

The City Record

Official Publication of the City of Cleveland

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

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

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

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

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
Neighborhood Services - Louise V. Jackson, Commissioner.
Neighborhood Development - Donald T. Moss, Commissioner.
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Jeffrey K. Patterson, Director, Room 121

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

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

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

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, _____, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

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

CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT

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

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

The City Record



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WEDNESDAY, MARCH 24, 1999

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CITY COUNCIL

MONDAY, MARCH 22, 1999

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL

1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Lewis, Patmon, White.
10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White, Willis.

WEDNESDAY—Alternating

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio March 22, 1999.

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

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

Also present were Chief of Staff Sheffield-McClain and Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Warren and Axelrod. Absent: Mayor White.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Reverend Robin Miller, Pastor of Lee Heights Community Church, located at 4612 Lee Road in Ward 1. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 148-99-C.
From the Housing Finance Agency - Appraising Council of a Residential Development Project:
Glenville Elderly L.P. re: Glenville Elderly Development - Revised Letter previously sent February 12, 1999. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 441-99.
Re: Transfer of Ownership Application - 5672504 - Maysoon T., Inc., 12301-03 Imperial Avenue. (Ward 4). Received.

File No. 442-99.

Re: Transfer of Ownership Application - 2288380 - Dow Lak, Inc., 2000 Lakeside Avenue, first floor and basement and patio. (Ward 13). Received.

File No. 443-99.

Re: Transfer of Ownership Application - 86937380005 - Keith D. Sumpter, 10404 Wade Park Avenue. (Ward 9). Received.

File No. 444-99.

Re: Transfer of Ownership Application - 3364942 - Steven A. Greer & Robert Rompala, a partnership, d.b.a. Zipps Drive thru Beverage, 6021 Memphis Avenue. (Ward 16). Received.

File No. 445-99.

Re: Transfer of Ownership Application - 4466992 - Kamoe & Kulubah Place LLC, d.b.a. Kamoe & Kulubah Place, 15601 Holmes Avenue. (Ward 11). Received.

File No. 446-99.

Re: Transfer of Ownership and Location Application - 47881150005 - Kooos, Inc. dba Kooos Food & Beverage, 11003 Superior Avenue. (Ward 9). Received.

File No. 447-99.

Re: Transfer of Ownership and Location Application - 84642640005 - St. Clair Vineyard Group, Inc., d.b.a. Dvine Wine Bar, 830-36 West St. Clair Avenue & patio. (Ward 13). Received.

File No. 448-99.

Re: Stock Transfer Application - 3640658 - Hartel, Inc., d.b.a. Grove-wood Tavern, 17105 Grove-wood Avenue, first floor and basement. (Ward 11). Received.

File No. 449-99.

Re: Stock Transfer Application - 1465718 - Chuckles, Inc., d.b.a. Chalkys, 7530 Harvard Avenue first floor and basement. (Ward 12). Received.

STATEMENT OF WORK ACCEPTED

File No. 450-99.

From the Division of Architecture, Department of Parks, Recreation and Properties re: Contract No. 52767 for (08-96) Lonnie Burton Recreation Center Renovation. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 470-99—Eugene Allen, Jr.
Res. No. 471-99—Pastor Johnnie Lee Chapman, Sr.

Res. No. 472-99—Robert H. Hawthorne

Res. No. 473-99—Martholia Rodgers Gist.

Res. No. 474-99—Elisha S. Threadgill.

CONGRATULATORY RESOLUTIONS

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

Res. No. 427-99—Artha Woods.
Res. No. 475-99—Greater New Calvary Missionary Baptist Church.
Res. No. 476-99—Angel Morales.
Res. No. 477-99—Sherry Wingfield.
Res. No. 478-99—Holy Family Sodality of St. Rocco Parish.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 451-99.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court, for a period of one year, with a one year option to renew.

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to enter into contract with Court Community Service for professional services necessary to arrange community service for persons the Court refers to Court Community Service, for a period of one year, commencing January 1, 1999, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable upon thirty days written notice by said director, on the basis of its proposal dated October 23, 1998, in the sum not to exceed \$115,000, payable from Fund No. 01-01-15-0320, Request No. 24752, for the Cleveland Municipal Court.

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 Finance, Law; Committee on Finance.

Ord. No. 452-99.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide engineering, environmental, safety, remediation and disposal, forensic investigations, and other services needed for the various divisions of the 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 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 provide pre-design engineering; construction inspection; structural and geotechnical analysis; permit applications; materials testing and analysis; risk assessments; cost-benefit analysis; laboratory and monitoring services; environmental; remediation and disposal services; forensic investigations; and other related services needed for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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, 54 SF 001 and 58 SF 001, Request No. 24052.

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. 453-99.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide assessment, developmental and training services to employees regarding various Federal and State occupational safety and health regulations, for the various divisions of the 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 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 provide assessment, developmental and training services to employees relating to various Federal and State occupational safety and health regulations and other regulatory

requirements, and to provide professional, clerical, and office skills enhancement training, for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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 and 54 SF 001, Request No. 24049.

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. 454-99.
By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of air filters and materials necessary to provide related services for air handling units, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase

thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24869)

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. 455-99.

By Councilmen Westbrook and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and maintain plumbing systems in the estimated sum of \$120,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24868)

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. 456-99.

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

An emergency ordinance giving consent of the City of Cleveland for the interim repair of the Columbus Road Vertical Lift Bridge over the Cuyahoga River to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; determining the method of making the above public improvement; authorizing said director to enter into contract for the making of such improvement; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The interim repair of the Columbus Road Vertical Lift Bridge over the Cuyahoga River (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the Improvement to the extent of funds received by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the Board of County Commissioners to use the License Tax Fund for said improvement to pay the County portion of the Improvement. If funds administered by Ohio Public Works Commission are used for this improvement, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages.

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

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

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

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

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

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

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

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary

for the Improvement shall be made available therefor.

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

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

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

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

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

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

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

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

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

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public

highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

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

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

a) That the City will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, which shall conform to generally accepted engineering practices and principles.

b) That the City will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

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

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

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

f) That within the corporate limits of the City, the City hereby agrees to contribute fifty percent (50%) of the cost of construction, and one hundred percent (100%) of the cost of construction supervision, engineering, right-of-way, contract administration and construction determined not eligible by the Cuyahoga County Engineer's policies. That the City hereby agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is hereby authorized to enter into an escrow agreement with the Board of County Commissioners prior to an award of a contract for the improvement.

Section 8. That this Council hereby authorizes payment to the County of Cuyahoga for the City's share of the cost of the Improvement.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing the interim repair of the Columbus Road Verti-

cal Lift Bridge over the Cuyahoga River, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Director of Public Service 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 11. That the cost of the public improvement contract authorized above shall be paid from Fund Nos. 20 SF 353 and 20 SF 334, Request No. 24531.

Section 12. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 13. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 14. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 15. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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. 457-99.
By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Shaker Boulevard to the State of Ohio; authorizing the Director of Public Service to enter into any agreements relative thereto.

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

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

Section 1. That it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the Director of Trans-

portation of the State of Ohio (the "Director of Transportation") to make the following improvements in accordance with plans, specifications and estimates approved by said Director of Transportation: The repair and resurfacing of Shaker Boulevard (SR-87) from Woodhill Road to the East corporation line in the City of Cleveland, a distance of approximately 1.74 miles (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the Director of Transportation in the cost of the Improvement by assuming and contributing twenty percent (20%) of the cost and expense of the construction phase of this improvement determined to be eligible for State Highway Funds. In addition, the City agrees to assume and contribute one hundred percent (100%) of the cost of any work included in the construction contract, at the request of the City, which are in addition to those now existing and not provided for elsewhere in the Agreement.

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

Section 4. That upon completion of the Improvement, the City thereafter will keep the affected highway open to traffic at all times, and

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

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

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

d) Regulate parking in the following manner: Prohibit parking in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by local ordinance or resolution.

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

b) That the State will acquire any additional right-of-way required for the construction of the aforesaid Improvement.

c) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the State of Ohio.

d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary

sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of Ohio Department of Transportation Utilities Manual inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the State.

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

f) That the City hereby agrees to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section. Likewise the State agreed to accept responsibility for any and all damages or claims for which it is legally liable arising from the negligence of its officers, employees or agents in the performance of the City's obligations made or agreed to in this section.

g) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 Subpart B "Utility relocation and Adjustment" and the department of Transportation's Utilities Manual.

Section 6. That the Council of the City hereby requests the State to proceed with the Improvement.

Section 7. That this Council hereby authorizes payment to the State for the City's share of the cost of the Improvement.

Section 8. That the Clerk of Council is hereby authorized and directed to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 458-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of reclaimite asphalt rejuvenating agent, for the Division of Streets, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized 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 reclaimite asphalt rejuvenating agent 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 Streets, 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 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 21361)

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. 459-99.

By Councilman Sweeney (by request)

An emergency ordinance authorizing the Director of Public Service to issue a permit to Chelm Properties to encroach into the right-of-way of Sally Avenue for the First Development Stage of the Cleveland Business Park 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 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 Chelm Properties for the Cleveland Business Park Ltd., 31000 Aurora Road, Solon, Ohio 44139, its successors and assigns, for the construction, use and maintenance for the First Development Stage for the Cleveland Business Park Project; which will encroach into the remainder of the open portion of Sally Avenue as more fully described as follows:

LEGAL DESCRIPTION / SALLY AVENUE ENCROACHMENT AREA:

Situated in the City of Cleveland, County of Cuyahoga and the State

of Ohio and being part of The Kroehle Company's Westport Subdivision as recorded in Volume 111, Page 39 of Cuyahoga County Records and part of The Westport Subdivision Number 2 as recorded in Volume 161, Page 25 of Cuyahoga County Records. The parcel is further known as being part of Section Number 3 of Original Rockport Township, and bounded and described as follows:

Beginning at the intersection of the southerly right of way line of Sally Avenue (50.00 feet wide) and the easterly right of way line of State Highway 713 (175.00 feet wide);

Thence North 10°-20'-02" East, 179.43 feet along the easterly right of way line of State Highway Number 713 to a point of intersection with the north right of way line of Sally Avenue (50.00 feet wide);

Thence South 01°-53'-48" East, 103.61 feet to a point of curvature;

Thence southeasterly along the arc of a curve deflecting to the left, 37.94 feet to a point of tangency. Said curve having a radius of 25.00 feet and whose chord bears South 45°-22'-24" East a distance of 34.40 feet.

Thence South 88°-50'-59" East, 230.86 feet to a point;

Thence South 01°-09'-01" West 50.00 feet to a point of intersection of the east line of Sublot Number 5 and the south right of way line of Sally Avenue;

Thence North 88°-50'-59" West, 289.97 feet to a point on the east right of way line of State Highway Number 713 and being the beginning point;

Said parcel containing 16,151 square feet (0.3708 acres) of land, be the same more or less but subject to all legal highways, as surveyed by Terin J. Kaminski, Registered Surveyor Number 7207 (Ohio).

Bearings given are based on assumed meridian and are intended to describe angles only.

Remainder of Sally Avenue was vacated by Cleveland City Ordinance Number 1335-96 passed on July 17, 1996.

Section 2. That said First Development Stage for Cleveland Business Park will be located within the public right-of-way of Sally Avenue and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

Ord. No. 460-99.
By Councilmen Willis, Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar 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 Athersys, Inc. to provide economic development assistance to partially finance the acquisition of research and development equipment for its facility located at 11000 Cedar Avenue, Cleveland, Ohio.

Section 2. That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 460-99-A.

Section 3. That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 24299.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund Nos. 12 SF 958 and 17 SF 006.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 462-99.
By Councilman Jones.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15106 and 15110 Sunview; 15126 and 15130 Naples Avenue; and 15121 and 15125 Lincoln Avenue to Amistad Development Corporation or designee.

Whereas, the City of Cleveland adopted and implemented 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. 142-25-047 as more fully described in Section 2 below, to Amistad Development Corporation or designee.

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

P.P. No. 142-25-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in the Bella Villa Subdivision of part of Original Township Lot No. 104 as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records. Said Sublot has a frontage of 30 feet on Sunview Avenue as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-25-048 as more fully described in Section 4 below, to Amistad Development Corporation or designee.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 142-25-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 51 in Bella Villa Allotment of part of Original Warrensville Township Lot No. 104 as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, said Sublot has a frontage of 30 feet on the Southerly side of Sunview Avenue, S.E., and extends back of equal width, 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-27-021 as more fully described in Section 6 below, to Amistad Development Corporation or designee.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 142-27-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 188 in Bella Villa Allotment of part of Original Brooklyn Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 7. 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. 142-27-022 as more fully described in Section 8 below, to Amistad Development Corporation or designee.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 142-27-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 189 in Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat in Volume 28 of Maps, Page 22 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 142-27-104 as more fully described in Section 10 below, to Amistad Development Corporation or designee.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 142-27-104

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 275 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat of said Allotment in Volume 28 of Maps, Page 22 of Cuyahoga County Records. Said Sublot No. 275 a frontage of 30 feet on Lincoln Avenue (formerly Cleveland Avenue), and extends back of equal width 100 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 142-27-105 as

more fully described in Section 12 below, to Amistad Development Corporation or designee.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 142-27-105

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as Sublot No. 276 in the Bella Villa Allotment of part of Original Warrensville Township Lot No. 104, as shown by the recorded plat of said Allotment in Volume 28 of Maps, Page 22 of Cuyahoga County Records. Sublot No. 276 has a frontage of 30 feet on the Northerly side of Lincoln Avenue, S.E., (formerly Cleveland Avenue), and extends back of equal width 100 feet deep, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 14. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 15. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

Section 16. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 463-99.

By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into various agreements in support of the Cleveland City Council Archive Project, relating to the collection, cataloging and preservation of historical documents of the City of Cleveland.

Whereas, Cleveland City Council, through its archivist, is in possession of numerous historical documents relating to the history of the City of Cleveland; and

Whereas, the Council desires to collect, catalog and preserve these historical documents so that they

may be made available for City purposes and for the citizens of the City, and

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

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

Section 1. That the Clerk of Council is hereby authorized 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 Cleveland City Council in order to provide professional services necessary to collect, catalog, and preserve historical documents in the Cleveland City Council archives and to make such documents accessible to the City departments and members of the public.

Section 2. That the Clerk of Council is hereby authorized to enter into a lease of warehouse space for the collection, storage and cataloging of historical documents. The Clerk shall make provision for utilities, furniture and communication equipment for the space. The term of such lease shall not exceed two years.

Section 3. That the Clerk of Council is hereby authorized to enter into any agreements incidental and necessary to accomplish the Cleveland City Council Archive Project, including but not limited to the transportation of documents, the rental and/or purchase of equipment and furniture and the purchase of supplies.

Section 4. That, notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Clerk of Council may, on behalf of Cleveland City Council, accept gifts, either in cash or in kind services, to further the Cleveland City Council Archive Project; provided, however, that such gifts must be reported in The City Record. The amount of the gifts shall be credited to Council's budget to offset the cost of the Cleveland City Council Archive Project.

Section 5. That total cost for such services and purchases herein contemplated shall not exceed Twenty-Five Thousand Dollars (\$25,000.00) and shall be paid Fund No. 01 SF 001.

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 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 468-99.

By Councilman Cintron.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Blessed Sacrament Church to stretch banners across Fulton Road for the period from May 15, 1999 to June 15, 1999, inclusive, publicizing their Summer Carnival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Blessed Sacrament Church to install, maintain and remove a banner on Fulton Road at the second pole south of Storer Ave. (E pole type is steel) for the period from May 15, 1999 to June 15, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 464-99.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership and location of a D5 Liquor Permit to 1300 W. Ninth St., and repealing Res. No. 41-99, objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a D5 Liquor Permit to 1300 W. Ninth St., by Res. No. 41-99 adopted by this Council on January 11, 1999; and

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

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

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

Section 1. That objection to the transfer of ownership and location of a D5 Liquor Permit to 1300 W. Ninth St., be and the same is hereby withdrawn and Res. No. 41-99, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership and location thereof.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 465-99.

By Councilman Cintron.

An emergency resolution urging The MetroHealth System to permit a union representation campaign by the registered nurses to be conducted in an open, fair environment.

Whereas, the Council of the City of Cleveland recognizes that a healthy work environment characterized by mutual respect among co-workers and management is essential for businesses to operate properly and for employees to work to their fullest potential; and

Whereas, Council recognizes the right of employees to seek safe, fair and productive working conditions and to be remunerated equitably for their hard work; and

Whereas, the registered nurses at The MetroHealth System are dedicated to fulfilling the mission of MetroHealth by providing quality patient care to any resident of Cuyahoga County; and

Whereas, the registered nurses at MetroHealth have embarked on a union representation campaign to bring about improved working conditions in order to better fulfill their mission; now, therefore,

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

Section 1. That the Council of the City of Cleveland is supportive of safe and productive working conditions with equitable pay for all workers in the City of Cleveland and urges The MetroHealth System to permit the union campaign by the registered nurses to be conducted in an environment that is open, fair and in accordance with the law.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 466-99.

By Councilman Willis.

An emergency resolution urging the Ohio General Assembly to adopt more stringent laws relative to seat belts and to encourage law enforcement agencies to strictly enforce seat belt usage.

Whereas, in 1997, 1,015 children between the ages of 4 and 15 were killed in automobile crashes while riding unrestrained by a seat belt; and

Whereas, a panel of safety experts convened by U.S. Transportation Secretary Rodney Slater recommended that seat belt laws become more stringent and that greater attention is given to enforcement; and

Whereas, children are a precious resource that should be treasured and protected by the fullest extent of the law; and

Whereas, the Council of the City of Cleveland urges the Governor and State General Assembly to safeguard the interest of all children in the State of Ohio by adopting legislation to strengthen existing seat belt laws; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges the Governor and State General Assembly to adopt legislation requiring the use of seat belts at all times by all children, whether riding in the front or back seat of an automobile or other passenger vehicle.

Section 2. That the Council of the City of Cleveland urges the Governor and State General Assembly to adopt legislation requiring the manufacturers of automobiles sold in Ohio to replace worn out seat belts during the life of an automobile, regardless of whether the seat belts were defective, unless it can be conclusively determined that the seat belts were purposely misused or damaged.

Section 3. That the Council of the City of Cleveland urges all law enforcement agencies throughout the State of Ohio, including Cleveland police officers, to give heightened scrutiny to seat belt enforcement and use, particularly with respect to children.

Section 4. That the Clerk of Council is hereby requested to forward a copy of this Resolution to U.S. Transportation Secretary Rodney Slater, Governor Taft, Speaker JoAnn Davidson, Ohio Senate President Richard Finan, Attorney General Betty Montgomery, Ohio Director of Public Safety Maureen O'Connor and Cleveland Director of Public Safety Henry Guzman.

Section 5. 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 467-99.

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

An emergency resolution urging various agencies to permit a union representation campaign by the Head Start workers to be conducted in an open, fair environment.

Whereas, the Council of the City of Cleveland recognizes that a healthy work environment characterized by mutual respect among co-workers and management is essential for businesses to operate properly and for employees to work to their fullest potential; and

Whereas, Council recognizes the right of employees to seek safe, fair and productive working conditions and to be paid equitably for their hard work; and

Whereas, Council recognizes the right of workers to organize free from interference or intimidation; and

Whereas, Head Start workers are dedicated to enhancing the quality of child care for children in the City of Cleveland and throughout Cuyahoga County; and

Whereas, Head Start workers have embarked on a union representation campaign to bring about improved working conditions in order to better fulfill their mission of caring for children; now, therefore,

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

Section 1. That the Council of the City of Cleveland is supportive of safe and productive working conditions with equitable pay for all workers in the City of Cleveland and urges Catholic Charities Head Start, Community United Head Start, the Council of Economic Opportunities in Greater Cleveland, Ministerial Day Care Association, Neighborhood Centers Association, and West Side Ecumenical Ministry to permit the union campaign by the Head Start workers to be conducted in an environment that is open, fair, and neutral and in accordance with applicable laws, including the Head Start Act and the National Labor Relations Act.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 469-99.

By Councilman Lewis.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 1905 E. 55th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 6819329, Perkins Food & Deli Inc., 1905 E. 55th St., Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 6819329, Perkins Food & Deli Inc., 1905 E. 55th St., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

SECOND READING EMERGENCY ORDINANCES

Ord. No. 1143-98.

By Mayor White.

An emergency ordinance authorizing the Mayor to enter into an agreement with The City of Cleveland and Omni Outdoor & Company Limited Partnership, or its designee, to develop a system of informational kiosks to assist both tourists and local residents visiting cultural and other attractions in Cleveland's neighborhoods and downtown.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 2, on page 10, in Section 18., titled "Equal Employment Opportunity", in Section 18.1, line 5, strike "thirty percent (30%)" and insert in lieu thereof "fifteen percent (15%)".

2. In Section 2, on page 10, in Section 18., titled "Equal Employment Opportunity", in Section 18.1, lines 7 and 8, strike "ten percent (10%)", and insert in lieu thereof "five percent (5%)".

3. In Section 2, on page 11, in Section 18., titled "Equal Employment Opportunity", in the second paragraph of Section 18.1, lines 3 and 4,

strike "by thirty (30%) percent and ten percent (10%), respectively" and insert in lieu thereof, "by fifteen percent (15%) and five percent (5%), respectively".

Amendments agreed to.

Ord. No. 2101-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program.

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

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

"Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Public Health shall appear before the Council Committee on Public Health to identify how the funds will be used."

2. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

Ord. No. 2114-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with the Center for Employment Training — Cleveland, Inc. to partially finance an employment training program which will offer job training and support services to the long-term unemployed and will serve Empowerment Zone residents.

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

Ord. No. 2167-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of upgrading the heating boilers at the Nottingham Waterworks Facility, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

Ord. No. 2183-98.

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

An emergency ordinance appropriating funds obtained from Norfolk Southern; determining the method of making the public improvement of constructing railroad grade separations at Nottingham/Dille Road and London Road; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public 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.

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

Ord. No. 136-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract without competitive bidding with Compaq Computer Corporation, f.k.a. Digital Equipment Corp. for maintenance service on Digital equipment and software, for the Department of Community Development.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 1, line 7, strike "2001" and insert in lieu thereof "2000".

Amendment agreed to.

Ord. No. 172-99.

By Councilman Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1065-98, passed July 29, 1998, relating to the procurement by requirement contract of the rental of digital multi-functional copier/printers and analog copiers for the various divisions of City government.

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

Ord. No. 178-99.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1999 Title III-B G.O.W. / Supportive Services / Chore Worker Program.

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

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

"Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Aging shall appear before the Council Committee on Public Health to identify how the funds will be used."

2. Renumber existing Section 3 to new "Section 4".

Amendments agreed to.

Ord. No. 191-99.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Kennametal, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and consolidate its operations to 18105 Cleveland Parkway, Cleveland, Ohio in the Cleveland Area Enterprise Zone.

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

Ord. No. 192-99.

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

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept grants from the George Gund Foundation, the Cleveland Foundation, and Cleveland Tomorrow for the Cleveland Downtown Plan Implementation Studies Program; and authorizing the employment of consultants in conjunction with the Program.

Approved by Directors of City Planning Commission, Finance, Law; Recommended by Committees on City Planning, Finance; when amended as follows:

1. In Section 3, line 13, between "Control" and the period insert the following: **"and shall not exceed the dollar amount of the grants received and appropriated for this purpose"**.

2. In Section 3, at the end, add the following new sentence: **"The Director of City Planning shall not present a resolution to the Board of Control for the selection of a consultant until the Director first reports to this Council on the proposals received, the proposed scope of work, the proposed compensation, and the Director's recommendation for a selection. Any contract entered into under this authority shall include a provision requiring that the consultant(s) report back to this Council at least quarterly."**

Amendments agreed to.

Ord. No. 193-99.

By Councilmen Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept grants from the George Gund Foundation, the Cleveland Foundation, and from other public and private entities for the Census 2000 Complete Count Program; and to enter into contract with Neighborhood Centers Association of Cleveland to implement the program.

Approved by Directors of City Planning Commission, Finance, Law; Recommended by Committees on City Planning, Finance; when amended as follows:

1. In Section 1, at the end, insert the following sentence: **"When grant funds are received, the City Planning Council Committee shall be notified via letter."**

Amendment agreed to.

Ord. No. 241-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of de-icer, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

Ord. No. 242-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

on Public Parks, Property and Recreation, Finance.

Ord. No. 243-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program.

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

Ord. No. 245-99.

By Councilmen Gordon and Johnson (by departmental request).

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

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

Ord. No. 246-99.

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

"Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Public Health shall appear before the Council Committee on Public Health to identify how the funds will be used."

2. Renumber existing Section 3 to new **"Section 4"**.

Amendments agreed to.

Ord. No. 255-99.

By Councilman Johnson (by departmental request).

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

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

Ord. No. 256-99.

By Councilman Johnson (by departmental request).

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

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

Ord. No. 259-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into

contract with Salvation Army, for administrating and facilitating recreational services in Wards 10 and 11, for the Department of Parks, Recreation and Properties.

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

1. In the title, line 6; and in Section 1, line 6, strike "Wards 10 and" and insert in lieu thereof **"Ward"**.

2. In Section 1, in line 6, strike "\$50,000" and insert in lieu thereof **"not to exceed \$55,000"**.

Amendments agreed to.

Ord. No. 260-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

Ord. No. 265-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

Ord. No. 266-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

1. In Section 2, in line 2, strike "\$25,000" insert in lieu thereof **"\$35,000"**.

2. In Section 1, at the end, insert the following new sentence: **"The program shall be conducted at various locations in the City which shall include without limitation, Warsaw Park, Forest Hills, and a location in Ward 1 acceptable to the Councilman."**

Amendments agreed to.

Ord. No. 317-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of landfill, transfer station or material recovery facilities for the direct haul and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

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

Ord. No. 318-99.

By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of reconstructing the Ridge Road Transfer Station; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public improvement; authorizing the purchase by requirement contract of equipment, furniture, communication and security systems, and other incidentals necessary for this improvement; and authorizing said director to apply for and accept grants from various entities necessary for this improvement.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance; when amended as follows:

1. In Section 6, line 2, after "contemplated" insert "**shall not exceed an estimated amount of \$9.4 million dollars and shall**".

Amendment agreed to.

Ord. No. 320-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 1999 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with various non-profit organizations for the implementation of said Program.

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

Ord. No. 321-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with ParkWorks, formerly Clean-Land, Ohio, to conduct a vacant lot maintenance program for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year, with a one year option to renew.

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

1. In Section 1, at the end, insert the following new sentence: "**The cost of the initial 1-year term of the contract authorized by this ordinance shall not exceed two hundred and twenty-seven thousand dollars (\$227,000.00).**"

Amendment agreed to.

Ord. No. 322-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

1. In Section 1, lines 5 and 6, strike "in the approximate amount as purchased during the preceding year" and insert in lieu thereof "**in an amount not to exceed \$50,000**".

Amendment agreed to.

Ord. No. 360-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various data entry services to convert 1997 and 1998 wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes, for the Division of Taxation, Department of Finance.

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

Ord. No. 386-99.

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

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Empowerment Zone Program, as amended; and to enter into all contracts and related documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Mid-Town Cleveland, or their designees, for implementation of the Empowerment Zone Program, as amended.

Approved by Directors of Economic Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 1, at the end, strike the period and insert the following: "**, and in accordance with File No. 386-99-A.**".

Amendment agreed to.

Ord. No. 424-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance Nos. 938-97, 939-97, 1076-97 and 1181-97, passed June 16, 1997, relating to economic development assistance contracts with various entities.

Approved by Directors of Economic Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance; when amended as follows:

1. In Section 1, line 10, strike "22297" and insert in lieu thereof "**22296**".

2. In Section 3, line 10, strike "22296" and insert in lieu thereof "**22297**".

3. In Section 7, line 8, strike "Two Million Dollars (\$2,000,000.00)" and insert in lieu thereof the following: "**One Million Two Hundred Thousand Dollars (\$1,200,000.00)**".

Amendments agreed to.

**SECOND READING
EMERGENCY RESOLUTIONS****Res. No. 1271-98.**

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all that portion of East 53rd Street.

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

Res. No. 1616-98.

By Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate all that portion of Star Court S.W.

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

Res. No. 36-99.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate all that portion of Rockwell Avenue N.E.

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

**SECOND READING EMERGENCY
ORDINANCES PASSED****Ord. No. 2112-98.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7701 Bancroft Avenue to Thomas C. Horwath.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2113-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2962 West 14th Street to James P. Pitcher.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2126-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8618 Harkness Road to Dennis Bogard.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2127-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1627 East 50th Place to Anthony R. Hope.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2128-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at the southerly half of 1704 East 82nd Street to Eric Driskell.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2129-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1011 East 76th Street to Harold E. Eberhard and Margaret Eberhard.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In the title, line 5, and in Section 1, line 3, strike "Harold E." and insert in lieu thereof "Harold F."

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2130-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1909 East 69th Street to Mattie Mae Adams and Taze Adams.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2131-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program

and located at 8210 Bellevue Avenue to Louise Worthy.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2132-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1402 East 86th Street to Barbara A. Bryant.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2133-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6405 Belvidere Avenue to Sylvester Ivory.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2180-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1834 East 65th Street, 1848-50 East 65th Street, 6407 Euclid Avenue, 1857, 1843-45 East 63rd Street, 1835 East 63rd Street and 1827 East 63rd Street to MPC Platting Incorporated.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2181-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4633 East 173rd Street to Rose L. Whaley and Sherman L. Whaley.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 2182-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6701 Chambers Avenue to John T. Rzczycki and Kathleen Rzczycki.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 104-99.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1982 West 100th Street to Revco Discount Drug Center.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 5, at the end, add the following new sentence: "**This parcel shall be conveyed with the restriction that no liquor shall be sold on the property by the Grantee, its affiliates, successors, assigns or transferees without prior approval of this Council.**"

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 185-99.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Personnel and Human Resources to employ one or more temporary employment agencies, to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties for a period of one year.

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

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 413-99.

By Councilman Britt (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Case Western Reserve University to encroach into the right-of-way on Murray Hill Road S.E. with ornamental light poles, plant bed curbs, benches, concrete walks, brick pavers and landscaping for their South Campus Village Phase II Project.

Approved by Directors of Public Service, City Planning Commission, Law; Relieved of Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

Ord. No. 423-99.
By Councilmen Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in the Village of Highland Hills to Mt. Zion Fellowship of the Brethren.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In Section 2, at the end, add the following new sentence: **"The proceeds of the sale shall go into a fund for the Division of Recreation, Department of Parks, Recreation and Properties, and the City shall retain a right of first refusal subsequent to any transfer of said property."**

Amendment agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

**SECOND READING
ORDINANCE PASSED**

Ord. No. 2060-98.
By Councilman Cintron.
An ordinance to establish a Planned Unit Development Overlay District and approve the corresponding Planned Unit Development project on properties located at the northeast corner of West 32 Street and Clinton Avenue and shown as Map Change No. 1984, Sheet No. 1 and to change the Use, Area and Height Districts of said parcel. (Map Change No. 1984, Sheet No. 1)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning; when amended as follows:

1. In Section 4, strike the last line in its entirety and insert the following: **"Use District and a 'D' Area District."**

Amendment agreed to.
The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0

**THIRD READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 2184-98.
By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a grant from the Ohio Bureau of Employment Services for the JTPA Employment and Training Assistance for Dislocated Workers Program; and to enter into contract with the United Labor Agency to implement the program.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 134-99.
By Councilman Johnson (by departmental request).

An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1999.

Read third time. Passed. Yeas 17. Nays 2.

Those voting yea were Councilmen: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Melena, O'Malley, Patmon, Polensek, Robinson, Sweeney, Westbrook, Willis and Zone.

Those voting nay were Councilmen: Dolan and Rybka.
Absent: Councilmen Lewis and White.

Ord. No. 171-99.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of maintenance for computer system hardware, for the Division of Information System Services, Department of Finance.

Read third time. Passed. Yeas 19. Nays 0.

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

An emergency ordinance authorizing the purchase by requirement contract of presort mail service, for the various divisions of City government, for a period not to exceed two years.

Read third time. Passed. Yeas 19. Nays 0.

Ord. No. 307-99.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of pagers, including paging service, for the various divisions of City government, for a period not to exceed three years.

Read third time. Passed. Yeas 19. Nays 0.

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Fannie Lewis and Councilman Robert White be and is hereby authorized.

The Council adjourned at 9:10 p.m. to meet on Monday, March 29, 1999 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 1143-98.
By Mayor White.

An emergency ordinance authorizing the Mayor to enter into an agreement with The City of Cleveland and Omni Outdoor & Company Limited Partnership, or its designee, to develop a system of informational kiosks to assist both tourists and local residents visiting cultural and other attractions in Cleveland's neighborhoods and downtown.

Whereas, the number of cultural and other attractions to both tourists and local residents has increased in Cleveland's neighborhoods and downtown over the past decade, causing an increase in pedestrian and other traffic in these areas;

Whereas, directional and path-finding maps would be beneficial to these pedestrians and other travelers;

Whereas, City officials have been working with a company to develop a system of informational kiosks for Cleveland;

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

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

Section 1. That notwithstanding any other ordinance or Codified Ordinance to the contrary, the Mayor is hereby authorized to enter into an Agreement with Omni Outdoor & Company Limited Partnership, or its designee, for the design, construction, installation and maintenance of a network of kiosks providing directional and other information to be located throughout the City.

Section 2. That the Agreement authorized by Section 1 of this ordinance shall be substantially in the form as follows:

**AGREEMENT BY AND BETWEEN
THE CITY OF CLEVELAND
AND
OMNI OUTDOOR & COMPANY
LIMITED PARTNERSHIP**

THIS AGREEMENT ("Agreement") is made this _____ day of _____, 1998, by and between THE CITY OF CLEVELAND ("City" or "Cleveland"), a municipal corporation organized and existing under Article XVIII of the Ohio Constitution, and OMNI OUTDOOR & COMPANY LIMITED PARTNERSHIP ("Company"), a duly organized limited partnership.

Whereas, Cleveland desires a network of directional and informational kiosks to be located throughout the City to provide information to pedestrians and other travellers about the City and its cultural and other attractions;

Whereas, the Company has proposed to develop, design, construct, install and maintain a network of directional and informational kiosks for the City of Cleveland;

Now therefore, in consideration of the mutual covenants contained herein, Cleveland and Company agree as follows:

1. PURPOSE

1.1 Cleveland shall allow, pending the appropriate permits, the Company to install on an exclusive basis in the City a network of a maximum of 175 kiosks, subject to the option set out in section 2.4 herein ("Network"), at only those locations identified in attached Exhibit A [which Exhibit A is contained in Council File No. _____], provided that each location shall satisfy the location criteria stated in section 4.3 herein.

2. KIOSKS

2.1 The Company shall assume the costs of designing, manufacturing and installing the Network of kiosks (maximum of 175 kiosks or 275 if option exercised) at only the locations identified in attached Exhibit A, provided that each location shall satisfy the location criteria stated in section 4.3 herein.

2.2 The Company shall obtain all required permits from the City, prior to construction of the kiosks. The Company shall also obtain, prior to construction, approval of the draw-

ings and the design of the kiosks. The City may require, at the Company's expense, reasonable and required changes to such drawings and design before their final approval.

2.3 The Company shall submit to the City, for approval a prototype of each type of kiosk.

2.4 The City acknowledges that the Company would like to expand the Network by one hundred (100) kiosks in the six (6) years following the execution of the Agreement. However, Company understands and agrees that any expansion whatsoever shall be subject to the approval of the City at the time of the proposed expansion. It is understood that any additional kiosk shall be located on a site which is mutually agreed to between the City and the Company, provided that each new location shall satisfy the location criteria stated in section 4.3 herein.

3. MATERIALS

3.1 The kiosks shall be manufactured and installed by suppliers and with materials selected by the Company but approved by the City. The Company shall use its best efforts to use Cleveland and local suppliers and materials. However, all suppliers shall be located in the United States and all materials shall be purchased in the United States.

3.2 The materials used in the construction process shall be new and according to the specifications contained in the drawings.

3.3 If the Company wishes to substitute materials used in the manufacturing of the principal components of the kiosks with other materials, the Company shall request the approval of the City and provide appropriate specifications and details. The City shall have final authority to approve or disapprove the substitutions of materials. The City shall inform the Company of its decision within thirty (30) days of the receipt of all the documents requested by the City.

4. INSTALLATION AND LOCATION

4.1 The kiosks shall be installed by the Company or its representatives in conformity with all municipal, state and federal regulations and laws.

4.2 The Company shall assume all of the installation costs and all other costs required to displace or alter the infrastructure in order to permit the Company to install a kiosk.

4.3 Kiosks shall be located so that there is a clear zone of four (4) feet around all sides of each kiosk, except for any side which faces a street. There must be a clear zone of two (2) feet from any curb, measured from the back of the curb. The width of unobstructed walkway around any kiosk shall be ten (10) feet in the Central Business District and six (6) feet in all other districts. The minimum distance of any kiosk from a handicap curb ramp, utility pole, tree, fire hydrant or stand pipe shall be five (5) feet. Kiosks shall not be located on any existing utility chase. Kiosks must be located in, and centered in, the amenity strip where one exists. Kiosks shall not be located in curb radii at intersections. Kiosks shall not be located immediately in front of building entrances so as to impede ingress or egress. Kiosks shall not block motorist sight lines at intersections. Kiosks shall not

block motorists' view of regulatory signs, traffic signals, or street name signs.

4.4 The Director of Public Service or the Director of Public Safety may vary any location requirement over which either may have jurisdiction so long as the variation will not compromise public safety.

5. ELECTRIFICATION

5.1 Each kiosk shall be lit up twenty four (24) hours a day.

5.2 The supply of electricity to each kiosk shall be underground.

5.3 The Company shall assume the costs of the installation of and charges for electrical service to each kiosk.

5.4 The City shall facilitate negotiations between the Company and the electric utilities to ensure that the kiosks can be properly electrified. The Company shall seek competitive proposals from Cleveland Public Power ("CPP") for electric service to the kiosks. The Company shall give due consideration to using the services of CPP for electricity whenever a CPP connection is available and its rates are equal to or lower than any other utility company providing the same services.

6. MAPS AND SIGNS

6.1 The Company shall finance up to fifty seven thousand dollars (\$57,000) of the costs associated with the printing of the maps and up to seventy-five thousand dollars (\$75,000) of the costs associated with the design and printing of the tourist orientation signs. If it appears either dollar amount will be exceeded for the design and printing of the required tourist orientation and public information signs, the Company shall notify the City. The City shall not be required to expend any funds to make the required tourist orientation and public information signs. The Company shall be entitled to deduct said amounts from the royalty payments to be made to the City.

6.2 The Company shall obtain the approval of the City of the proofs of each map and tourist orientation sign.

7. INSTALLATION TIMETABLE

7.1 The Company shall complete the installation of all or substantially all of the kiosks in the Network within six (6) months from the execution of the Agreement.

8. MAINTENANCE

8.1 The Company shall assume, during the term of the Agreement, the costs associated with the maintenance of the kiosks and in particular shall:

8.1.1 Verify periodically the state of construction and replace the damaged materials;

8.1.2 Clean the kiosks every fourteen (14) days.

8.1.3 Subject to the following, make any and all necessary repairs and maintenance to the kiosks caused by vandalism or otherwise. The Company shall budget an annual cumulative amount of four hundred dollars (\$400) for each kiosk for such repairs and maintenance. Should the amount incurred for maintenance and repairs for the Network exceed the total budgeted amount referred to above (\$56,000 @ \$400 per kiosk) for any two consecutive years during the term of the Agreement, as demonstrated by reasonable documentation provided to

the City, the City agrees that, at the beginning of the subsequent year, it will allow the Company to relocate any kiosk or group of kiosks in the Network which incurred during said period maintenance costs substantially in excess of the average maintenance costs for other locations in the Network. Such relocation shall be solely funded by the Company. The City agrees to use its best efforts to find mutually acceptable sites for such relocations having at least the same commercial value to the Company. Relocation to the new sites shall be conditioned on the appropriate permits.

8.1.4 Paint the damaged parts of the kiosks at least twice a year.

8.1.5 Remove snow around a perimeter of at least twelve (12) inches around any kiosk within twenty four (24) hours of any snowfall of at least four (4) inches.

8.1.6 Maintain a twenty four (24) hour emergency service for the purpose of insuring the security of the public.

8.1.7 Make the following repairs within two (2) business days of a written notice from the City, which written notice need not be by regular mail:

8.1.7.1 replace all broken glass;

8.1.7.2 repair all lighting defects;

8.1.7.3 repair all structural defects.

8.2 In the event that the Company does not undertake such repairs within the delays, the City shall have the right to undertake such repairs at the Company's expense.

9. ACCESS TO INFRASTRUCTURE, MOVING OF KIOSKS

9.1 The City shall have the right, at all times to require a temporary displacement of a kiosk by giving a one (1) day written notice to the Company, which written notice need not be by regular mail, for normal repairs and maintenance of its infrastructure. In the case of an emergency, the City shall only be required to provide a four (4) hour notice to the Company, which notice may be oral or written and need not be by regular mail. The Company shall assume the costs of such temporary displacement and will deduct such costs from the royalties payable to the City under the Agreement.

9.2 The City shall have the right to request the permanent displacement of kiosks for the construction of streets, parks and public places and as may be legally necessary to preserve and maintain the public rights of way in trust for public purposes. The Company shall move the kiosks within thirty (30) days of a written notice by the City. The Company shall assume the costs of such displacement and will deduct such costs from the annual royalties payable to the City under the Agreement.

9.3 In the case where a kiosk is relocated, the City shall use its best efforts to approve a new site that is of an equivalent or superior advertising value to the Company than the previous site.

9.4 In the case of any displacement requested by the City, the City shall use its best efforts to propose and find another site for such kiosk within two (2) months of the written notice by the City under section 9.2 hereof.

9.5 In the case of any displacement required by the Company, the Company shall assume all costs related to the displacement of the kiosks and repairs to the sites.

9.6 The Company shall assume the loss of income resulting from the displacement of a kiosk during the first ten (10) days following the date of such displacement. If the displacement is requested by the City, the City shall assume, as of the eleventh (11th) day and up to the reinstallation of the kiosk, the loss of income to be established at seventy (70%) of the advertising value of the removed kiosk. This loss of income shall be deducted from the royalties.

10. SECURITY

10.1 The Company or an affiliate shall provide to the City and maintain in force an irrevocable letter of guarantee for an amount of one million dollars (\$1,000,000) upon execution of the Agreement and for the duration of the construction period of the kiosks.

10.2 The Company or an affiliate shall provide to the City and maintain in force an irrevocable letter of guarantee for an amount of one hundred thousand dollars (\$100,000) to secure the maintenance obligations of the Company. This amount will be increased each year in accordance with the cost of living index applicable to the Cleveland area.

10.3 The Company shall undertake to assume the defense of the City in respect of each claim or proceeding against it and indemnify, and hold the City harmless, from any liability relating to any accident or damage resulting from the kiosks, except if the accident or damage is caused by the sole negligence of the City.

10.4 The City will assume no responsibility as a result of any accident caused by a default in the construction or maintenance of a kiosk.

10.5 The Company shall maintain in force, for the duration of the Agreement, civil and property liability insurance in the amount set out in section 10.6. The City shall be named as an additional insured under such policies.

10.6 Such insurance policy shall provide a four million dollar (\$4,000,000) coverage per event or per accident.

10.7 The Company shall assume all the costs relating to the insurance.

11. USE OF KIOSKS

11.1 Each kiosk shall have a face destined for tourist orientation and public information. The City may make use of this face without charge for such purposes.

12. TAXES AND ROYALTIES

12.1 The Company shall assume and pay all taxes (including property taxes) and royalties relating to the manufacturing, installation and maintenance of the kiosks and the sale of advertising or all obligations resulting directly or indirectly from the Agreement.

12.2 Each year, within three (3) months following the end of its financial year, the Company shall pay to the City the following royalties:

12.2.1 a ten percent (10%) royalty on all gross revenues generated from the Network throughout the term of the Agreement;

12.2.2 beginning year four (4), a further royalty equal to thirty five percent (35%) of all gross revenues in excess of one million dollars (\$1,000,000) gross revenue per annum provided that the one million

dollars (\$1,000,000) will be increased each year to reflect the cost of living index applicable to the Cleveland area applied to seven hundred thousand dollars (\$700,000) of fixed costs.

12.3 The above royalties in section 12.2 are conditional upon having 175 kiosks, or a lesser mutually agreed upon number, of which it is contemplated there will be ___ kiosks of three (3) faces and ___ kiosks of two (2) faces, generating ___ advertising faces at a cost of \$ _____. Of said cost of \$ _____, \$ _____ would be recuperated by the Company from royalties payable to the City under the Agreement.

12.4 The Company shall provide access to the City to five percent (5%) of its kiosk inventory for the City's own use and not for resale. The Company and the City shall mutually agree as to the location and use of such inventory.

12.5 The Company shall maintain separate financial books and records for the Network.

12.6 The City's auditors shall have access to the books and records maintained by the Company required to determine the revenues generated by the Network. Such inspection shall occur during normal business hours and after having provided the Company with a reasonable prior written notice.

12.7 The Company's recourse for collection of any costs financed by it for the City shall be solely against the royalties. The City shall never be responsible to pay any money to the Company for costs financed by it for the City.

13. TERMINATION OF THE AGREEMENT

13.1 The City shall be entitled to terminate the Agreement if the Company is in default and has not remedied such default within thirty (30) days of a written notice from the City.

13.2 Without limiting the generality of the foregoing, the Company shall be in default if it:

13.2.1 does not respect the installation timetable for the kiosks, except if the delays result from the fault or negligence of the City or of a public utility Company;

13.2.2 refuses or neglects to remove materials forming part of a kiosk not approved by the City or not in accordance with the Agreement;

13.2.3 becomes bankrupt or insolvent, which is determined to have happened upon the filing, execution or occurrence of (a) a petition or other proceeding by, or a finding against, it for its dissolution, reorganization or liquidation, (b) a petition in bankruptcy by it, (c) an adjudication of it as bankrupt or insolvent, or (d) an assignment or petition for assignment for the benefit of creditors;

13.2.4 does not meet its obligations provided for in the Agreement;

13.2.5 does not complete the installation of the Network;

13.2.6 transfers the rights to the Agreement without the consent of the City.

13.3 Upon the happening of any one or more of the events as set forth in section 13.2 or at any time thereafter during the continuance thereof, the City may, at its option, exercise concurrently or successively any one or more the following rights and remedies, in addition to its right to terminate as stated in section 13.1.

13.3.1 Without waiving any default, pay any sum required to be paid by Company to others than the City and which Company has failed to pay, and perform any obligation required to be performed by Company hereunder, and any amounts so paid or expended by the City in fulfilling the obligations of Company hereunder, including all interest, costs, damages, attorneys' fees and penalties, shall be repaid by Company to the City on demand with interest thereon at the rate of twelve percent (12%) per annum from the date of such payment or expenditure;

13.3.2 Enjoin any breach or threatened breach by Company of any covenants, agreements, terms, provisions or conditions hereof;

13.3.3 Sue for the collection of any amounts for which Company may be in default or for the performance of any other obligation, promise or agreement devolving upon Company for performance or damage therefor, all without terminating this Agreement;

13.3.4 Exercise any and all additional rights and remedies which the City may have at law or in equity.

13.4 All rights and remedies granted to the City herein and any other rights and remedies which the City may have at law and in equity are hereby declared to be cumulative and not exclusive and the fact that the City may have exercised any remedy without terminating this Agreement shall not impair the City's rights thereafter to terminate or to exercise any other remedy herein granted or to which it may be otherwise entitled.

13.5 At the termination of the Agreement, the City becomes owner of all the kiosks, the accessories, the maps and signs without any charge or indemnity payable to the Company.

14. DURATION OF THE AGREEMENT

14.1 The Agreement shall be for a term of twenty (20) years following its execution.

14.2 The Company agrees to assign to the City all kiosks, the accessories and the plans and signs at the earliest of one or the other of the following events:

14.2.1 at the twentieth (20th) anniversary of the Agreement;

14.2.2 prior thereto, should the Company not remedy a default provided for in section 13 hereof.

14.3 At the termination of the Agreement, the Company shall have no obligation to remove the kiosks or any further obligation towards the City, with the exception of any obligations arising out of the City's remedies for default or any obligations that are unfulfilled.

14.4 The City shall take possession of the kiosks without any payment or monetary obligations toward the Company.

15. POSTING

15.1 The Company shall be responsible for the entering into advertising contracts.

15.2 The Company acknowledges and agrees that it shall not post or allow to be posted any advertising of tobacco products on the Network. The Company agrees to comply with any municipal, state or federal legislation which imposes certain restrictions on the advertising of products, including the advertising of alcoholic beverage products.

The Company further agrees that no kiosk will contain more than one advertisement face for alcohol beverage products and that alcohol beverage product advertising will not be predominant on any group of kiosks in any given area. The Company and the City agree to work out an acceptable formula or ratio in connection with such advertising.

15.3 The Company undertakes to take up the defense for the City in respect of any claims or proceedings against the City resulting from advertising contracts entered into by the Company.

16. ASSIGNMENT

16.1 The Company may not assign, transfer, convey, sell or pledge its rights or interests in this Agreement or any part thereof, or any right or privilege created hereunder, except that Company shall be allowed to assign its rights to execute this Agreement to an affiliate or subsidiary of the Company.

17. CURRENCY

17.1 All dollar amounts referred to herein are in United States dollars.

18. EQUAL EMPLOYMENT OPPORTUNITY

18.1 Company acknowledges that it is the policy of the City that business concerns owned and operated by minority persons and females shall have every practicable opportunity to participate in the performance of contracts awarded or assisted by the City. Company shall use its best efforts to award **Fifteen percent (15%)** of the construction contracts and supplier purchase orders for the Network to minority owned business enterprises and **five percent (5%)** of the construction contracts and supplier purchase orders for the Network to female owned business enterprises ("MBE/FBE"), as those phrases are defined in Section 187.01 of the Codified Ordinances of the City of Cleveland, that have been certified by the City's Office of Equal Opportunity ("MBE/FBE Participation Requirements"). Exemptions may be granted by the City on contracts for purchase and installation of specialized equipment or materials installed by the manufacturer. Company shall make a good faith effort to obtain any exemption from the City prior to the execution of the contract for the purchase and installation of such specialized equipment or materials, but in no event shall an exemption be obtained later than the commencement of construction of the Network component for which the exemption is being sought.

The MBE/FBE Participation Requirement shall be equal to the total dollar amount of construction contracts, and supplier purchase orders less approved exemptions multiplied by **fifteen percent (15%)** and **five percent (5%)**, respectively. To verify the award of MBE/FBE contracts, Company shall submit to the City copies of all contracts, subcontracts, purchase orders, lien waivers or other evidence of payment acceptable to the City.

Materials and supplies obtained from MBE/FBE suppliers and manufacturers may be counted towards fulfilling the MBE/FBE Participation Requirements if the MBE/FBE assumes the actual and contractual responsibility for the provision of the materials and supplies. The total dollar value will be counted in the

case of MBE/FBE manufacturers and suppliers, provided that the MBE/FBE supplier performs a commercially useful function in the supply process. An MBE/FBE firm who performs a commercially useful function is one who supervises, manages or actually performs a distinct element of the work.

18.2 This Agreement is a "contract", and Company is a "contractor" within the meaning of Chapter 187 of the Codified Ordinances of Cleveland. During the term of this Agreement, Company shall comply with all terms, conditions and requirements imposed on a "contractor" in the Equal Opportunity Clause, Section 187.11(b), attached as Exhibit B and made a part hereof. A copy of the Equal Opportunity Clause shall be made a part of every subcontract or agreement entered into for goods or services, and shall be binding on all persons, firms and corporations with whom Company may deal.

19. WORKERS' COMPENSATION; SOCIAL SECURITY ACT

19.1 Company shall at all times during the term of this Agreement subscribe to and comply with the Workers' Compensation Laws of the State of Ohio and pay such premiums as may be required thereunder and save the City harmless from any and all liability arising from or under said act.

19.2 Company shall be, and remain, an independent contractor with respect to all installations and services performed hereunder and shall accept full and exclusive liability for the payment of any and all contributions or taxes for social security, unemployment insurance, or old age retirement benefits, pensions, or annuities now or hereafter imposed under any State or Federal law which are measured by the wages, salaries or other remuneration paid to persons employed by Company or work performed under the terms of this Agreement. Company shall obey all rules and regulations which are now or hereafter issued or promulgated under said respective laws by any duly authorized State or Federal officials. Company shall indemnify and save harmless the City from any such contribution of taxes or liabilities therefor.

20. NOTICES

20.1 All notices shall be sent by regular mail, postage prepaid, to the following addresses.

20.2 Notices to the City shall be delivered or addressed to it at:

or to such other person or place as the City may designate in writing.

20.3 Notices to the Company shall be delivered or addressed to it at:

or to such other person or place as the Company may designate in writing.

21. CONSTRUCTION OF AGREEMENT

21.1 All terms and words used in this Agreement, regardless of the number and gender in which they are used, shall be deemed and construed to include any other number, singular or plural, and any other gender, masculine, feminine or neuter, as the context or sense of this Agreement or any paragraph or clause herein may require, the same as if such words have been fully and properly written in the number

and gender. Company agrees that no representation or warranties of any type shall be binding upon the City, unless expressly authorized in writing herein. The headings of sections and paragraphs, if any, to the extent used herein are used for reference only, and in no way define, limit or describe the scope or intent of any provision hereof. This Agreement may be executed in any number of counterparts, each of which, when so executed and delivered, shall be deemed an original, but such counterparts together shall constitute but one and the same instrument. Exhibits A and B attached hereto are hereby incorporated in and made a part of this Agreement.

21.2 This Agreement supersedes all prior Agreements between the parties respecting the subject matter of this Agreement, both written and unwritten, and constitutes the entire Agreement between the parties as of the date hereof. Any provisions of prior Agreements which conflict in any manner with the provisions of this Agreement are hereby specifically declared void and of no effect.

21.3 This Agreement shall not be changed, modified, discharged or extended except by written instrument executed by both parties pursuant to the laws of the State of Ohio and the ordinances and charter of the City.

21.4 If any term or provision of this Agreement is held invalid, illegal or unenforceable by any court of competent jurisdiction, the invalidity, illegality or unenforceability shall not affect any other term of provision hereof. This Agreement shall be interpreted and construed as if such term or provision, to the extent it has been held invalid, illegal or unenforceable, had never been contained herein.

23.5 Nothing contained in this Agreement shall be deemed to constitute the City and Company as partners in a partnership or joint venture for any purpose whatsoever.

23.6 This Agreement shall be construed in accordance with the laws of the State of Ohio.

IN WITNESS WHEREOF, the parties have caused this instrument to be executed as of the day and year first above written.

CITY OF CLEVELAND
By Michael R. White
Mayor

Date: _____

OMNI OUTDOOR & COMPANY
LIMITED PARTNERSHIP

By: _____

Date: _____

WITNESSES

The legal form and correctness of this instrument is approved.

SYLVESTER SUMMERS, JR.
Director of Law

By: _____
Assistant Director of Law
Date: _____

Section 3. That the Mayor and the Director of Law and other appropriate City officials are hereby authorized to file all papers and execute all documents and take such other actions as may be necessary for the purpose of implementing the terms and conditions of this Agreement authorized in 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.

Ord. No. 2101-98.
By Councilmen Gordon and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 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 approximate amount of \$75,884.00, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 1999 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. 2101-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Public Health shall appear before the Council Committee on Public Health to identify how the funds will be used.

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.

Ord. No. 2114-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with the Center for Employment Training — Cleveland, Inc. to partially finance an employment training program which will offer job training and support services to the long-term unemployed and will serve Empowerment Zone residents.

Ord. No. 2167-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of upgrading the heating boilers at the Nottingham Waterworks Facility, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

Ord. No. 2183-98.
By Councilmen Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance appropriating funds obtained from Norfolk Southern; determining the method of making the public improvement of constructing railroad grade separations at Nottingham/Dille Road and London Road; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public 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.

Ord. No. 136-99.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract without competitive bidding with Compaq Computer Corporation, f.k.a. Digital Equipment Corp. for maintenance service on Digital equipment and software, for the Department of Community Development.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Compaq Computer Corporation, f.k.a. Digital Equipment Corp. Therefore, the Director of Community Development is hereby authorized to make a written contract with said Compaq Computer Corporation, f.k.a. Digital Equipment Corp., for the period of March 1999 through February 2000, on the basis of its proposal dated September 15, 1998, for maintenance service of Digital equipment and software, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Community Development.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 14 SF 024 and 01-80-05-0380, Request No. 23120.

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

Ord. No. 172-99.
By Councilman Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 1065-98, passed July 29, 1998, relating to the procurement by requirement contract of the rental of digital multi-functional copier/printers and analog copiers for the various divisions of City government.

Ord. No. 178-99.
By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1999 Title III-B G.O.W. / Supportive Services / Chore Worker 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 Aging is hereby authorized to apply for and accept a grant in the amount of \$114,855.00, from the Western Reserve Area Agency on Aging, to conduct the 1999 Title III-B G.O.W./Supportive Services, Chore Worker Program, for the purposes set forth in the application and according thereto; that the Director of Aging 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. 178-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Aging shall appear before the Council Committee on Public Health to identify how the funds will be used.

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.

Ord. No. 191-99.
By Councilmen Sweeney, Jackson, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Kennametal, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate and consolidate its operations to 18105 Cleveland Parkway, Cleveland, Ohio in the Cleveland Area Enterprise Zone.

Ord. No. 192-99.
By Councilmen Cimperman, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept grants from the George Gund Foundation, the Cleveland Foundation, and Cleveland Tomorrow for the Cleveland Downtown Plan Implementation Studies Program; and authorizing the employment of consultants in conjunction with 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 the City Planning Commission is hereby authorized to apply for and accept grants in the total amount of \$200,000: \$75,000 from the George Gund Foundation, \$100,000 from the Cleveland Foundation, and \$25,000 from Cleveland Tomorrow, to conduct the Cleveland Downtown Plan Implementation Studies Program, for the purposes set forth in the applications and according thereto; that the Director of the City Planning Commission 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 applications for said grants, File No. 192-99-A, made a part hereof as if fully rewritten herein, are hereby approved in all respects.

Section 3. That the Director of the City Planning Commission is hereby authorized 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 implement the program.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of the City Planning Commission from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of the City Planning Commission for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control and shall not exceed the dollar amount of the grants received and appropriated for this purpose. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of the City Planning Commission, and certified by the Director of Finance. **The Director of City Planning shall not present a resolution to the Board of Control for the selection of a consultant until the Director first reports to this Council on the proposals received, the proposed scope of work, the proposed compensation, and the Director's recommendation for a selection. Any contract entered into under this authority shall include a provision requiring that the consultant(s) report back to this Council at least quarterly.**

Section 4. That the costs for such services herein contemplated shall be paid 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.

Ord. No. 193-99.

By Councilmen Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept

grants from the George Gund Foundation, the Cleveland Foundation, and from other public and private entities for the Census 2000 Complete Count Program; and to enter into contract with Neighborhood Centers Association of Cleveland 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 the City Planning Commission is hereby authorized to apply for and accept grants in the amount of \$50,000 from the George Gund Foundation, \$50,000 from the Cleveland Foundation and any other grants or gifts from public and private entities, to conduct the Census 2000 Complete Count Program, for the purposes set forth in the application and according thereto; that the Director of the City Planning Commission 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. **When grant funds are received, the City Planning Council Committee shall be notified via letter.**

Section 2. That the application for said grant, File No. 193-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of the City Planning Commission is authorized to enter into contract with Neighborhood Centers Association of Cleveland to operate as the City's fiscal agent for the implementation of the program.

Section 4. That the cost of the agreement authorized above shall be paid from the fund or funds to which are credited the grant and gift 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.

Ord. No. 241-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of de-icer, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Ord. No. 242-99.

By Councilmen Jones and Johnson (by departmental request).

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

Ord. No. 243-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to

enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program.

Ord. No. 245-99.

By Councilmen Gordon and Johnson (by departmental request).

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

Ord. No. 246-99.

By Councilmen Gordon and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$129,948 and such other funds as may become available during the grant period, from the Cuyahoga County Solid Waste District, to conduct the 1999 Solid Waste Disposal Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

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

Section 3. That, prior to spending any of the grant funds accepted pursuant to this ordinance, the Director of Public Health shall appear before the Council Committee on Public Health to identify how the funds will be used.

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.

Ord. No. 255-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 256-99.

By Councilman Johnson (by departmental request).

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

Ord. No. 259-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Salvation Army, for administrating and facilitating recreational services in **Ward 11**, for the Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with Salvation Army (Temple Corps), 17625 Groveswood Avenue, Cleveland, Ohio, or its designee, for professional services necessary to administer and facilitate recreational services in the Collinwood community in Ward 11 in the total sum of **not to exceed \$55,000** payable from Fund No. 01-70-04-0380, Request No. 21116, for the Department of Parks, Recreation and Properties.

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

Ord. No. 260-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

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

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

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

Ord. No. 265-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

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

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

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

Ord. No. 266-99.

By Councilmen Jones and Johnson (by departmental request).

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

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract during June through August, 1999 with the National Junior Tennis League of Cleveland to provide youth tennis services. **The program shall be conducted at various locations in the City which shall include without limitation, Warsaw Park, Forest Hills, and a location in Ward 1 acceptable to the Councilman.**

Section 2. That the cost of such contract, not to exceed **\$35,000**, shall be paid from Fund No. 01-70-04-0380, Request No. 21115.

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

Ord. No. 317-99.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of landfill, transfer station or material recovery facilities for the direct haul and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Service.

Ord. No. 318-99.

By Councilmen Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of reconstructing the Ridge Road Transfer Station; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public improvement; authorizing the purchase by requirement contract of equipment, furniture, communication and security systems, and other incidentals necessary for this improvement; and authorizing said director to apply for and accept grants from various entities necessary for this 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 reconstructing the Ridge Road Transfer Station including paving, grading, drainage, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

Section 2. That the Director of 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 for a gross price 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, of such trades or components may be the subject of a separate contract upon a unit basis. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of said improvement.

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

The selection of said 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 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 make a written requirement con-

tract 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 equipment, furniture, communication and security systems, and other incidentals necessary for the Improvement, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 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.

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 23253)

Section 5. That the Director of Public Service is hereby authorized to apply for and accept grants from various entities for the purpose of reconstructing the Ridge Road Transfer Station. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted pursuant to this ordinance and, upon acceptance of the funds by the Director, they shall be appropriated for the purposes set forth in this ordinance.

Section 6. That the costs of the Improvement and professional services herein contemplated shall not exceed an estimated amount of **\$9.4 million dollars and shall be paid** from Fund No. 20 SF 320, 20 SF 331, 20 SF 290, 20 SF 340, and 20 SF 295, Request No. 23253, and from any funds or subfunds to which are credited any grants received for this project.

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

Ord. No. 320-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the 1999 Summer Food Program; authorizing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with various non-profit organizations for the implementation of said Program.

Ord. No. 321-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with Parkworks, formerly Clean-Land, Ohio, to conduct a vacant lot maintenance program for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period of one year, with a one year option to renew.

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

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

Section 1. That, notwithstanding and as an exception to any ordinance of the City to the contrary, the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract with Parkworks, formerly Clean-Land, Ohio, to conduct a vacant lot maintenance program with City residents on the basis of its proposal dated February 23, 1999, payable from Fund No. 01-70-12-0380, Request No. 22463, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, Department of Park, Recreation and Properties, for a period of one year, with one (1) option exercisable by the Director of Parks, Recreation and Properties, to renew for an additional one-year term, and cancellable upon thirty days written notice by said director, under the same terms and conditions with the compensation to be fixed by the Board of Control. **The cost of the initial 1-year term of the contract authorized by this ordinance shall not exceed two hundred and twenty-seven thousand dollars (\$227,000.00).**

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

Ord. No. 322-99.

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various pool chemicals **in an amount not to exceed \$50,000**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit

an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24674)

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

Ord. No. 360-99.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of various data entry services to convert 1997 and 1998 wage and tax statements from paper documents and magnetic tape to machine readable magnetic tapes, for the Division of Taxation, Department of Finance.

Ord. No. 386-99.

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

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Empowerment Zone Program, as amended; and to enter into all contracts and related documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Mid-Town Cleveland, or their designees, for implementation of the Empowerment Zone Program, as amended.

Whereas, this ordinance constitutes an emergency measure providing for 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 and execute all contracts and all necessary documents with Hough Area Partners in Progress, Glenville Development Corporation, Fairfax Renaissance Development Corporation, and Mid-Town Cleveland, or their designees, for the purpose of implementing the Empowerment Zone Program, as amended, **and in accordance with File No. 386-99-A.**

Section 2. That the Director of Economic Development is hereby authorized to expend Economic Development Initiative Grant and Title XX Grant funds for administration of the Program.

Section 3. That the aggregate costs of contracts and expenditures authorized by this ordinance shall not exceed Three Million Two Hundred Fifty Thousand Dollars (\$3,250,000.00), and shall be paid from Fund Nos. 18 SF 005, 18 SF 006 and 18 SF 008, Request No. 23769.

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.

Ord. No. 424-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance Nos. 938-97, 939-97, 1076-97 and 1181-97, passed June 16, 1997, relating to economic development assistance contracts with various entities.

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

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

Section 1. That Section 2 and 3 of Ordinance No. 938-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

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. **938-97-B.**

Section 3. That the costs of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. **22296.**

Section 2. That existing Section 2 and 3 of Ordinance No. 938-97, passed June 16, 1997, are hereby repealed.

Section 3. That Section 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

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. **939-97-B.**

Section 3. That the costs of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. **22297.**

Section 4. That existing Section 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, are hereby repealed.

Section 5. That Section 2 and 3 of Ordinance No. 1076-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

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. **1076-97-B.**

Section 3. That the costs of said contract shall not exceed Two Million Dollars (\$2,000,000.00), and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22300.

Section 6. That existing Section 2 and 3 of Ordinance No. 1076-97, passed June 16, 1997, are hereby repealed.

Section 7. That Section 2 and 3 of Ordinance No. 1181-97, passed June 16, 1997, are hereby amended to read, respectively, as follows:

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. **1181-97-B.**

dance with the terms as set forth in the Executive Summary contained in File No. **1181-97-B.**

Section 3. That the costs of said contract shall not exceed **One Million Two Hundred Thousand Dollars (\$1,200,000.00)**, and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22301.

Section 8. That existing Section 2 and 3 of Ordinance No. 1181-97, passed June 16, 1997, are hereby repealed.

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.

RESOLUTIONS

Res. No. 1271-98.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate all that portion of East 53rd Street.

Res. No. 1616-98.

By Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate all that portion of Star Court S.W.

Res. No. 36-99.

By Councilman Cimperman (by request).

An emergency resolution declaring the intention to vacate all that portion of Rockwell Avenue N.E.

BOARD OF CONTROL

March 17, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 17, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Absent: Director Axelrod.

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

On motion, the following resolutions were adopted.

Resolution No. 126-99.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952 the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of February, 1999 in the amount of \$8,846.35, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 127-99.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland, that the bid of Northeast Ohio Gas Marketing, Inc. for an estimated quantity of Natural Gas (All items) for the various divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on March 10, 1999, pursuant to the authority of Ordinance No. 93-99, passed February 8, 1999, which on the basis of the estimated quantity would amount to One Million Ninety Thousand Fourteen and 47/100 Dollars (\$1,090,014.47), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 21725 which shall be certified against such contract in the sum of One Hundred Nine Thousand One and 45/100 Dollars (\$109,001.45).

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: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 128-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on February 25, 1999, for Maintenance, Repair and/or Replacement of HVAC Systems, all items, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 1943-98, passed by the Council of the City of Cleveland on December 14, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 129-99.

By Director Ricchiuto.

Whereas, by Resolution No. 101-99, adopted March 3, 1999, is hereby amended by deleting the item numbers of new tires listed for award and substituting the following: (Group B-#14) (Group C-#2, 4, 6, 9-14) (Group D-2, 3, 5, 6) (Group E-3, 6, 10, 13, 14) (Group F-#6) (Group G-8 & 12) (Group H-1, 5, 7, 8, 10, 13, 16, 20, 28, 29, 30, 31, 34, 40, 41, 44, 45) (Group I-8, 9-11, 13, 15, 16, 23-29, 31, 32-35) (Group J-#1-4, 9, 10, 12, 13-16, 18, 19, 21, 26, 28-30, 32, 36, 38, 39, 41, 42) (Group K-#1) (Group L-#4) (Group M-#2-5 & 7-10) (Group N-#10 & 215/85R16-10 ply) (Group O-#1, 2, 6, 8, 13) (Group P-#1-15).

Be it further resolved that all other provisions of said Resolution No. 101-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 130-99.

By Director Ricchiuto.

Resolved, by the Board of Control of the City of Cleveland, that the bid of Omnicor Truck Centers, Inc., d.b.a. Buckeye Volvo Trucks for an estimated quantity of one Cab and Chassis with Flat Bed and Articulated Crane (Alternate #1) for the various divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on January 29, 1999, pursuant to the authority of Ordinance No. 1074-98, passed June 15, 1998, which on the basis of the estimated quantity would amount to approximately One Hundred Sixty Seven Thousand One Hundred Seventy Nine and no/100 Dollars (\$167,179.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 31325 which shall be certified against such contract in the sum of One Hundred Sixty Seven Thousand One Hundred Seventy Nine and no/100 Dollars (\$167,179.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 131-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on January 29, 1999 for one (1) Cab and Chassis with Dump Body (all items) for various divisions of City Government, Department of Public Service, pursuant to the authority of Ordinance No. 1074-98, passed by the Council of the City of Cleveland on June 15, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 132-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 19, 1999 for rehabilitation of approximately fifty (50) Dump Truck Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1602-98, passed by the Council of the City of Cleveland on

November 23, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 133-99.

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 19, 1999 for two (2) Single Axle Cab and Chassis with Dump Body and seven (7) Tandem Axle Cab and Chassis with Dump Body for various divisions of City Government, Department of Public Service, pursuant to the authority of Ordinance No. 1074-98, passed by the Council of the City of Cleveland on June 15, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 134-99.

By Acting Director Whitlow.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 25, 1999 for Air Analyzer Equipment (all items) for the Division of Environment, Department of Public Health, pursuant to the authority of Ordinance No. 1724-98, passed by the Council of the City of Cleveland on November 16, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 135-99.

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of JTO, Inc. for an estimated quantity of Arboricultural work in the Downtown Tree Assessment District (all items) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on December 3, 1998, pursuant to the authority of Ordinance No. 1253-98, passed October 12, 1998, which on the basis of the estimated quantity would amount to One Hundred Forty-Six Thousand, Two Hundred Eleven and 00/100 Dollars, (\$146,211.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties 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. 17009 which shall be certified against such contract in the sum of Thirty Thousand and 00/100 Dollars (\$30,000.00).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or

less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved that the employment of the following subcontractor of JTO, Inc. for the abovementioned requirement contract be and the same hereby is approved:

SUBCONTRACTOR WORK

ABK Landscaping & Tree Service, Inc., d.b.a.
Brown's Tree Service
19701 South Miles Road
Cleveland, Ohio 44128

Tree Pruning
and Removal

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 136-99.

By Director Hudecek.

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. 110-17-141 located at East 130th Street in Ward 9; 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, Lutheran Housing Corporation, 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 9 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance 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 Lutheran Housing Corporation for the sale and development of Permanent Parcel No. 110-17-141 located at East 130th 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, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.
Nays: None.
Absent: None.

Resolution No. 137-99.

By Director Hudecek.
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. 109-21-032 located at 11103 Primrose Avenue in Ward 9; 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, Lutheran Housing Corporation, 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 9 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance 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 Lutheran Housing Corporation for the sale and development of Permanent Parcel No. 109-21-032 located at 11103 Primrose Avenue, 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 said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.
Nays: None.
Absent: None.

Resolution No. 138-99.

By Director Hudecek.
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. 109-23-088 located at 1182 East 112th Street in Ward 9; 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, Lutheran Housing Corporation, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 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 are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance 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 Lutheran Housing Corporation for the sale and development of Permanent Parcel No. 109-23-088 located at 1182 East 112th 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, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 139-99.

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

Whereas, City has acquired Permanent Parcel No. 111-11-011 under said Land Reutilization Program; and

Whereas, Ordinance No. 1883-98 passed February 8, 1999, 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, Roscoe, Incorporated has 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. 1883-98 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Roscoe, Incorporated for the sale and development of Permanent Parcel No. 111-11-011, 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 \$7,000, 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: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 140-99.

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

Whereas, City has acquired Permanent Parcel No. 134-14-070 under said Land Reutilization Program; and

Whereas, Ordinance No. 1958-98 passed February 8, 1999, 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, Eric J. Stopar has 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. 1958-98 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Eric J. Stopar for the sale and development of Permanent Parcel No. 134-14-070, 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: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

Nays: None.
Absent: None.

Resolution No. 141-99.

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

Whereas, City has acquired Permanent Parcel No. 131-37-087 under said Land Reutilization Program; and

Whereas, Ordinance No. 1957-98 passed February 8, 1999, 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, Broadway Area Housing Coalition or designee has 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. 1957-98 passed February 8, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Broadway Area Housing Coalition or designee for the sale

and development of Permanent Parcel No. 131-37-087, 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 \$100, 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: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek, Patterson and Warren.

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, APRIL 5, 1999

9:30 A.M.

Calendar No. 99-44: 2421 Bridge Avenue

Michael Kaplan, owner, appeals to change the use of an existing 28' x 60' masonry welding building located in a General Retail Business District into a light industrial building to accommodate art glass blowing, all situated on an approximate 28' x 63' parcel on the southwest corner of West 24th Street and Bridge Avenue at 2421 Bridge Avenue; said change of use being contrary to the Business District Regulations of Section 343.11, where a glass blowing shop is not permitted but first permitted in a Semi-Industry District as stated in Section 345.03 of the Codified Ordinances.

Calendar No. 99-45: 5208 Memphis Avenue

Memphis Fulton Association, owner, and Metropolitan Health Medical Center, tenant, appeal to change the use of an existing 47' x 140' retail tenant space into a medical office with 4 physicians and 7 support staff members, located in the Memphis Fulton Shopping Center on an open acreage parcel near the southwesterly corner of Fulton Road and Memphis Avenue at 5208 Memphis Avenue; said change of use being contrary to Section 343.01(b)(2)(G)(3) of the Business District Regulations where medical offices in a Local Retail Business District are limited to a total of 5 employees at any time, but are first permitted in a General Retail Business District as stated in Section 343.11 of the Codified Ordinances.

Calendar No. 99-46: 4190 Bradley Road

Debra J. Roy, owner, appeals to change the use of an existing 28' x 48' building and the approximate 377' x 368' irregular shaped parcel into a wrecking/junk yard located on the south side of Bradley Road at 4190 Bradley Road; said change of use being contrary to the Industrial District Regulations of Section 345.02 where a junk yard is not permitted in a Residence Industry District but is first permitted in a General Retail Business District if the required minimum lot area equals 50,000 sq. ft. and if the lot is enclosed with a 7' high minimum masonry wall, and if a 30' wide maximum gate is installed, and if linear footage of wall along the street is more than 200', then 2 gates of 30' in width are required as stated in Section 345.04(a)(1)(c)(4) of the Codified Ordinances.

Calendar No. 99-47: Appeal of Chester P. Kuchinski

Chester P. Kuchinski, appeals under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from being denied, upon the recommendation of Henry Guzman, Director of Public Safety, a handgun registration and handgun owner's identification card as filed for on December 9, 1998.

Calendar No. 99-53: 2925 East 75th Street, a.k.a. 7507-19 Kinsman Road

Lillian Rabah, owner, and Moorad H. Rabah, tenant, appeal to expand by 6' an existing 24' x 60' non-conforming, one-story masonry car wash building into a 30' x 60' one-story, masonry car wash building, all located on a 229' x 171' irregular shaped lot with an existing 142' x 77' retail building to the east of the proposed car wash expansion and located in a General Retail District at 2925 East 75th Street, a.k.a. 7507-7519 Kinsman Road; said use being contrary to the Non-Conforming Uses Requirements where 8' from a Residence District to the north is proposed and 30' from a Residence District to the south is proposed and the premises of an auto wash must be 100' from a Residential District as stated in Section 359.01(a) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 22, 1999

At the Meeting of the Board of Zoning Appeals on Monday, March 22, 1999, the following appeals were heard by the Board:

The following appeal was **Approved**:

Calendar No. 99-32: 15555-59 Lake Shore Boulevard
VBP Productions, Inc., owner, appealed to install 150 linear feet of 4' high (green) vinyl-coated chain link fencing with privacy slats to the west and north side of the property and to install 22 linear feet of 4' high 3-rail (black) ornamental fencing to the south of the property along Lake Shore Boulevard in a Multi-Family District.

The following appeals were **Denied**:

Calendar No. 99-36: 5109 Memphis Avenue

Nick Haviaras, owner, appealed to change use of an existing one-story, masonry retail building into an automotive service building in a Local Retail Business District.

Calendar No. 99-38: 11002-04 Ashbury Avenue

Samona Johnson, owner, and Lynell Pointer, appealed to change use of an existing two dwelling unit into a 9 bed senior citizens group home in a Two-Family District.

The following appeal was **Postponed**:

Calendar No. 99-34: 4901 Fleet Avenue postponed to April 26, 1999.

The following appeal was **Withdrawn**:

Calendar No. 99-35: 951 East 70th Street

On Monday, March 22, 1999, in Executive Session:

The following appeals were heard on Monday, March 15, 1999, and said decisions to **GRANT** were approved and adopted by the Board on Monday, March 22, 1999:

Calendar No. 99-26: 18101 Lorain Avenue

Fairview Hospital, owner, and Ronald Miller, agent, appealed to construct an above grade pedestrian bridge from a proposed new patient care facility on the north side of Old Lorain Road to an existing parking lot on the south side of Old Lorain Road in a Limited One-Family District.

Calendar No. 99-28: 12421-12435 Superior Avenue

Daniel M. Slane, owner, and Ministerial Day Care, tenant, appealed to change use of existing one-story masonry retail store building and parking lot into a day care center facility in a Local Retail District.

The following appeal was heard on Monday, March 15, 1999, and said decision to **DENY** was approved and adopted by the Board on March 22, 1999:

Calendar No. 99-25: 2144-2146 West 80th Street

Gheorghe Oancea, owner, appealed to install two parking spaces in the front of an existing two family dwelling house in the setback area in the front half of a lot in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

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

Re: Report of the Meeting of
March 17, 1999

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

* * *

Docket A-157-98.

RE: Appeal of V.G.U. Industries, Owner of the Property located on the premises known as 4747 Manufacturing Avenue (a.k.a. 4735-51 Manufacturing Avenue) from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 16, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-157-98 has been POSTPONED; to be rescheduled for March 31, 1999.

* * *

Docket A-232-98.

RE: Appeal of Bridget Terese Stefan, Owner of the Two Stores/Two Dwelling Units Masonry Property located on the premises known as 3085-89 West 25th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 9, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four months (4 mos.) in which to complete abatement and approval of the violations by the Building Department. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by July 31, 1999. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

Docket A-2-99.

RE: Appeal of Associated Estates Corporation, Owner of the Masonry Commercial Property located on the premises known as 10510 Parklane Drive from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of Building and Housing dated November 17, 1998

Docket A-2-99 has been WITHDRAWN at the request of the Appellant on March 17, 1999.

* * *

Docket A-6-99.

RE: Appeal of Daniel Holub, Owner of the One/one-half Story Frame Residential Property located on the premises known as 13602 Clifford Avenue from a NOTICE OF NONCONFORMANCE/NO PERMITS FOR POOL/DECK SIDING of the Commissioner of the Division of Building and Housing dated February 2, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool, deck and siding to remain as installed and to waive the late filing fees, noting the concurrence of the neighbor. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders. Yeas: Messrs. Denk, Williams Saunders, Sullivan. Nays: None.

* * *

Docket A-12-99.

RE: Appeal of Cynthia Carter, Owner of the Multi-Family Property located on the premises known as 2886-90 East 116th Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated January 20, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a two month (2 mo.) extension of time on the permit in which to complete abatement of the violations or sell/transfer the property to another owner. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan. Yeas: Messrs. Denk, Williams, Saunders, Williams. Nays: None.

* * *

Docket A-14-99.

RE: Appeal of George Evans Jr., Owner of the Multi-Family Property, located on the premises known as 11402 Temblett Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated January 22, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require that the building permit be modified to reflect the actual work to be done on the property within two months (2 mos.), and that visible exterior work begin within forty-five days (45 das.); and to grant the Appellant six months (6 mos.) in which to complete abatement of the interior and exterior violations; the property is REMANDED at this time to the Division of Building and

Housing for supervision and further action; additional extensions may be granted with satisfactory completion of the work per the testimony of the inspector, the Board will consider further extensions. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-15-99.

RE: Appeal of S. Wilkoff & Sons Co., Owner of the Non-ferrous Scrap Business located on the premises known as 2700 East 47th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 18, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action.

* * *

Docket A-19-99.

RE: Appeal of GMS Management Co., Inc., Owner of the Property located on the premises known as 2720 Van Aken Boulevard from a NOTICE OF VIOLATION/FIRE CODE of the Chief of the Division of Fire dated February 3, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, to be rescheduled for March 31, 1999.

Docket A-25-99.

RE: Appeal of HBD Limited, Owner of the Sarah Bousfield House located on the premises known as 3804-06 Franklin Boulevard from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated March 4, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action, to be rescheduled for March 31, 1999.

* * *

Docket A-27-99.

RE: Appeal of Ronald Jamison, Owner of the Two Family Residential Property located on the premises known as 10802-04 Massie Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated March 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the requested variance to CABO 3121.02(k)/Section R-211.1 and permit the residence to be used as proposed with the bedroom on the third floor, noting that the second exit will be a rope or chain ladder out of the window and that operable window openings will be a minimum of 24" wide by 20" high, and noting that operable interconnected hard-wired smoke detectors will be installed throughout the property. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

APPROVAL OF RESOLUTIONS:

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

- A-115-98—Patrick P. Leneghan.
- A-185-98—Paris Foods Corp.
- A-186-98—F&P Produce LLC c/o The Final Cut.
- A-220-98—IMC Mortgage Company.
- A-3-9—Industry Mortgage Company.
- A-5-99—JoAnn Long White.
- A-18-99—Prime Properties Limited Partnership.

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

* * *

APPROVAL OF AMENDED RESOLUTION:

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

Docket A-201-98 — Society of St. Vincent De Paul — 875 East 70th Street:

FROM: to DENY the Appellant's appeal request for a variance to not install a siamese connection, but to grant the Appellant twelve months (12 mos.) in which to install the siamese connection

TO: to DENY the Appellant's appeal request for a variance to not install a siamese connection, but to grant the Appellant six months (6 mos.) in which to install the siamese connection

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

* * *

APPROVAL OF MINUTES:

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

March 3, 1999

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, MARCH 31, 1999

Moreland Boulevard Median Site Improvements, for the Division of Research, Planning and Development, Department of Public Utilities, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland, October 19, 1998.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

March 17, 1999 and March 24, 1999

WEDNESDAY, APRIL 7, 1999

Replacement of a 54-Inch Raw Water Butterfly Valve at Crown Water Plant, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 29, 1999, 10:00 A.M. AT CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO.

Potassium Permanganate, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland.

Dewatered Residuals, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1936-96, passed by the Council of the City of Cleveland, December 2, 1996.

March 17, 1999 and March 24, 1999

THURSDAY, APRIL 8, 1999

9MM Pistols, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of the City of Cleveland, 1976.

One (1) Tandem Axle Cab and Chassis with Street Flusher Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

March 17, 1999 and March 24, 1999

WEDNESDAY, APRIL 7, 1999

High Voltage Surge High Potential Tester, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1847-98, passed by the Council of the City of Cleveland, December 14, 1998.

March 24, 1999 and March 31, 1999

THURSDAY, APRIL 8, 1999

IBM Tape Drive and Equipment, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2051-98, passed by the Council of the City of Cleveland, December 22, 1998.

Continental Airlines — Cleveland 2000 — Concourse C — Bid Package 18 — Banjo Renovations, for the Department of Port Control.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. DOCUMENTS ARE AVAILABLE THROUGH MORSE DIESEL INTERNATIONAL, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135.

A PRE-BID MEETING AND BIDS WILL BE HELD ON THURSDAY, APRIL 1, 1999, 10:00 A.M. AT THE SAME ADDRESS. PLEASE REFER QUESTIONS TO MR. FRANK ROETZEL, (216) 265-4880 (TELEPHONE), (216) 265-4908 (FACSIMILE). BIDS WILL BE

RECEIVED UNTIL 3:00 P.M. ON THURSDAY, APRIL 8, 1999 AT CONTINENTAL AIRLINES, INC. CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135.

March 24, 1999 and March 31, 1999

FRIDAY, APRIL 9, 1999

One Mail Inserter Machine, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2100-97, passed by the Council of the City of Cleveland, February 2, 1998.

A **MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MARCH 31, 1999, 11:00 A.M. IN THE 4TH FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

March 24, 1999 and March 31, 1999

THURSDAY, APRIL 15, 1999

Carpeting System, for the Department of Finance, on behalf of the Cleveland Municipal Clerk of Court, as authorized by Ordinance No. 524-95, passed by the Council of the City of Cleveland, April 10, 1995.

A **PRE-BID MEETING WILL BE HELD ON TUESDAY, APRIL 6, 1999, 2:00 P.M. IN THE 2ND FLOOR CONFERENCE ROOM OF THE CLEVELAND MUNICIPAL CLERK OF COURT'S OFFICE, 1200 ONTARIO — CIVIL DIVISION.**

March 24, 1999 and March 31, 1999

FRIDAY, APRIL 16, 1999

One (1) Portable Tandem Roller, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

March 24, 1999 and March 31, 1999

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 340-99.

By Councilman Coats.

An emergency resolution urging HUD to demolish the Belvoir-Cliffs apartment building and to grant title to the property to the City of Cleveland for compatible neighborhood development.

Whereas, the U.S. Department of Housing and Urban Development (HUD) owns the Belvoir-Cliffs, a 160 unit apartment building, located at the intersection of Belvoir Blvd. and Cliffview Road in the Euclid Park community of the City of Cleveland; and

Whereas, HUD was forced to assume ownership and control of the building because its previous owner let the property fall into severe disrepair, as evidenced by numerous significant code violations and its very low occupancy rate; and

Whereas, Belvoir-Cliffs has become a haven for illegal drug activities and prostitution, presenting a

profound safety risk to the surrounding neighborhood; and

Whereas, the configuration of the buildings lacks recreational and structural amenities and presents a barracks-like appearance, detracting from the aesthetic appearance of the neighborhood and making it markedly different from the surrounding ranch-style houses; and

Whereas, the citizens of the community, in the interest of safety and well-being of the neighborhood, have expressed their desire to have the facility demolished, as opposed to HUD performing a cosmetic alteration of the apartment building; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges HUD to act in the best interest of the residents of the City of Cleveland and to demolish the Belvoir-Cliffs apartment building, as it unsafe and undesirable for low income housing.

Section 2. That, upon demolition of Belvoir-Cliffs, HUD grant title to the property to the City of Cleveland so that it may be developed in a use that is compatible with and meets the needs of the surrounding community.

Section 3. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to Andrew Cuomo, Secretary of the U.S. Department of Housing and Urban Development; Mayor Michael White; and Linda Hudecek, Director of Community Development.

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

Adopted March 1, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 429-99.

By Councilman White.

An emergency resolution urging Mayor of the City of Cleveland to consider the construction and development of new single family housing and a Recreational swimming pool and walking track for the residents of the Union-Miles community at the present John Adams High School site.

Whereas, John Adams High School was a cornerstone in providing secondary education to residents in the Mount Pleasant and Union-Miles community from 1923 to 1995; and

Whereas, many of the local and business leaders who have made significant contributions to the City of Cleveland attended and graduated from John Adams High School; and

Whereas, John Adams High School made significant contributions to the Mount Pleasant and Union-Miles neighborhood in promoting extra-curricular and recreational activities such as football and track events at the football field for local area high schools, community organizations and youth sports leagues, thus making

it a landmark for the community; and

Whereas, the school board made the difficult decision to close the John Adams School building, which saddened the hearts of all school alumnus who were part of the school's rich tradition and proud history; and

Whereas, the John Adams High School building is presently undergoing demolition in order to create development opportunities for the City of Cleveland; and

Whereas, the demolition of John Adams High School could create development opportunities such as construction of new single family housing units for Union-Miles residents, including a swimming pool and walking track for the children and adults of the Union-Miles neighborhood; and

Whereas, such new development could further promote the Union-Miles neighborhood to make it become more attractive to potential new homeowners and businesses, thus making this community very viable; now, therefore,

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

Section 1. That Council urges the Mayor of the City of Cleveland to strongly consider the development of new single family housing units along with a swimming pool and walking track for residents of Union-Miles at the site of John Adams High School to promote further revitalization of the neighborhood in order attract more reinvestment to the community.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Mayor of the City of Cleveland.

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

Adopted March 15, 1999.

Effective March 24, 1999, without the signature of the Mayor.

Ord. No. 103-99.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Detroit Shoreway Community Development Organization, or its designee, to provide financial assistance in the form of a Community Development Float Loan to partially finance the renovation of the Harp Apartments located at 1389-91 West 64th 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 Director of Community Development is hereby authorized to enter into a Community Development Float Loan Agreement with Detroit Shoreway Community Development Organization, or its designee, to provide

financial assistance to partially finance the renovation of the Harp Apartments located at 1389-91 West 64th Street.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 103-99-A.

Section 3. That the costs of said contract shall not exceed Five Hundred Thousand Dollars (\$500,000.00), and shall be paid from Fund No. 14 SF 810, Request No. 23119.

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

Section 5. That the Director of Community Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 14 SF 810.

Section 6. That the Director of Community 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.

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

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

Passed March 1, 1999.

Effective March 10, 1999.

Ord. No. 135-99.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the Year XXV grant pursuant to Title I of the Housing and Community Development Act of 1974, for the 1999 Federal HOME Grant Program, for the 1999 Emergency Shelter Program, and the 1999 Housing Opportunities for Persons with AIDS Program.

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

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

Section 1. That the Director of Community Development is hereby authorized to apply for and accept grants from the U.S. Department of Housing and Urban Development (HUD) in the following approximate amounts: \$30,493,119 to conduct the Year XXV Community Development Block Grant Program; \$8,006,000 to conduct the

Federal HOME Grant Program; \$1,079,000 to conduct the Emergency Shelter Grant Program; and \$670,000 for the Housing Opportunities for Persons with AIDS (HOPWA) Program, for the purposes set forth in the application and according thereto and in compliance with the requirements of Title I of the Housing and Community Development Act of 1974 and applicable rules and regulations. That the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants, and that said funds are hereby appropriated for the purposes set forth in the applications for said grants.

Section 2. That the applications for said grants, placed in File No. 135-99-A, made a part hereof as if fully rewritten herein, are hereby approved in all respects.

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

Passed March 15, 1999.

Effective March 24, 1999.

Ord. No. 175-99.

By Councilmen Coats, Polensek, Sweeney, Robinson and Johnson (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire property located on East 152nd Street, for the purpose of widening the public right-of-way at East 152nd Street between Darwin Avenue and South Waterloo Road.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire title to the property described below from Conrail Corp., a.k.a. Consolidated Rail Corporation for the public purpose of widening the public right-of-way at East 152nd Street between Darwin Avenue and South Waterloo Road, the following described property at no cost to the City of Cleveland:

0.0529 Acres Parcel

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Commencing on the Easterly line of East 152nd Street, 60 feet wide, at its intersection with the Easterly prolongation of the Northerly right-of-way line of Darwin Avenue, 50 feet wide, said point being the Northwesterly corner of land conveyed to Consolidated Rail Corporation by Deed recorded in Volume 97-08546, Page 23 of Cuyahoga County

Records, as shown on Plat Volume 292, Page 87;

Thence North 89° 27' 00" East a distance of 65.00 feet to a point;

Thence South 00° 33' 00" East a distance of 65.02 feet to a point and the Principal Place of beginning of land herein described;

Thence South 00° 33' 00" East a distance of 8.80 feet to a point;

Thence 37.23 feet along the arc of a curve deflecting to the left, having a radius of 51.00 feet and a chord distance of 36.41 feet that bears South 40° 53' 37" West to a point of compound curvature;

Thence 54.30 feet along the arc of a curve deflecting to the left, having a radius of 171.00 feet and a chord distance of 54.07 feet that bears South 10° 52' 58" West to a point of tangency;

Thence South 01° 51' 25" West a distance of 171.03 feet to a point;

Thence North 00° 33' 00" West a distance of 260.00 feet to a point;

Thence South 89° 28' 42" West a distance of 42.00 feet to the place of beginning and containing 0.0529 acres, more or less, and subject to all legal highways.

Said 0.0529 acre being part of Original Permanent Parcel 116-04-001.

0.0627 Acre Parcel

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning on the Easterly line of East 152nd Street, 60 feet wide, at its intersection with the Easterly prolongation of the Northerly right-of-way line of Darwin Avenue, 50 feet wide, said point being the Northwesterly corner of land conveyed to Consolidated Rail Corporation by Deed recorded in Volume 97-08546, Page 23 of Cuyahoga County Records, as shown on Plat Volume 292, Page 87;

Thence North 89° 27' 00" East a distance of 42.00 feet to a point;

Thence South 00° 33' 00" East a distance of 65.02 feet to a point;

Thence South 89° 28' 42" West a distance of 42.00 feet to a point;

Thence North 00° 33' 00" West a distance of 65.00 feet to the place of beginning and containing 0.0627 acres more or less, and subject to all legal highways. Said 0.0627 acres being part of Original Permanent Parcel 116-04-002.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire title to the property described below from Collinwood Properties, Co., LLC for the public purpose of widening the public right-of-way at East 152nd Street between Darwin Avenue and South Waterloo Road, the following described property at no cost to the City of Cleveland:

0.2669 Acre Parcel

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 16 and bounded and described as follows:

Beginning on the Easterly line of East 152nd Street, 60 feet wide, at its intersection with the Easterly prolongation of the Northerly right-

of-way line of Darwin Avenue, 50 feet wide, said point being the beginning point of land conveyed to Collinwood Properties Co., LLC by Deed recorded in Volume 97-02089, Page 13 of Cuyahoga County Records, as shown on Plat Volume 292, Page 87;

Thence North 00° 33' 00" West a distance of 638.99 feet to an angle point;

Thence North 06° 24' 45" East a distance of 96.73 feet to a point;

Thence North 47° 57' 21" East a distance of 20.95 feet to a point;

Thence South 06° 24' 45" West a distance of 110.72 feet to an angle point;

Thence South 00° 33' 00" East a distance of 536.52 feet to a point;

Thence 53.35 feet along the arc of a curve deflecting to the left, having a radius of 168.00 feet and a chord distance of 53.13 feet that bears South 09° 38' 51" East to a point of compound curvature;

Thence 32.68 feet along the arc of a curve deflecting to the left, having a radius of 48.00 feet and a chord distance of 32.05 feet that bears South 38° 14' 56" East to a point of tangency;

Thence South 00° 33' 00" East a distance of 24.65 feet to a point;

Thence South 89° 27' 00" West a distance of 42.00 feet to the place of beginning and containing 0.2669 acres, more or less, and subject to all legal highways.

Said 0.2669 acre being part of Original Permanent Parcel 116-04-004.

Section 3. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire title to such property and to employ and pay all fees for title companies, surveys, escrows, appraisals, and all other costs necessary for the acquisition of such property.

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

Passed March 15, 1999.

Effective March 24, 1999.

Ord. No. 184-99.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Rotary Club Foundation, and other public and private entities, for constructing Rotary Plaza and site improvements to be located at East 9th and Erieside Avenue; and determining the method of making the public improvement of constructing Rotary Plaza and site improvements; authorizing said director to enter into contract for the making of such improvement; and authorizing the purchase by contract of maintenance services for the Plaza, for the Department of Parks, Recreation and Properties.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the approximate amount of \$133,000.00, from the Cleveland Rotary Foundation, for constructing and maintaining Rotary Plaza and site improvements which will be located at East 9th and Erieside Avenue, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept grants and gifts from public and private entities for the purpose of funding construction of Rotary Plaza, and site improvements, and for maintenance thereof. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted pursuant to this ordinance and, upon acceptance of the funds by the Director, they shall be appropriated for the purposes set forth in this ordinance.

Section 3. That the application for said grant, File No. 184-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing Rotary Plaza and site improvements, to be located at East 9th and Erieside Avenue, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 5. That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 6. That the Director of Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for maintenance services on the newly constructed Plaza, including but not limited to maintaining the site improvements, the grounds, the landscaping, and appurtenances, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Parks, Recreation and Properties.

Section 7. That the costs of said contracts authorized above shall be

paid from the fund or funds to which are credited the grant and gift proceeds accepted pursuant to Sections 1 and 2 of this ordinance and from Fund No. 10 SF 038, Request No. 20569.

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

Passed March 15, 1999.

Effective March 18, 1999.

Ord. No. 426-99.

By Councilman Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4407 Lester Avenue, 4827 and 4835 Wendell Avenue, and 5814-5818 Portage Avenue to Cleveland Housing Network, Incorporated.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed 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. 123-20-077 as more fully described in Section 2 below, to Cleveland Housing Network, Incorporated.

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

P.P. No. 123-20-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 67 in the Gallup Subdivision of part of Original One Hundred Acre Lot No. 282 as shown by the recorded plat in Volume 4 of Maps, Page 52 of Cuyahoga County Records and being 40 feet front on the Northeastly side of Lester Street, S.E. and extending back of equal width 120 feet, as appears by said plat.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-21-121 as more fully described in Section 4 below, to Cleveland Housing Network, Incorporated.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 123-21-121

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Mrs. John Smith's Subdivision of part of Original One Hundred Acre Lots Nos. 282 and 324, as shown by the recorded plat of said Subdivision in Volume 9 of Maps, Page 33 of Cuyahoga County Records. Said Sublot No. 8 has a frontage of 30 feet on the Northerly side of Wendell Avenue, S.E., and extends back between parallel lines 110 feet as appears by said plat.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 123-21-123 as more fully described in Section 6 below, to Cleveland Housing Network, Incorporated.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 123-21-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 and the Westerly one-half of Sublot No. 11 in Catherine Smith (Mrs. John Smith's) Allotment of part of Original One Hundred Acre Lots Nos. 282 and 324, together making a piece of land 45 feet front on the Northeastly side of Wendell Avenue, and 110 feet in depth, between parallel line, as shown by the recorded plat in Volume 9 of Maps, Page 33 of Cuyahoga County Records and said premises are known as 4835 Wendell Avenue, Cleveland, Ohio.

Section 7. 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. 125-27-048 as more fully described in Section 8 below, to Cleveland Housing Network, Incorporated.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 125-27-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 134 in G.W. Canfield Subdivision of part of Original One Hundred Acre Lot No. 321 as shown by the recorded plat in Volume 9 of Maps, Page 13 of Cuyahoga County Records and being 30 feet 1/2 inch front on the Southeastly side of Portage Avenue, and extending back 109 feet on the Northeastly line, 109 feet six and 1/2 inch front on the Southeastly line and being 30 feet 3/4 inch in the rear as appear by said plat.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 125-27-049 as more fully described in Section 10 below, to Cleveland Housing Network, Incorporated.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 125-27-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 135 in G.W. Canfield's Allotment of part of Original One Hundred Acre Lot No. 321, as shown by the recorded plat in Volume 9 of Maps, Page 13 of Cuyahoga County Records, and being 30 feet 1/2 inch front on the Southeastly side of Portage Avenue, S.E., (formerly Portage Street), and extending back 108 feet 5-1/2 inches on the Northeastly line, 109 feet on the Southwestly line, and 30 feet and 3/4 inch wide in the rear, as appears by said plat.

Section 11. 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 12. 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 13. 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 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 15, 1999.

Effective March 23, 1999.

Ord. No. 428-99.

By Councilman White.

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into an agreement with the YMCA of Greater Cleveland relative to recreation programs at the Miles Family YMCA.

Whereas, this ordinance constitutes an emergency measure providing for 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 authorized and directed to enter into an agreement with the YMCA of Greater Cleveland relative to the provision of enhanced recreation

programs, including but not limited to membership initiatives, scholarships and field trips for elementary school students, at the Miles Family YMCA located at 11300 Miles Avenue in the City of Cleveland.

Section 2. That cost of said agreement shall be in the amount of Seventy-Five Thousand Dollars (\$75,000.00) and shall be paid in equal amounts, \$37,500.00, from each of the following funds, Fund No. 10 SF 166 (Ward 2 Workers' Compensation Neighborhood Capital Fund) and Fund 01, Subfund 001.

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

Passed March 15, 1999.

Effective March 24, 1999.

COUNCIL COMMITTEE MEETINGS

Thursday, March 18, 1999

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

City Planning Committee: 2:30 P.M. — Present: Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

Monday, March 22, 1999

Public Parks, Property and Recreation Committee: 9:30 A.M. — Present: Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

Public Service Committee (Joint with City Planning Committee): 11:00 A.M. — Present: Sweeney, Chairman; Melena, Vice Chairman; Britt, Cintron, Johnson, Jones, O'Malley, Patmon, Polensek.

City Planning Committee (Joint with Public Service Committee): 11:00 A.M. — Present: Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, Willis. Excused: White.

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

Wednesday, March 24, 1999

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

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

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