pursuant to Section 9 of this Ordinance.

"Series 1999 Bond Rent" means the rent payable by the Airline under the 1989 Special Facilities Lease, as supplemented and amended by the First Supplemental Lease, with respect to the Series 1999 Bonds.

"Series 1999 Bonds" means the City's Airport Special Revenue Refunding Bonds, Series 1999 (Continental Airlines, Inc. Project) authorized in this Ordinance in the maximum aggregate principal amount of \$80,000,000.

"Series 1999 Guaranty" means the Guaranty Agreement between the Airline and the Trustee, securing repayment of the Series 1999 Bonds.

"Series 1999 Indenture" means the Trust Indenture between the City and the Series 1999 Trustee.

"Series 1999 Rebate Fund" means the Rebate Fund created in the Series 1999 Indenture.

"Series 1999 Representations Letter" means the Letter of Representations from the Airline to the Original Purchaser and the City delivered pursuant to the Series 1999 Purchase Contract.

"Series 1999 Revenues" means, with respect to the Series 1999 Bonds, (a) the Series 1999 Bond Rent, (b) all other moneys received or to be received by the Series 1999 Trustee in respect of repayment of the Series 1999 Bonds, including without limitation, all moneys in the Series 1999 Bond Fund, and (c) all income and profit from the investment of the foregoing moneys.

"Series 1999 Trustee" means the party designated as the Series 1999 Trustee in the applicable Certificate of Award in accordance with the applicable provisions of the Series 1999 Indenture, until a successor Series 1999 Trustee shall have become such pursuant to the applicable provisions of the Series 1999 Indenture, and thereafter, "Series 1999 Trustee" shall mean the successor Series 1999 Trustee.

"Special Revenues" means, collectively, the Series 1998 Revenues and the Series 1999 Revenues.

Unless the context indicates otherwise, words importing the singular number include the plural num-

ber, and vice versa. The terms "hereof", "hereby", "herein", "hereto", "hereunder", "hereinafter" and similar terms refer to this Ordinance; and the term "hereafter" means after, and the term "heretofore" means before, the date of passage of this Ordinance. Words of any gender include the correlative words of the other genders, unless the sense indicates otherwise.

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof.

#### **Section 2. Authorization of the Bonds.**

This Council finds and determines that (A) it is necessary to, and the City shall, issue, sell and deliver, as provided and authorized herein the Series 1998 Bonds in an aggregate principal amount not to exceed \$150,000,000, as determined in the Certificate of Award relating to the Series 1998 Bonds, for the purpose of paying costs of acquiring, financing, constructing, furnishing, equipping and otherwise improving the Project, including interest to accrue on the Series 1998 Bonds during the estimated construction period of the Project and certain expenses incurred in connection with the issuance of the Series 1998 Bonds, (B) if the Fiscal Officer so determines, based on the advice of the City's Financial Advisor, that it is advantageous to do so, the City shall issue, sell and deliver, as provided and authorized

herein and in the Series 1999 Purchase Contract the Series 1999 Bonds in an aggregate amount not to exceed \$80,000,000, as determined in the Certificate of Award relating to the Series 1999 Bonds, for the purpose of refunding the Series 1990 Bonds and paying certain expenses in connection with the issuance of the Series 1999 Bonds and the refunding of the Series 1990 Bonds, and (C) the Project and the financing thereof by the issuance of the Series 1998 Bonds serves proper, public, municipal purposes by providing air travel facilities needed by the people of the City of Cleveland. The Project also advances the economic welfare of the City by increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and the Project thereby creates and preserves jobs and employment opportunities in the City of Cleveland and improves the economic welfare of the City.

#### **Section 3. Terms and Provisions of the Bonds.**

(a) **General.** (i) The Series 1998 Bonds shall (A) be issuable only in fully registered form and initially in Book Entry Form and substantially as set forth in Exhibit A to the Series 1998 Indenture with appropriate deletions if not in Book Entry Form, (B) be exchangeable only for Series 1998 Bonds of the same maturity and authorized denominations, as provided in the Indenture, subject to the limitations with respect to Series 1998 Bonds in Book Entry Form set forth in the Indenture, (C) be numbered in a manner determined by the Series 1998 Trustee which will distinguish each Series 1998 Bond from each other Series 1998 Bond and each Series 1999 Bond, (D) be in denominations of



\$100,000 and any integral multiple of \$5,000 in excess thereof, (E) bear interest, payable on each Interest Payment Date, from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date, and (F) be dated as of the first day or fifteenth day of a month as established by the Certificate of Award, which date shall be prior to or the date of the Series 1998 Purchase Contract and shall be selected to minimize the amount of accrued interest without adversely affecting the available market for the Series 1998 Bonds. The Series 1998 Bonds shall be issued with fixed interest rates. Bond Service Charges on the Series 1998 Bonds shall be payable as provided in the Series 1998 Indenture without deduction for the services of any Paying Agent. Initially, the Series 1998 Trustee shall be the Paying Agent for the Series 1998 Bonds, and the Series 1998 Trustee may designate additional Paying Agents as provided in the Series 1998 Indenture.

(ii) The Series 1999 Bonds shall (A) be issuable only in fully registered form and initially in Book Entry Form and substantially as set forth in Exhibit A to the Series 1999 Indenture with appropriate deletions if not in Book Entry Form, (B) be exchangeable only for Series 1999 Bonds of the same maturity and authorized denominations, as provided in the Series 1999 Indenture, subject to the limitations with respect to Series 1999 Bonds in Book Entry Form set forth in the Series 1999 Indenture, (C) be numbered in a manner determined by the Series 1999 Trustee which will distinguish each Series 1999 Bond from each other Series 1999 Bond and each Series 1998 Bond, (D) be in denominations of \$100,000 and any integral multiple of \$5,000 in excess thereof, (E) bear interest, payable on each Interest Payment Date, from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date, and (F) be dated as of September 1, 1999 or such other date as may be provided in the Certificate of Award. The Series 1999 Bonds shall be issued with fixed interest rates. Bond Service Charges on the Series 1999 Bonds shall be payable as provided in the Series 1999 Indenture without deduction for the services of any Paying Agent. Initially, the Series 1999 Trustee shall be the Paying Agent for the Series 1999 Bonds, and the Series 1999 Trustee may designate additional Paying Agents as provided in the Series 1999 Indenture.

The Bonds shall be signed by the Executive and the Fiscal Officer in their official capacities (provided that one or both of those signatures may be facsimiles).

**(b) Maturities, Interest Rates and Redemption Terms.** (i) The Series 1998 Bonds shall mature on the dates and in the principal amounts and shall bear interest at the rates per year determined in the Certificate of Award; provided that (A) the average net interest rate shall not exceed 8% per year, (B) the first Principal Payment Date shall not be earlier than June 1, 1998, and (C) the last Principal Payment Date shall not be later than the Expiration Date of the 1997 Special Facilities Lease.

The Series 1998 Bonds may be sub-

ject to mandatory sinking fund redemption on the dates, in the years and in the principal amounts set forth in the Certificate of Award and may be subject to optional redemption prior to maturity on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount redeemed, plus accrued interest to the redemption date) determined in the Certificate of Award; provided that the earliest optional redemption date shall be not later than December 1, 2015 and the redemption price for the earliest optional redemption date shall be not greater than 103% plus accrued interest to the redemption date. The Series 1998 Bonds may be subject to extraordinary redemption prior to maturity as provided in the Series 1998 Indenture and the Certificate of Award.

(ii) The Series 1999 Bonds shall mature on the dates and in the principal amounts and shall bear interest at the rates per year determined in the Certificate of Award; provided that (A) the average net interest rate shall not exceed 8% per year, (B) the first Principal Payment Date shall not be earlier than December 1, 1999 and (C) the last Principal Payment Date shall not be later than December 1, 2019.

The Series 1999 Bonds may be subject to redemption prior to maturity as provided in the Series 1999 Indenture and the Certificate of Award, including without limitation, mandatory sinking fund redemption on the dates, in the years and in the principal amounts set forth therein and extraordinary redemption upon any termination of the 1989 Special Facilities Lease, as amended pursuant to Ordinance No. 3005-90, and by the First Supplemental Lease and the Second Supplemental Lease, or the determination that the interest on the Series 1999 Bonds is included in the gross income of the owners for federal income tax purposes. The Series 1999 Bonds may be subject to optional redemption prior to maturity on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount redeemed, plus accrued interest to the redemption date) determined in the Certificate of Award; provided that the earliest optional redemption date shall be not later than December 1, 2015 and the redemption price for the earliest optional redemption date shall be not greater than 103% plus accrued interest to the redemption date.

**(c) Book Entry System.** The Bonds shall initially be issued solely in Book Entry Form to a Depository to be held in a Book Entry System as provided in the Indentures. The Bonds shall be registered in the name of the Depository or its nominee, as Holder, and immobilized in the custody of the Depository. The Bonds in Book Entry Form shall not be transferable or exchangeable, except for (i) transfer to a successor Depository or its nominee, (ii) withdrawal of the Bonds in Book Entry Form from the Depository as provided in the Indentures, and (iii) exchange of a Bond in Book Entry Form for a Bond in Book Entry Form in the amount equal to the unmatured and unredeemed principal amount of, and bearing interest at the same rate and maturing on the same date as, the Bond being exchanged. The owners of book entry interests in the Bonds shall not have any right to receive Bonds

in the form of physical certificates except in the circumstances described in the Indentures.

#### **Section 4. Sale of the Bonds.**

The Bonds of each series are sold and awarded to Lehman Brothers and such other entities as are designated in the applicable Certificate of Award as the Original Purchaser in accordance with the terms of this Ordinance, the applicable Indenture, the applicable Purchase Contract and the applicable Representations Letter, at the purchase prices specified in the applicable Certificate of Award. The purchase price for the Series 1998 Bonds shall equal the sum of (i) an amount which, when added to the amount of any original issue discount on the Series 1998 Bonds is equal to or greater than 98% of the aggregate principal amount of the Series 1998 Bonds plus (ii) accrued interest on the aggregate principal amount of the Series 1998 Bonds from their date to the date of their delivery and payment therefor by the Original Purchaser. The purchase price for the Series 1999 Bonds shall equal the sum of (i) an amount which, when added to the amount of any original issue discount on the Series 1999 Bonds is equal to or greater than 98% of the aggregate principal amount of the Series 1999 Bonds plus (ii) accrued interest on the aggregate principal amount of the Series 1999 Bonds from their date to the date of their delivery and payment therefor by the Original Purchaser. It is determined hereby that the purchase prices and the manner of sale and the terms of the Bonds, as provided in this Ordinance, the Purchase Contracts, the Representations Letters and the Indentures, are consistent with all legal requirements and will carry out the public purposes described in Section 2 of this Ordinance.

That award shall be further evidenced for each series by a Certificate of Award, which shall set forth the following terms of the applicable series of Bonds all as determined in accordance with the provisions of this Ordinance: the aggregate principal amounts, the purchase price (identifying the amount of underwriter's discount and the amount of original issue discount or premium, if any), the dated date of the Bonds, the interest rates, the maturities, any optional and mandatory sinking fund redemption dates and prices, any additional entities as the Original Purchaser, whether there will be a municipal bond insurance policy, bank letter or line of credit, or other form of credit enhancement facility enhancing the security for either series of the Bonds or any maturities thereof, and such other terms as are provided in this Ordinance. The Certificate of Award shall be signed by the Fiscal Officer and shall also contain such other data or provisions as such officer determines are appropriate or necessary, consistent with City Documents. The Fiscal Officer is authorized and directed to execute, acknowledge and deliver the Purchase Contracts and to accept the Representation Letters for, and in the name and on behalf of the City, in substantially the respective forms thereof submitted to this Council.

The Executive, the Fiscal Officer, the Director of Port Control and other City officials as appropriate are authorized and directed to take all steps necessary to effect due exe-

cution, authentication and delivery of the Bonds to the Original Purchaser under the terms of this Ordinance and to make the necessary arrangements with the Original Purchaser to establish the date or dates, location, procedures and conditions for the delivery of the Bonds to the Original Purchaser, including without limitation any conditions relating to the obtaining of an insurance policy, bank letter or line of credit, or other form of credit or liquidity facility to enhance the security or marketability of either series of Bonds or any maturities thereof, the obtaining of which credit or liquidity facility the Fiscal Officer determines serves the best interest of the City by achieving a net reduction in the Bond service charges on the applicable Bonds.

The Executive Officer, the Fiscal Officer and other City officials as deemed appropriate, each are authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of a preliminary official statement for each series of Bonds or a single statement for both series (collectively, a "preliminary official statement") and (ii) determine, and certify or otherwise represent, when a preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of SEC Rule 15c2-12(b)(1). The distribution and use of such a preliminary official statement is hereby authorized and approved.

Those officers and each of them are also authorized and directed, on behalf of the City and in their official capacities, to complete a preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that an official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, a final official statement and supplements thereto in connection with the original issuance of each series of the Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, a final official statement and such certificates in connection with the accuracy of a preliminary official statement and a final official statement and any amendment thereto as may, in their judgment, also be necessary or appropriate.

Except to the extent described in an official statement, the City has not confirmed, and assumes no responsibility for, the accuracy, sufficiency or fairness of any statements in any preliminary official statement or official statement or any amendments thereof or supplements thereto, or in any reports, financial information, offering or disclosure documents or other information relating to the Original Purchaser, the Project, the Airline or the history, businesses, properties, organization, management, financial condition, market area or any other matter relating to the Airline or the

Project or contained otherwise in an official statement.

All costs, fees and expenses relating to the issuance and sale of the Bonds and the refunding of the Series 1990 Bonds (other than those paid by the Original Purchaser pursuant to the Purchase Contracts) shall be paid by the Airline, including without limitation, the costs of preparation and printing the Bonds, the preliminary and final official statements and the agreements securing the Bonds, the fees and disbursements of the Series 1998 Trustee, the Series 1999 Trustee, the Financial Advisor, bond counsel, counsel to the Airline, and rating agency fees. To the extent permitted under the Code, the Airline may be reimbursed from the proceeds of the Bonds for all such costs, fees and expenses.

**Section 5. Allocation of Proceeds of Bonds and Transfer of Funds.**

The proceeds of the sale of the Series 1998 Bonds (including, without limitation, interest accrued thereon) shall be allocated and deposited (i) to the interest account in the Series 1998 Bond Fund, any amount received as accrued interest and (ii) to the Series 1998 Construction Fund, the balance of the proceeds of the Series 1998 Bonds, including amounts to be used to pay interest on the Series 1998 Bonds during construction of the Project and amounts to be used to pay costs of issuance of the Series 1998 Bonds.

The proceeds of the sale of the Series 1999 Bonds (including, without limitation, interest accrued thereon) shall be allocated and deposited (i) to the interest account in the Series 1999 Bond Fund, any amount received as accrued interest and (ii) the remaining proceeds to a separate account or accounts established in the Series 1999 Bond Fund for the purpose of refunding the Series 1990 Bonds and paying, or reimbursing the Airline for, costs of issuance of the Series 1999 Bonds and refunding the Series 1990 Bonds. The funds held under the Series 1990 Indenture as security for the Series 1990 Bonds, including the Reserve Account, shall be applied to the refunding of the Series 1990 Bonds to the extent required by the Code and otherwise shall be disbursed as provided in the Certificate of Award.

All funds, accounts and subaccounts contemplated in the Indentures to be created are authorized and directed to be created and shall be used without further legislative action for the purposes specified in the Indentures.

**Section 6. Security for the Bonds.**

To the extent and except as otherwise provided under the Indenture, the Series 1998 Bonds shall be special obligations of the City and (a) the Bond Service Charges on the Series 1998 Bonds shall be equally and ratably payable solely from the Series 1998 Revenues, and (b) the payment of Bond Service Charges on the Series 1998 Bonds shall be secured by (i) a pledge of and lien on and an assignment of the Series 1998 Revenues on a parity with any additional parity bonds issued pursuant to the Series 1998 Indenture, (ii) the Series 1998 Guaranty and (iii) the Series 1998 Indenture. All Series 1998 Bond Rent payments shall be paid by the Airline directly to the Series 1998 Trustee.

To the extent and except as otherwise provided under the Series 1999 Indenture, the Series 1999

Bonds shall be special obligations of the City and (a) the Bond Service Charges on the Series 1999 Bonds shall be equally and ratably payable solely from the Series 1999 Revenues, and (b) the payment of Bond Service Charges on the Series 1999 Bonds shall be secured by (i) a pledge of and lien on and an assignment of the Series 1999 Revenues on a parity with any additional parity bonds issued pursuant to the Series 1999 Indenture, (ii) the Series 1999 Guaranty and (iii) the Series 1999 Indenture. All Series 1999 Bond Rent payments shall be paid by the Airline directly to the Series 1999 Trustee.

Anything in this Ordinance, the Bonds or the Indentures to the contrary notwithstanding, the Bonds do not and shall not represent or constitute a general obligation, debt or bonded indebtedness of the City, and further, nothing in this Ordinance, the Bonds or the Indentures shall give the Holders of the Bonds, and they do not and shall not have, the right to have excises, ad valorem taxes or other taxes levied by the City, or by the State or the taxing authority of any other political subdivision, for the payment of Bond Service Charges on the Bonds. The Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the sources identified herein and from any other moneys obtained by the respective Trustee upon the exercise of rights and remedies under the City Documents. Nothing in the Bonds or the City Documents, however, shall be deemed to prohibit the City from using, of its own volition, to the extent that it is permitted by law to do so, any other resources for the fulfillment of any of the terms or conditions of or its obligations under the City Documents or the Bonds.

**Section 7. Refunding of Outstanding Series 1990 Bonds.**

If the Series 1999 Bonds are issued, then the Executive Officer, the Fiscal Officer and the Director of Port Control or any two of them are authorized and directed to sign and deliver, in the name and on behalf of the City, an escrow agreement (which may be included within the Series 1999 Indenture) between the City and the Trustee, as escrow trustee, providing for the investment and holding in escrow of the proceeds of the Series 1999 Bonds to be applied to the refunding of the Series 1990 Bonds. Any one or more of the Executive Officer, the Fiscal Officer, the Director of Port Control or other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Series 1990 Indenture.

**Section 8. Covenants of the City.**

The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Code. Any member of this Council, the Fiscal Officer, the Executive or any other officer of the City having responsibility for the issuance of a series of the Bonds, alone or in conjunction with the Airline or any officer, employee, agent of or consultant to the Airline, shall give an appropriate certificate of the City for inclusion in the transcript of proceedings for such Bonds setting

forth the reasonable expectations of the City regarding the amount and use of all the proceeds of such Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on such Bonds.

The City covenants that it (i) will take, or require to be taken, all actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes under the Code, and (ii) will not take or authorize to be taken any actions that would adversely affect that exclusion. The appropriate officers of the City are hereby authorized and directed to take any and all actions and make or give such reports and certifications as may be appropriate to assure such exclusions of that interest.

In its performance of these covenants, and other covenants of the City pertaining to federal income tax laws, the City may rely upon the written advice of bond counsel which is provided to the Airline and to the Trustee.

The Clerk shall furnish to the Original Purchaser a true transcript of proceedings, certified by the Clerk, of all proceedings had with reference to the issuance of the Bonds, together with such information from the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

The City shall do all things and take all actions on its part necessary to comply with obligations, duties and responsibilities on its part under the City Documents. Nothing herein or in the City Documents shall be construed as requiring the City to operate the Project or to use any moneys from any source other than Special Revenues or the Bond Funds and the Series 1998 Construction Fund.

#### **Section 9. City Documents.**

In addition to the authorizations set forth in Section 4 of this Ordinance, to provide for the issuance and sale of the Bonds and the consummation of the transactions contemplated herein, the Executive, the Fiscal Officer and the Director of Port Control or any one of them, are authorized and directed to execute, acknowledge and deliver each City Document not heretofore executed, for and in the name and on behalf of the City, in substantially the respective forms thereof submitted to this Council.

The City Documents and the Representations Letters are approved with changes which are not inconsistent with this Ordinance which are not substantially adverse to the City, which are permitted by law, and which are approved by the officers executing the respective City Documents and the Representations Letters. The approval of those changes by the officers and the character of those changes, as not being substantially adverse to the City, shall be evidenced conclusively by the execution of the respective City Documents by the officers. The City Documents heretofore executed and delivered by the City are hereby ratified, and the City's continuing performance thereunder is hereby approved.

To the extent directions with respect to any matter are not given in this Ordinance then the matter shall be controlled by the respective Indentures.

#### **Section 10. Other Documents.**

The Executive, the Director of Port Control, the Fiscal Officer, the Clerk and any other appropriate officer of the City, alone or in conjunction with any of the foregoing, are authorized and directed to execute, deliver and, if applicable file, for and in the name and on behalf of the City, any certifications, financing statements, assignments and other instruments and documents, including a letter of representations to the Depository, which are necessary or appropriate to perfect the assignments contemplated in the Indenture and to consummate the transactions contemplated in the City Documents and the Bonds. Those certifications and other instruments and documents include, without limitation, appropriate certificates under Sections 103 and 148 of the Code, reports on Form 8038, any other certifications and forms necessary or advisable under the Code and certifications by the Clerk of the transcript of proceedings relating to the issuance of the Bonds.

#### **Section 11. Lien of Pledge Hereunder.**

The respective Special Revenues are subject to the lien of the pledge under the respective Indentures without any physical delivery of the Special Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Special Revenues or for the filing or recording of the Indentures or any other resolution or instrument by which such pledge is created or any certificate, statement, or other document with respect to such pledge. The pledge of the Special Revenues under the Indentures shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

#### **Section 12. Open Meeting Determination.**

It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

#### **Section 13. Separability.**

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

#### **Section 14. Recitals.**

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened,

been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Bonds.

#### **Section 15. Emergency.**

This ordinance is hereby declared to be an emergency measure and, provided it receives 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 Executive Officer; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

#### **Ord. No. 2058-97.**

#### **By Councilman Lewis.**

#### **An emergency ordinance to vacate a portion of East 72nd Place, hereinafter described.**

Whereas, on the 29th day of April 1996 the Council of the City of Cleveland adopted Resolution No. 96-96 declaring its intention to vacate a portion of East 72nd Place, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 96-96 has been served upon the owners of all the property abutting East 72nd Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of East 72nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 72nd Place, hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

**Section 1.** That all that portion of East 72nd Place (40.00 feet wide), extending from the northerly line of Chester Avenue, N.E. (width varies), Northerly, to it's Northerly terminus, as shown by the Miller, Simpson & Waite Allotment in Volume 6 of Maps, Page 22 of Cuyahoga County Records.

**Section 2.** That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 72nd Place, herein provided by sending him a copy of this Ordinance.

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

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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 2045-97.**

**By Councilman Westbrook (by departmental request).**

**An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.**

Whereas, this Council, in accordance with the provisions of law, has previously adopted a Tax Budget, for the fiscal year commencing January 1, 1998; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part thereof is without and what part within the 10-Mill limitation; 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 the amounts and rates as determined by the Budget Commission in its certification be and the same are hereby accepted.

**Section 2.** That there be and is hereby levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-Mill limitation, as follows:

**SCHEDULE A**

**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY  
TAX APPROVED BY BUDGET COMMISSION AND COUNTY  
AUDITOR'S ESTIMATED TAX RATES**

	Amount to be Derived From Levies Outside 10-Mill Limitation Column II	County Auditor's Estimate of Tax Rate To Be Levied	
		Inside 10-Mill Limit Column V	Outside 10-Mill Limit Column VI
GENERAL FUND			7.75
BOND RETIREMENT FUND		4.35	
POLICE PENSION FUND			0.30
FIRE PENSION FUND		0.05	0.25
TOTAL		4.40	8.30

**Section 3.** That the Clerk of Council be and she hereby is directed to certify a copy of this resolution to the County Auditor of said County.

**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.

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

**Res. No. 2046-97.**

**By Councilman Westbrook (by departmental request).**

**An emergency resolution requesting the County Auditor to make tax advances during the year 1998, pursuant to Section 321.34, Ohio Revised Code.**

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 the County Auditor be and he hereby is requested to draw, and the County Treasurer to pay on such draft to the Treasury of the City of Cleveland such money as may be in the County Treasury from time to time during the year 1998 to the account of the City of Cleveland and lawfully applicable to the purpose of the current fiscal year in which such request is made, such payments to be made from time to time as the Director of Finance or the Mayor of the City of Cleveland may request.

**Section 2.** That the Clerk of Council be and she hereby is directed to

transmit a certified copy of this resolution to the Auditor of 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.

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

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

**Ord. No. 2047-97.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1811 East 81 Street to Kelly Chapman.**

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. 119-01-050, as more fully described in Section 2 below, to Kelly Chapman.

**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. 119-01-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a portion of Sub Lot No. 11 in L.M. and A.J. Holt's Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of said Sublot No. 11 distant 60 feet Easterly from the Easterly line of East 81st Street; thence Northerly on a line parallel to a distance of 59 feet 1-3/4 inches; thence Westerly and parallel with Hough Avenue a distance of about 60 feet to the Easterly line of East 81st Street; thence Southerly along said Easterly line of East 81st Street a distance of 59 feet 1-3/4 inches to the southwesterly corner of said Sublot No. 11; thence Easterly along said Southerly line of Sublot No. 11 a distance of 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2048-97.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1769 East 63 Street, southerly part, and 1783 East 63 Street to Allen and Valerie George.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-03-026, southerly part and 118-03-025 and 118-03-024, as more fully described in Section 2 below, to Allen and Valerie George.

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

P.P. Nos. 118-03-024, 118-03-025, and 118-03-026, Southerly part

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 26 and 27 and part of Sublot No. 28 of the Clara M. Hannon's Allotment of Original One Hundred Acre Lot No. 337 as shown by recorded plat in Volume 15, Page 29 of Cuyahoga County Plat Records;

Beginning at an iron pin found in a monument box at the Southerly sideline of Hough Avenue (60 feet wide) and the centerline of East 63rd Street (46 Feet wide);

Thence South 00° 00' 00" East, 236.15 feet to a point;

Thence North 90° 00' 00" East, 23.00 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street and the Principal Place of beginning;

COURSE I

Thence continuing North 90° 00' 00" East, 110.76 feet to a 5/8 inch iron pin set in the Westerly line of land conveyed to Kimberly Toles recorded in Volume 97-8876, Page 15 of Cuyahoga County Deed Records;

COURSE II

Thence South 00° 06' 00" East, along the Westerly line of said Toles and the Westerly lines of land conveyed to Cleveland L.R. Program by deed recorded in Volume 93-2387, Page 6 and Volume 90-4637, Page 51 of Cuyahoga County Deed Records, 105.00 feet to a 5/8 inch iron pin set;

COURSE III

Thence North 90° 00' 00" West, along the Northerly line of land conveyed to Ernest Fair, Sr., by deed recorded in Volume 95-3010, Pages 18-20 of Cuyahoga County Deed Records, a distance of 110.95 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street;

COURSE IV

Thence North 00° 00' 00" East, along the Easterly sideline of said East 63rd Street, 105.00 feet to the Principal Place of beginning and containing 0.2672 acres according to

survey in October, 1997 by Richard A. Thompson, Jr., P.S. No. 7388 of LDC, Inc. be the same, more or less, but subject to all legal highways and easements of record. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2049-97.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1769 East 63 Street, northerly part, and 1765 East 63 Street to Lovell Henderson, Jr. and Queen Howard Henderson.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel Nos. 118-03-027, 118-03-028, and 118-03-026, northerly part, as more fully described in Section 2 below, to Lovell Henderson, Jr. and Queen Howard Henderson.

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

P.P. Nos. 118-03-027, 118-03-028, and 118-03-026, Northerly Part

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 24 and 25 and part of Sublot No. 23 of the Clara M. Hannon's Allotment of Original One Hundred Acre Lot No. 337 as shown by recorded plat in Volume 15, Page 29 of Cuyahoga County Plat Records:

Beginning at an iron pin found in a monument box at the Southerly sideline of Hough Avenue (60 feet wide) and the centerline of East 63rd Street (46 feet wide);

Thence South 00° 00' 00" East, 131.15 feet to a point;

Thence North 90° 00' 00" East, 23.00 feet to a 5/8 inch iron pin set at the Southwest corner of land conveyed to Barbara J. Germann by deed recorded in Volume 92-7764, Page 50 of Cuyahoga County Deed Records, also being the Easterly sideline of said East 63rd Street and the Principal Place of beginning;

COURSE I

Thence continuing North 90° 00' 00" East, along the Southerly line of said Germann, 110.58 feet to a 5/8 inch iron pin set in the Westerly line of land conveyed to City of Cleveland L.R. Program by deed recorded in Volume 15453, Page 623 of Cuyahoga County Deed Records;

COURSE II

Thence South 00° 06' 00" East, along the Westerly line of land conveyed to the Cleveland L.R. Program by deed recorded in Volume 90-4637, Page 59; Carl and N. Robinson by deed recorded in Volume 12798, Page 623; and Kimberly Toles by deed recorded in Volume 97-8876, Page 15 of Cuyahoga County Deed Records, 105.00 feet to a 5/8 inch iron pin set;

COURSE III

Thence South 90° 00' 00" West, a distance of 110.76 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street;

COURSE IV

Thence North 00° 00' 00" East, along the Easterly sideline of said East 63rd Street, 105.00 feet to the Principal Place of Beginning and containing 0.2668 acres according to survey in October, 1997 by Richard A. Thompson, Jr., P.S. No. 7388 of LDC, Inc. be the same, more or less, but subject to all legal highways and easements of record. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2050-97.**

**By Councilman Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7703 and 7707 Home Court to Donald and Linda Shelton.**

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). 118-09-064B and 118-09-065, as more fully described in Section 2 below, to Donald and Linda Shelton.

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

P.P. No. 118-09-064B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in Chase, Anderson and Robinson's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat of said Subdivision in Volume 4 of Maps, Page 54 of Cuyahoga County Records, and being 41.58 front on the Northerly side of Home Court, N.E., and extending back of equal width 120 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-09-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in Chase, Anderson and Robinson's Subdivision of part of Original One Hundred Acre Lot No. 339 as shown by the recorded plat in Volume 4 of Maps, Page 54 of Cuyahoga County Records and being a parcel of land 50.00 feet front on the Northerly side of Home Court (formerly Home Street) and extending back of equal width 120.00 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.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2051-97.**

**By Councilman Patton.**

**An emergency ordinance to change the name of Critchfield Avenue to Sunny Glen Avenue.**

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

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

**Section 1.** That That the name of Critchfield Avenue is hereby changed to Sunny Glen Avenue.

**Section 2.** That the Director of Public Service is hereby authorized and directed to take the necessary and appropriate steps to implement the provisions of Section 1 of this ordinance, including the placement of appropriate signs and the altering of references to reflect the change of name.

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2052-97.**

**By Councilman Patton (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4798 Lee Road to Amistad Development Corp.**

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. 143-02-027, as more fully described in Section 2 below, to Amistad Development Corp.

**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. 143-02-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 33 in the G. & F. Realty Company's Lee Road Subdivision, of part of Original Township Lot No. 91 as shown by the recorded plat in Volume 95 of Maps, Page 40 of Cuyahoga County Records. Said Sublot has a frontage of 59.41 feet on Lee Road and extends back between parallel lines, 135 feet deep on the Northerly line, 135 feet deep on the Southerly line which is also the Northerly line of Critchfield Avenue S.E. and being 59.41 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2053-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting and approving the issuance of a permit for a footrace on November 27, 1997 sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a footrace, sponsored by Hermes Race Systems, on November 27, 1997, starting at Burke Lakefront Airport, N. Marginal to E. 9th, E. 9th to Erieside, Erieside to W. 3rd, W. 3rd to Lakeside, Lakeside to W. 9th, W. 9th to Front, Front to W. 10th, W. 10th to Main, Main to Lakeside, Lakeside to E. 9th, E. 9th to South Ramp, South Ramp to Amtrack Loop, Loop to South Marginal, South Marginal to E. 26th, E. 26th to N. Marginal, N. Marginal back to Burke Lakefront, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2054-97.**

**By Councilman Sweeney.**

**An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon on November 16, 1997 sponsored by Ronald and Ruth Shipley.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a walk-a-thon, sponsored by Ronald and Ruth Shipley, on November 16, 1997, starting at the parking lot at 4665 Rocky River Drive exiting the north gate onto Parkmount heading east. Walkers will proceed west on Fairville to Rocky River Drive. They will turn north onto Rocky River Drive up to Puritas Road and turn west on Puritas. Walkers will proceed down Puritas and enter the Metroparks Rocky River Reservation. They will turn south on Valley Parkway. The walk will conclude at the south Mestick Picnic area which the walkers will enter turning toward the east, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 2055-97.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to extend the term of the contract with Legal News Publishing Company, City Contract No. 49581, for a period not to exceed four months.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to extend the term of the contract with Legal

News Publishing Company, City Contract No. 49581, for a period not to exceed four months. All other provisions of City Contract No. 49581, except for the term herein authorized to be extended, shall remain the same.

**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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

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

**Res. No. 2056-97.**

**By Councilman Rybka.**

**An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 5603 Fleet Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor Permit from Permit No. 0345598, Azzam Brothers Inc., 4735 Rocky River Drive, Cleveland, Ohio 44105, to Permit No. 03455980001, Azzam Brothers Inc, 5603 Fleet Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of location of a C1 and C2 Liquor Permit from Permit No. 0345598, Azzam Brothers Inc., 4735 Rocky River Drive, Cleveland, Ohio 44105, to Permit No. 03455980001, Azzam Brothers Inc, 5603 Fleet Avenue, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Adopted. Yeas 18. Nays 0.

**SECOND READING EMERGENCY  
ORDINANCES RELIEVED  
OF COMMITTEES AND PASSED**

**Ord. No. 1457-97.**

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

An emergency ordinance to amend Section 2 of Ordinance No. 85-96, passed February 12, 1996, relating to the employ of one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation, and Properties, Personnel and Human Resources, Finance, Law; Relieved of Committees on Public Parks, Employment, Affirmative Action, and Training, Finance.

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 1939-97.**

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2042-96, passed December 16, 1996, relating to labor and materials needed to remove and install carpeting in the courtrooms, judges' chambers and offices.

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

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Passed. Yeas 18. Nays 0.

**LAI D ON THE TABLE**

**Ord. No. 148-95.**

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

An emergency ordinance to amend Sections 133.09 and 133.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2044-92, passed December 7, 1992, relating, respectively, to the duties

of the Commissioners of Recreation and Park Maintenance and Properties.

Without objection, Ordinance No. 148-95 was tabled pursuant to the Rules of Council.

**MOTION**

By Councilman Gordon, seconded by Councilman Lewis and unanimously carried that the absence of Councilman Pat Britton, Councilman Larry Moran, and Councilman Bill Patmon be and is hereby authorized.

**MOTION**

The Council adjourned at 8:00 p.m. to meet on Monday, November 17, 1997 at 7:00 p.m.

*Artha Woods*

Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

November 5, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 5, 1997, at 11:30 a.m., with Director Sobol Jordan presiding.

Present: Directors Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren and Lynch.

Absent: Mayor White and Director Staib.

Others: Jo Ann Arki, Acting Commissioner, Division of Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 905-97.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Kennedy Valve, Division of McWane, Inc. for an estimated quantity of fire hydrants and fire hydrant parts (items 1-12; 15), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 6th day of August, 1997, pursuant to the authority of Section 129.25 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Five Hundred Six Thousand Five Hundred Seven and 50/100 Dollars (\$1,506,507.50) (2% 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:



Requisition No. 01285 which shall be certified against such contract in the sum of Two Hundred Fifty Thousand no/100 Dollars (\$250,000.00).

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: None.

Nays: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Absent: None.

**Resolution No. 906-97.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 6, 1997 for Fire Hydrants and Fire Hydrant Parts (Items 5-12) for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976 are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.

Absent: None.

**Resolution No. 907-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Kennedy Valve, Division of McWane, Inc. for an estimated quantity of Fire hydrants and fire hydrant parts (items 1-4; 15), for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract received on the 6th day of August, 1997, pursuant to the authority of Section 129.25 of the Codified Ordinance of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Seven Hundred Sixty Three Thousand Two Hundred Ten and 50/100 Dollars, (\$763,210.50), (2% 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 01354

which shall be certified against such contract in the sum of Thirty Eight Thousand Dollars (\$38,000.00).

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: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.

Absent: None.

**Resolution No. 908-97.**

By Director Cunningham.

Whereas, Professional Flight Training, Inc., d.b.a. Proflight Standardized Pilot Training intends to operate an office for a flight school at Burke Lakefront Airport (the "Airport"); and

Whereas, the City of Cleveland is willing to grant to Professional Flight Training, Inc. the right to use certain space at the Airport as an office facility for the conduct of such business; now, therefore,

Be it resolved by the Board of Control of the City that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of the Department of Port Control is hereby authorized to enter into a concession agreement with Professional Flight Training, Inc. for the use of approximately 500.94 square feet of office space on the first floor of the Airport terminal building for a period not to exceed thirty (30) days. Professional Flight Training, Inc. shall pay to the City a fee of \$354.83 for the use of this space. All utilities shall be paid by Professional Flight Training, Inc. except that the City shall provide, without charge, ordinary amounts of heat and air conditioning to the premises.

Be it further resolved that the concession agreement shall be prepared by the Director of Law and shall contain such provisions as deemed necessary to benefit and protect the public interest.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.

Absent: None.

**Resolution No. 909-97.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Refuse Equipment & Truck Service, Inc. for the following: hydraulic side dumping trailer with steel bins (item-bid alternate) for the Division of Waste Collection & Disposal, Department of Public Service, received on the 10th day of October, 1997, pursuant to the authority of Ordinance No. 1025-97, passed June 16, 1997, which on the basis of order quantity would amount to \$16,000.00 is hereby approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into contract for such items.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.

Absent: None.

**Resolution No. 910-97.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of lubricants (all items) (part A and C) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on October 10, 1997, pursuant to the authority of Ordinance No. 1154-97, passed August 13, 1997, which on the basis of the estimated quantity would amount to

approximately One Hundred Fifty Three Thousand Eight Hundred Forty Two and 85/100 Dollars, (\$153,842.85), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105917

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

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Universal Oil, Inc. for lubricants, (all items) (part A and C), is hereby approved:

L. Gray Barrel & Drum  
MBE \$11,670.00 (Part A)

L. Gray Barrel & Drum  
MBE \$190.58 (Part C)

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.

Absent: None.

**Resolution No. 911-97.**

By Director Denihan.

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

Allerton, Ramon J., #2506 Model Smith & Wesson 5943, Serial #TFK5354

Benjamin, Ross C., Sgt. Model Smith & Wesson 5943, Serial #TVB0464

Birk, James, Lieut. Model Smith & Wesson 6906, Serial #TCD3197

Floyd, Amos, #2051 Model Smith & Wesson 6906, Serial #TCF4217

Hoke, David E., Lieut. Model Smith & Wesson 5903, Serial #TCZ2251

Kowalczyk, Stanley, #2071 Model Smith & Wesson 6906, Serial #TCY6906

Kuenzel, Robert J., #196 Model Smith & Wesson 6942, Serial #TVA6942

Mantifel, Kenneth, #2462 Model Smith & Wesson 5943, Serial #TFL6601

Schwelgien, Arthur, Sgt. Model Smith & Wesson 38, Serial #J776301

Skorich, Michael J., Sgt. Model Smith & Wesson 5943, Serial #TVA6906

Trappenberg, Phyllis, Lieut. Model Smith & Wesson 38, Serial #J777513.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 912-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Erie Gun for an estimated quantity of uniforms, item nos. 4, 27, and 123 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to the Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six Thousand, Nine Hundred Forty Seven and 60/100 Dollars, (\$6,947.60) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107878

Uniform Clothing  
Various amounts of item nos. 4, 27, and 123, as specified which shall be certified against such contract in the sum of Four Thousand, Five Hundred Eighty-Five and 96/100 Dollars (\$4,585.96).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 913-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police & Fire Equipment Co., Inc. for an estimated quantity of uniforms, item nos. 26, 35, 36, 39, and 42 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six Thousand, Two Hundred Forty One and 50/100 Dollars, (\$6,241.50), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107875

Uniform Clothing  
Various amounts of item nos. 26, 35, 36, 39, and 42, as specified which shall be certified against such contract in the sum of Two Thousand, Six Hundred Sixty Five and 90/100 Dollars (\$2,665.90).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 914-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Shuttlers Uniform, Inc. for an estimated quantity of uniforms, item nos. 50, 53, 86, 94, 111, 112, 114, 115, and 143 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Four Thousand, Three Hundred Sixty One and 75/100 Dollars, (\$4,361.75), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107880

Uniform Clothing, various amounts of item nos. 50, 53, 86, 94, 111, 112, 114, 115, and 143, as specified, which shall be certified against such contract in the sum of Two Thousand, Three Hundred Fifty-Five and 15/100 Dollars (\$2,355.15).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 915-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Werx Corporation for an estimated quantity of uniforms, item nos. 82, 83, and 85 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Two Thousand, Four Hundred Twenty One and 25/100 Dollars, (\$2,421.25) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which

shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107873

Uniform Clothing, various amounts of item nos. 82, 83, and 85, as specified,

which shall be certified against such contract in the sum of One Thousand, Nine Hundred Twenty-Three and 75/100 Dollars (\$1,923.75).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 916-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement Supply Co., Inc. for an estimated quantity of uniforms, item nos. 2, 3, 5, 7, 9, 25, 28, 31, 32, 37, 38, 40, 41, 47, and 93 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Sixteen Thousand, Four Hundred Fourteen and 55/100 Dollars, (\$16,414.55) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107877

Uniform Clothing, various amounts of item nos. 2, 3, 5, 7, 9, 25, 28, 31, 32, 37, 38, 40, 41, 47 and 93, as specified,

which shall be certified against such contract in the sum of Nine Thousand, Five Hundred Thirty Six and 29/100 Dollars (\$9,536.29).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 917-97.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation for an estimated quantity of uniforms, item nos. 1, 8, 10, 12, 15, 18, 19, 20, 23, 24, 30, 43, 45, 49, 51, 52, 54, 55, 56, 58, 59, 60, 66, 67, 80, 81, 89, 90, 92, 97,

98, 99, 100, 101, 102, 103, 105, 106, 122, 126, 127, 129, 137, 138, and 140 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Sixty-Five Thousand, Five Hundred Thirty and no/100 Dollars, (\$165,530.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 107906**

Uniform Clothing, Various amounts of item nos. 1, 8, 10, 12, 15, 18, 19, 20, 23, 24, 30, 43, 45, 49, 51, 52, 54, 55, 56, 58, 59, 60, 66, 67, 80, 81, 89, 90, 92, 97, 98, 99, 100, 101, 102, 103, 105, 106, 122, 126, 127, 129, 137, 138, and 140 which shall be certified against such contract in the sum of One Hundred Eight Thousand, Three Hundred Sixty-Two and no/100 Dollars (\$108,362.00).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 918-97.**

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Abele Davis Corp. for an estimated quantity of uniforms, item nos. 29, 48, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, and 150 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, would amount to Twenty-Eight Thousand, Three Hundred Forty One and no/100 Dollars, (\$28,341.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 107881**

Uniform Clothing, various amounts of item nos. 29, 48, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 84, and 150, as specified, which shall be certified against such contract in the sum of Fifteen Thousand, Six Hundred Seventy Three and 60/100 Dollars (\$15,673.60).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods

and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 919-97.**

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Goldfish Uniform Stores for an estimated quantity of uniforms, item no. 128 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Two Hundred Ten and no/100 Dollars, (\$210.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 107870**

Uniform Clothing

4 pair of Gloves, Nomex, as per specifications, item #128

which shall be certified against such contract in the sum of Eighty Four and no/100 Dollars (\$84.00).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 920-97.**

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of B. P. Britches, Inc. for an estimated quantity of uniforms, item nos. 87, 88, and 91 for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract received on September 18, 1997, pursuant to Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Ten Thousand, Four Hundred and no/100 Dollars, (\$10,400.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 107872**

Uniform Clothing

Various amounts of item nos. 87, 88 and 91, as specified

which shall be certified against such contract in the sum of Seven Thousand Seven Hundred Seventeen and 45/100 Dollars (\$7,717.45).

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

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 921-97.**

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1996, the firm of Parsons Brinckerhoff Ohio, Inc., is hereby selected upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation and Properties as the firm of consultants to provide professional services for analysis of transportation and traffic impacts for future transportation initiatives in conjunction with the new Cleveland Browns Stadium.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract with Parsons Brinckerhoff Ohio, Inc. based upon its proposal dated December 26, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest. The fees for services to be performed under the contract authorized hereby shall not exceed Twenty-Five Thousand and No/100 Dollars (\$25,000.00).

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 922-97.**

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of EnviroCom Construction Company for the public improvement of Rockefeller Lagoon Site Improvements, for base bid items 1-26 including the 3% contingency line item and Alternate Bid Items B1 - B16 including the adjusted 3% contingency line item, for the Division of Research, Planning & Development, Department of Parks, Recreation & Properties, received on October 3, 1997, pursuant to the authority of Ordinance No. 1284-96, passed October 14, 1996, as amended by Ordinance No. 2120-96, passed November 25, 1996, as amended by Ordinance No. 556-97, passed May 5, 1997, upon a unit basis, for the improvement in the aggregate

amount of Seven Hundred Thirty Seven Thousand, Thirty Nine and 00/100 Dollars (\$737,039.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors for EnviroCom Construction Company on the public improvement contract for the Rockefeller Lagoon Site Improvements hereby are approved:

**Subcontractor****Responsibility**

Cook Paving  
MBE

Asphalt

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 923-97.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 022-14-004 and 022-14-005 located at 3916 and 3920 West 130 Street in Ward 20; and

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

Whereas, Charlene K. Michael, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 20 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Charlene K. Michael for the sale and development of Permanent Parcel No. 022-14-004 and 022-14-005 located at 3916 and 3920 West 130 Street, 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 parcel shall be \$1.00 each, which amount is hereby

determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 924-97.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 130-08-029 located at 3418 East 132 Street in Ward 3; and

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

Whereas, Mt. Pleasant Baptist Church, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Mt. Pleasant Baptist Church for the sale and development of Permanent Parcel No. 130-08-029 located at 3418 East 132 Street, 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 parcel shall be \$100.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 925-97.**

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 005-25-070 under said Land Reutilization Program; and

Whereas, Ordinance No. 568-97 passed June 25, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, James E. Wright and Sheila Wright have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 568-97 passed June 25, 1997, 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 James E. Wright and Sheila Wright for the sale and development of Permanent Parcel No. 005-25-070, 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 parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 926-97.**

By Director Cunningham.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 27, 1997 for labor and materials for the installation, maintenance, and repair of fencing for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 340-97, passed by the Council of the City of Cleveland on April 14, 1997, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

**Resolution No. 927-97.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on October 10, 1997 for lubricants (all items) (part B) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1154-97, passed by the Council of the City of Cleveland on August 13, 1997, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Frank, Director Konicek, Acting Director Sheehan, Directors Guzman, Denihan, Acting Directors Miller, Hudecek, Directors Nolan, Warren, and Lynch.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, NOVEMBER 24, 1997****9:30 A.M.****Calendar No. 97-234:** 16501 Euclid Avenue

Harold Stern, owner, appeals under Sections 329.01(e) and 329.02(d) of the Codified Ordinances from the issuance of a Notice of Violation dated October 2, 1997, by the Division of Building and Housing relating to the premises at 16501 Euclid Avenue, including Building Permit #B-101896, issued April 15, 1997, for a masonry wall erected at said premises contrary to the provisions of Sections 327.02(c) and 327.02(e) of the Codified Ordinances.

**Calendar No. 97-238:** 16501 Euclid Avenue

Harold Stern, owner, appeals under Section 76-6 of the Charter of the City of Cleveland and Section 201.03 of the Codified Ordinances from a Notice of Violation dated October 13, 1997, issued by the Division of the Environment to remove all refuse and papers from rear of premises at 16501 Euclid Avenue pursuant to Sections 203.07 and 209.01 of the Codified Ordinances.

**Calendar No. 97-239:** 13806 Wainstead Avenue, S.W.

Patricia Layne, owner, appeals to enclose the 12' x 6.5' one-story frame open front porch of the 24' x 35' one-story frame one-family dwelling house on a 40' x 125' lot located in a One-Family District at 13806 Wainstead Avenue; said enclosure to be contrary to the setback and enclosure limitations regulated by Sections 357.06 and 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 97-240:** Appeal of Richard Geiger

Richard Geiger, appeals, under Section 76-6 of the Charter of the

City of Cleveland and Section 403.09 of the Codified Ordinances from the revocation of the license to operate a taxicab by the Commissioner of Assessments and Licenses pursuant to a hearing on October 15, 1997 and in reference to Sections 443.131(c) and 443.131(h) of the Codified Ordinances.

**Calendar No. 97-247:** 6022 and 6024 Superior Ave. N.E.

Roberta Jackson and Sonya Green, owners, appeal, under Sections 329.01(e) and 329.02(d) from the refusal to approve a lot split for the 35' x 212' irregular shaped parcel located in a Two-Family District and occupied in front by a two-story dwelling house at 6022 Superior Ave. and in the rear by a two-story dwelling house at 6024 Superior Ave.; said refusal being by the Commissioner of Engineering and Construction and the Director of City Planning under authority of Section 355.04 of the Codified Ordinances.

HUNTER MORRISON,  
Acting Secretary

**REPORT OF THE BOARD OF ZONING APPEALS****MONDAY, NOVEMBER 10, 1997**

At the Meeting of the Board of Zoning Appeals on Monday, November 3, 1997, the following appeals were heard by the Board, and, on Monday, November 10, 1997 were decided by the Board.

The following appeals were **Granted:**

**Calendar No. 97-224:** 9103 Buckeye Road

E.L. Properties c/o Earl Williams, Jr., et al., owners, and Elsons, Inc. c/o Earl Williams, Jr., tenant, appealed, to continue use as a container manufacturing operation. (conditional grant)

**Calendar No. 97-228:** 4166 East 71st Street

Konefal's, Inc., dba Lamplight Inn c/o Lorraine V. Konefal, appealed, under Section 76-6 of the Charter of the City of Cleveland and Section 692A.14 of the Codified Ordinances from the refusal to issue a Coin Operated Amusement Device License.

**Calendar No. 97-229:** 33614 East 65th Street

Jerrich, Inc., dba Karb's Tavern c/o Gerald Tucholski, appealed, under Section 76-6 of the Charter of the City of Cleveland and Section 692A.14 of the Codified Ordinances from the refusal to issue a Coin Operated Amusement Device License.

**Calendar No. 97-231:** 9805 South Boulevard, N.E.

Cleveland Restoration Society, owner, c/o Heather Rudge, appealed, to erect a 19' x 20' one-story frame attached private garage. (conditional grant)

The following appeal was **Dismissed:**

**Calendar No. 97-200:** 9822 Heath Avenue.

HUNTER MORRISON,  
Acting Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING****Notice of Public Hearing By the Council Committee On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, November 24, 1997  
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, November 24, 1997, at 1:00 P.M., to consider the following ordinances now pending in the Council:

**Ord. No. 945-96.**

By Councilman Johnson.

An ordinance establishing the Buckeye Business Revitalization District and to repeal Ordinance No. 589-91 passed June 3, 1991. (Map Change No. 1906, Sheet No. 9)  
**REMARKS BY DIRECTOR OF CITY PLANNING:** This legislation expands the existing Buckeye Business Revitalization District by including both sides of Buckeye, from MLK Blvd. to a point about 200 ft. west of South Moreland Blvd.

**Ord. No. 1745-97.**

By Councilman Rybka.

An ordinance to change the Use District of lands bounded by Waterman Avenue, S.E., E. 63 Street, Roland Avenue, S.E., and E. 61 Street. (Map Change No. 1960, Sheet No. 5)

**Ord. No. 1764-97.**

By Councilman Johnson.

An ordinance to change the Use, Area and Height Districts of lands bounded by East 89 Street, Cumberland Avenue, S.E., East 93 Street, and Buckeye Road. (Map Change No. 1953, Sheet No. 5)

**Ord. No. 1869-97.**

By Councilman Zone.

An ordinance to change the Use and Area Districts of lands on the easterly side of West 118 Street north of Lorain Avenue to Geraldine Avenue, N.W. (Map Change No. 1962, Sheet No. 2)

**Ord. No. 1947-97.**

By Councilman Rybka.

An ordinance to change the Use and Area Districts of lands from Aetna Road, S.E., south to the 15' unnamed alley between East 71 Street and East 73 Place. (Map Change No. 1963, Sheet No. 6)

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

EDWARD W. RYBKA,  
Chairman  
Committee on City Planning

November 5 and November 12, 1997

## CITY OF CLEVELAND BIDS

### For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

### THURSDAY, NOVEMBER 20, 1997

**Fire Hydrants and Fire Hydrant Parts (Items 5-12)**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

November 5, 1997 and November 12, 1997

### WEDNESDAY, NOVEMBER 26, 1997

**Lifepak 10 Monitor/Defibrillators**, for the Division of EMS, Department of Public Safety, as authorized by Ordinance No. 1167-97, passed by the Council of the City of Cleveland, August 13, 1997.

**Body Armor**, for the Division of EMS, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

**Jacobson Mower Parts**, for the various divisions of the Department of Finance, as authorized by Ordinance No. 643-96, passed by the Council of the City of Cleveland, May 13, 1996.

**Labor and Materials to Maintain and Replace Interior Plants and Landscaping Exterior Sites (Phase I)**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 627-96, passed by the Council of the City of Cleveland, June 10, 1996.

**Cleaning of the West Side Market**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 816-97, passed by the Council of the City of Cleveland, June 2, 1997.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 19, 1997, AT 10:00 A.M. AT THE WEST SIDE MARKET, 1979 WEST 25TH STREET. ATTENDEES SHOULD MEET AT THE MARKET OFFICE ON SECOND FLOOR — WEST END OF THE BUILDING.

November 5, 1997 and November 12, 1997

### WEDNESDAY, DECEMBER 3, 1997

**Labor and Materials to Repair Fencing**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 340-97, passed by the Council of the City of Cleveland, April 14, 1997.

**Electrical Parts and Equipment to Maintain, Repair and Modify Airfield, Parking and Terminal Lighting Systems (Phase II)**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1273-97, passed by the Council of the City of Cleveland.

November 5, 1997 and November 12, 1997

### THURSDAY, DECEMBER 4, 1997

**Installing a Sprinkler System**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 224-97, passed by the Council of the City of Cleveland, April 14, 1997.

A MANDATORY PRE-BID MEETING HAS BEEN SCHEDULED FOR THURSDAY, NOVEMBER 20, 1997, 10:30 A.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

**Rental of Tree Trimming Equipment and Tree Trimming Equipment with Operators**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 800-97, passed by the Council of the City of Cleveland, June 16, 1997.

November 5, 1997 and November 12, 1997

### FRIDAY, DECEMBER 5, 1997

**One (1) Mobile Sign Unit**, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1271-97, passed by the Council of the City of Cleveland, September 22, 1997.

A PRE-BID MEETING HAS BEEN SCHEDULED FOR WEDNESDAY, NOVEMBER 19, 1997, 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

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November 5, 1997 and November 12, 1997

### WEDNESDAY, NOVEMBER 26, 1997

**Lubricants**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1154-97, passed by the Council of the City of Cleveland, August 13, 1997.

November 12, 1997 and November 19, 1997

### FRIDAY, DECEMBER 5, 1997

**Approximately Seven (7) Light Duty Utility Trucks with Additional Equipment**, for the Division of Motor Vehicle Maintenance, Department of Public Safety, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

**One (1) Cab and Chassis with Vac-All Type Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96, 1476-96, 323-97 and 799-97, passed by the Council of the City of Cleveland, June 18, 1996, August 14, 1996, March 24, 1997 and June 2, 1997.

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**Certified MBEs and FBEs  
Third Quarter, 1997**

Pursuant to Chapter 187 of the Codified Ordinances of the City of Cleveland, Ohio, listed below are the firms that have been certified as Minority Business Enterprise (MBE) and Female Business Enterprise (FBE) by the Mayor's Office of Equal Opportunity during the Third Quarter of 1997.









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**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

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**COUNCIL COMMITTEE MEETINGS**

**Monday, November 10, 1997**

**Parks, Properties and Recreation Committee: 9:30 A.M.** — Present: Johnson, Chairman; Rybka, Vice Chairman; Patton, Robinson, Sweeney, White. Excused: Skrha.

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Change the Use District of lands bounded by Waterman Avenue, S.E. E. 63 Street and E. 61  
Street (O 1745-97) .....1891  
Change the Use, Area and Height Districts - East 89th Street, Cumberland Avenue  
(O 1764-97).....1891  
Establishing Buckeye Business Revitalization District - repeal Ordinance No. 589-91 —  
passed June 3, 1991 (O 945-96) .....1891  
West 118th Street, north of Lorain Avenue to Geraldine Avenue, N.W. — change Use and Area  
Districts — City Planning Department (O 1869-97) .....1891