

The City Record

Official Publication of the City of Cleveland

June the Seventeenth, Nineteen Hundred and Ninety-Eight

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council-Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk-Sandra Franklin.		
MAYOR-Michael R. White			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
DEPT. OF LAW - Sylvester Summers, Jr., 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 - _____, Contoller, 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 - LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner			
Burke Lakefront Airport - Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113			
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets - Randell T. Scott, Commissioner, Room 25			
Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture - Kenneth Nobilio, Commissioner, Room 517			
DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment - Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.			
DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service - Bruce Shade, Commissioner, 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 - Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

Park Maintenance and Properties - Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.

Recreation - Michael Cox, Acting Commissioner, Room 8

Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Terri Hamilton, Director,
3rd Floor, City Hall.

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

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

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

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

COMMUNITY RELATIONS BOARD - Room 11, Cornell P. Carter, 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 Sylvester
Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary;
Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Henry Guzmán;
Law Director Sylvester Summers, Jr.; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Sylvester
Summers, Jr.; Utilities Director Michael Konicek; Council President Jay
Westbrook.

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, JUNE 17, 1998

No. 4410

CITY COUNCIL

MONDAY, JUNE 15, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio June 15, 1998.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White and Chief of Staff Sheffield-McClain, Directors Summers, Carmody, Konicek, Guzman, Staib, Denihan, Jackson, Hamilton, Warren, Axelrod, Carter, Morrison.

Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by Rev. Emmitt Foster, Pastor of Bethel-A.M.E. Zion Church located in Ward 9. Pledge of Allegiance.

MOTION

On the motion of Councilman Britt, the reading of the minutes of the last meeting was dispensed with.

COMMUNICATIONS

File No. 1156-98.

From the Department of Public Utilities re: Perk Company Contract No. 50060A, has been completed and accepted November 30, 1997. Received.

File No. 1097-98.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 011-98. Received.

File No. 1098-98.

From the Department of Port Control re: Notification of "Set Aside" Req. No. 13573. Received.

File No. 1099-98.

From the Department of Port Control re: Notification of "Set Aside" Req. No. 13504.

File No. 1100-98.

From Carol Williams Zung, CWZ Properties re: Multi-Site Project: East 89th Street and Ansel Road. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1101-98.

Re: New Application - 0674119 - Betty's Food Market Inc., 3347 Meyer Avenue. (Ward 14). Received.

File No. 1102-98.

Re: Stock Transfer Application - 2691195 - Ferran Corporation dba Sunshine Market, 3477-79 West 117th Street, first floor. (Ward 19). Received.

COMMUNICATIONS

File No. 1103-98.

June 3, 1998

The Honorable Jay Westbrook
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:
I am pleased to recommend Ms. Patricia Ramsey for appointment to the Cleveland-Cuyahoga County Port Authority. This appointment will expire on January 28, 2002.

Thank you for your consideration.

Sincerely,

MICHAEL R. WHITE

Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 1104-98.

June 8, 1998

The Honorable Jay Westbrook
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:
Please be advised that Mr. Benson Lee has withdrawn his name for appointment consideration to the Cleveland-Cuyahoga County Port Authority.

Thank you for your attention.

Sincerely,

MICHAEL R. WHITE

Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 304-95-A.

June 12, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.

The Committee have before us the Mayor's Letter of February 17, 1995, wherein he names his appointment to the Community Relations Board as follows:

Mr. Charles McBee
Expires March 31, 1998

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 141-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:
Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Landmarks Commission.
We have before us the Mayor's Letter of December 12, 1997, wherein he names his appointment to the Landmarks Commission as follows:

Richard C. Schanfarber
Expires on December 31, 1999

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 143-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Landmarks Commission.
We have before us the Mayor's Letter of December 12, 1997, wherein he names his appointment to the Landmarks Commission as follows:

Sandra F. Morgan
Expires on December 31, 1999

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 187-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:
Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Landmarks Commission.

We have before us the Mayor's Letter of December 12, 1997, wherein he names his appointment to the Landmarks Commission as follows:

Jim Gibans
Expires on December 31, 1999

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 501-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:
Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.

We have before us the Mayor's Letter of March 16, 1998, wherein he names his appointment to the Community Relations Board as follows:

Raymond Negrón
Expires on March 31, 2002

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 502-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.
We have before us the Mayor's Letter of March 16, 1998, wherein he names his appointment to the Community Relations Board as follows:

Mary Adele Springman
Expires on March 31, 2002

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 503-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:
Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's Letter of March 19, 1998, wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority as follows:

Ricardo Teamor
Expires on January 28, 2002

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 504-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:
Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Gateway Economic Development Corporation of Greater Cleveland.
We have before us the Mayor's Letter of February 26, 1998, wherein he names his appointment to the Gateway Economic Development Corporation of Greater Cleveland as follows:

Anthony E. Smith
Expires on May 31, 2002

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 505-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Fair Housing Board.
We have before us the Mayor's Letter of March 17, 1998, wherein he names his appointment to the Fair Housing Board as follows:

Patricia Swansinger
Expires on March 31, 2000

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee
Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 675-98-A.
June 12, 1998
To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:
Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Community Relations Board.
We have before us the Mayor's Letter of April 2, 1998, wherein he names his appointment to the Community Relations Board as follows:

Evangeline Hardaway
Expires on March 31, 2000

The Mayor's Appointment Committee hereby recommends that

Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 784-98-A.

June 12, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Greater Cleveland Regional Transit Authority Board.

We have before us the Mayor's Letter of April 21, 1998, wherein he names his appointment to the Greater Cleveland Regional Transit Authority Board as follows:

Francisco Molina
Expires on March 2, 2001

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Patricia J. Britt

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 907-98-A.

June 12, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Cleveland-Cuyahoga County Port Authority.

We have before us the Mayor's Letter of May 13, 1998, wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority as follows:

Robert Goldberg
Expires on January 28, 2001

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Odelia V. Robinson
Martin Sweeney

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 1040-98-A.

June 12, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Landmarks Commission.

We have before us the Mayor's Letter of May 29, 1998, wherein he names his appointment to the Landmarks Commission as follows:

Galen Shuerlein
Expires on December 31, 1999

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 1103-98-A.

June 15, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Cleveland-Cuyahoga County Port Authority.

The Committee have before us the Mayor's Letter of June 3, 1998, wherein he names his appointment to the Cleveland-Cuyahoga County Port Authority as follows:

Ms. Patricia Ramsey
Expires January 28, 2002

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

File No. 1406-97-A.

June 12, 1998

To the Honorable Council of the City of Cleveland City Council:

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointments to the Gateway Economic Development Corporation of Greater Cleveland.

We have before us the Mayor's Letter of July 1, 1997, wherein he names his appointment to the Gateway Economic Development Corporation of Greater Cleveland as follows:

Kenneth G. Silliman

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

Roosevelt Coats, Chairman
Joseph J. Zone
Odelia V. Robinson
Martin Sweeney
Patricia J. Britt

Received. Without objection, Mayor's appointment approved. Yeas 21. Nays 0.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolutions were adopted by a rising vote.

Res. No. 1147-98. Alex Smith, Jr.

Res. No. 1148-98. Hilda Marie Chavers.

Res. No. 1149-98. William Franklin Moon.

Res. No. 1150-98. John Zayac.

Res. No. 1151-98. Alexander Driscoll, Jr.

CONGRATULATORY RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection.

Res. No. 1152-98. Captain Donald G. Stewart.

Res. No. 1153-98. Fr. Frank J. Godic.

Res. No. 1154-98. Chester F. & Eileen M. Drake.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1105-98.

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

An emergency ordinance to amend Section 171.371 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1605-90, passed June 18, 1990, relating to payment of costs of attracting directors and assistants.

Whereas, this ordinance constitutes an emergency measure providing for 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 171.371 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1605-90, passed June 18, 1990, is hereby amended to read as follows:

Section 171.371 Payment of Costs of Attracting Directors and Assistants

The Director of Finance is authorized to expend funds or to reimburse funds expended for purposes of attracting the most qualified and experienced **executive assistants**, directors, **commissioners** and assistants to aid the Mayor in the performance of his duties **and to perform the work of the various City departments.** Costs to be paid or reimbursed hereunder may include without limitation the cost of searching for and recruiting such **officials**, the cost of moving such **officials** to the City, and any other similar or related cost.

Section 2. That existing Section 171.371 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1605-90, passed June 18, 1990, is hereby repealed.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Legislation, Finance.

Ord. No. 1107-98.
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 East 66th Street to John K. Sellers.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-08-020, 106-08-039 and 106-08-040 (Easterly parts of), as more fully described in Section 2 below, to John K. Sellers.

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

P.P. No. 106-08-020, 039 and 040
 (Easterly parts of)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 57, 58, 59 and 60 and the Northerly 5 feet of Sublot No. 56 in L.W. Sapps' Allotment of part of Original One Hundred Acre Lots Nos. 341 and 344, as shown by the recorded plat in Volume 3 of Maps, Pages 43 and 44 of Cuyahoga County Records, together forming a parcel of land 105 feet front on the Westerly side of East 66th Street (60 feet wide) and extending back of equal width, 139.9 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways, easements and restrictions of record.

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

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

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

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

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

Ord. No. 1109-98.
By Councilmen Lewis, Jackson, Rybka and Westbrook (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8016 Melrose Avenue to Earthie M. Carter.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-21-060, as more fully described in Section 2 below, to Earthie M. Carter.

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

P.P. No. 106-21-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391, and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Emily G. Cory, by deed dated March 21, 1878, and recorded in Volume 295, Page 1 of Cuyahoga County Records (said Northerly line being also the Southerly line of Melrose Avenue, N.E.) at a point distant 267.65 feet Easterly measured along said Southerly line of Melrose Avenue, N.E., from its point of intersection with the Westerly line of said Original One Hundred Acre Lot No. 391; thence Easterly along said Southerly line of Melrose Avenue, N.E., 30 feet; thence Southerly on a line parallel to said Westerly line of Original Lot No. 391, 102.50 feet; thence Westerly on a line parallel to said Southerly line of Melrose Avenue, N.E., 30 feet; thence Northerly 102.50 feet to the place of beginning, and being further known as parts of Sublots Nos. 51 and 52 in Emily G. Cory's proposed Allotment of part of Original One Hundred Acre

Lots Nos. 342 and 391, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

Ord. No. 1110-98.
By Councilmen Sweeney, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with American Handling, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new manufacturing and office facility located in Cleveland Business Park in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, American Handling, Inc. (the "Enterprise") has proposed to construct a new manufacturing and office facility in the Cleveland Business Park; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of American Handling, Inc. for enterprise zone incentives on the basis that American Handling, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with American Handling, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a new manufacturing and office facility in Cleveland Business Park; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1110-98-A.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

Ord. No. 1111-98.

By Councilmen Patmon and Johnson.

An emergency ordinance authorizing and directing the purchase by requirement contract of the labor and materials necessary to dispose of catch basin debris, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to dispose of catch basin debris in the estimated sum of \$300,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23029)

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. 1112-98.

By Councilmen Sweeney and Johnson.

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to refurbish receptacle lids, for the Division of Waste Collection and Disposal, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials needed to refurbish receptacle lids in the estimated sum of \$16,200.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, 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 23172)

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. 1113-98.

By Councilmen Coats and Johnson.

An emergency ordinance authorizing the Director of Public Safety to enter into a requirement contract with Wise International Trucks for replacement parts for International trucks for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, 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 it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Wise International Trucks. Therefore, the Director of Public Safety is hereby authorized to make a written requirement contract with Wise International Trucks for replacement parts for International trucks, for a period of one year, with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year consecutive period, and cancellable upon thirty days written notice by said director, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases shall be made on order of Director of Public Safety pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22774)

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

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

**Ord. No. 1114-98,
By Councilmen Willis, Westbrook,
Rybka and Johnson.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to transfer property described as a parking area to the control, possession and use of the Department of Port Control.

Whereas, the Department of Parks, Recreation and Properties desires to transfer certain property under its control to the Department of Port Control; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that said transfer be preceded by an ordinance of Council approving the transfer; and

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

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

Section 1. That pursuant to Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to transfer the following described property to the control, possession and use of the Department of Port Control:

**LANDSCAPE AREA BETWEEN
CLEVELAND MEMORIAL
SHOREWAY N.E. AND
NORTH MARGINAL DRIVE**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of the lands shown on Dedication Map of Cleveland Memorial Shoreway N.E. Widening as recorded in Volume 178 Page 28 of Cuyahoga County Record of Plats and more fully described as follows:

Beginning at a stone monument in the centerline intersection of Lakeside Avenue N.E. (99 feet) and East 9th Street (99 feet);

Thence North 33° 53' 10" West in the centerline of said East 9th Street a distance of 1201.49 feet to a point, said point being 13.20 feet Southerly of an iron pin monument in the centerline of East 9th Street and the centerline of pavement of North Marginal Drive;

Thence North 56° 08' 50" East a distance of 49.50 feet to a point in the Easterly sideline of said East 9th Street and the true place of beginning of the parcel herein described;

Thence along the outside edge of the South curb of North Marginal Drive as defined by the following bearing and distances;

1. North 57° 20' 50" East a distance of 2.02 feet.
2. North 57° 18' 25" East a distance of 57.55 feet.
3. North 51° 52' 57" East a distance of 60.09 feet.
4. North 57° 03' 04" East a distance of 96.45 feet.
5. North 59° 06' 05" East a distance of 60.09 feet.
6. North 60° 59' 48" East a distance of 52.47 feet.
7. North 62° 54' 11" East a distance of 122.02 feet.
8. North 63° 07' 59" East a distance of 143.58 feet.
9. North 63° 13' 29" East a distance of 172.90 feet.
10. North 63° 08' 37" East a distance of 209.22 feet.
11. North 63° 19' 39" East a distance of 76.34 feet to the intersection of said South curb with the Northerly right of way line of Cleveland Memorial Shoreway N.E.;

Thence South 55° 26' 50" West along the Northerly line of Cleveland Memorial Shoreway N.E. a distance of 1046.90 feet to the Easterly sideline of said East 9th Street;

Thence North 33° 53' 10" West along the Easterly sideline of East 9th Street a distance of 106.73 feet to the place of beginning and containing 1.591 Acres of land more or less but subject to all legal highways as surveyed in the month of March, 1996 by Robert R. Brower, P.S., Ohio Registration No. 5260 of G & T Associates, Inc.

Section 2. That upon consummation of the transfer referenced in Section 1, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver said copy to the custody of the Division of Property Management, Department of Parks, Recreation and Properties.

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

Referred to Directors of Public Parks, Property and Recreation, Port Control, City Planning Commission, Finance, Law; Committees on Public Parks, Recreation and Properties, Aviation and Transportation, City Planning, Finance.

**Ord. No. 1115-98,
By Councilmen Westbrook and Johnson.**

An emergency ordinance authorizing the Director of Port Control to enter into a Concession Agreement with Anthony Allega, Inc. for use of certain property at Cleveland Hopkins International Airport for operation of an asphalt/concrete batching and recycling plant for airport and non-airport projects.

Whereas, this ordinance constitutes an emergency measure providing for 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 authorized to enter into a Concession Agreement ("Agreement") with Anthony Allega, Inc. ("Concessionaire") for use of certain property at Cleveland Hopkins International Airport ("Airport") for operation of an asphalt/concrete batching and recycling plant for both Airport and non-Airport projects. The term of said Agreement shall commence on January 1, 1993 and continue through completion of any and all Airport-related public improvement contracts between the City and Concessionaire, or such Airport-related public improvement contracts for which Concessionaire is a subcontractor to an entity under contract with the City, provided that such batch plant is necessary for the completion of such public improvements.

Concessionaire shall pay to City a fee for the use of such airport property of \$15,000 per year for each year from 1993 through 1997; and \$30,000 per year for each year from 1998 to the end of the term, as defined above. Unless the Director of Port Control has so pre-approved, in writing, Concessionaire shall not conduct or cause to be conducted

non-Airport work in excess of 50% of all work conducted from the property by Concessionaire. Concessionaire shall pay all property taxes for that portion of the property occupied by Concessionaire beginning in 1998 through to the end of the term if, in its use of the property, Concessionaire is required to pay real property taxes or any other taxes assessed or required by any taxing agency that has jurisdiction over such property.

Section 2. That the Agreement authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 1116-98,
By Councilmen Coats, Zone and Johnson.**

An emergency ordinance to repeal Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1960-60, passed October 10, 1960; and to supplement said codified ordinances by enacting new Section 135.26 thereof relating to intermunicipal fire protection agreements.

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

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

Section 1. That Section 135.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1960-60, passed October 10, 1960, is hereby repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 135.26 thereof to read as follows:

Section 135.26 Intermunicipal Fire Protection Agreements

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

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

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

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

Ord. No. 1117-98.

By Councilmen Coats and Johnson.

An emergency ordinance to extend the retirement dates of Officer Emil Cielec, Lieutenant Michael O'Malley, Lieutenant Edward Lentz and Detective Arssie Taylor, for a one year period for the Division of Police, Department of Public Safety.

Whereas, Section 135.07 of the Codified Ordinances of Cleveland, Ohio, 1976, provides that members of the Division of Police in the Department of Public Safety, attaining the age of sixty-five years, upon written request of the Police Chief, shall continue on active duty on a year-to-year basis subject to the approval of the Department of Public Safety and this Council; and

Whereas, Officer Emil Cielec, Lieutenant Michael O'Malley, Lieutenant Edward Lentz and Detective Arssie Taylor, possess great wealth of knowledge and expertise and have proved invaluable in attaining the goals of the Division of Police, Department of Public Safety; and

Whereas, the Director of Public Safety has approved the continuation on active duty for Officer Emil Cielec, Lieutenant Michael O'Malley, Lieutenant Edward Lentz and Detective Arssie Taylor; 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 Officer Emil Cielec of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 20, 1998, and that such continuation is hereby approved by this Council.

Section 2. That Lieutenant Michael O'Malley of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on June 30, 1998, and that such continuation is hereby approved by this Council.

Section 3. That Lieutenant Edward Lentz of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 14, 1998, and that such continuation is hereby approved by this Council.

Section 4. That Detective Arssie Taylor of the Division of Police, Department of Public Safety, shall continue on active duty for a one (1) year period beginning on August 26, 1998, and that such continuation is hereby approved by this Council.

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

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

Ord. No. 1136-98.

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

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXIV, from the United States Government; and

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

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

Section 1. That the Director of the Public Health is hereby authorized to expend Community Development Block Grant funds for AIDS related services.

Section 2. That the Director of Public Health is hereby authorized to enter into contracts with outside agencies for the purpose of providing AIDS related services in conjunction with the Community Development Block Grant Program.

Section 3. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

Section 4. That the cost of the contracts authorized by Section 2 shall be paid from Fund No. 14 SF 024 RL 23114.

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

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

Ord. No. 1139-98.

By Councilmen Willis, 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 1529 East Boulevard to Blashaw, 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(s), 107-25-003, as more fully described in Section 2 below, to Blashaw, 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. 107-25-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 393, and bounded and described as follows:

Beginning on a line parallel with the Northerly line of 105th Street and distant 150 feet Westerly therefrom at a point on said line 200 feet North from the South line of land conveyed to Edwin Nichols by deed recorded in Volume 136, Page 227 of Cuyahoga County Records; thence North parallel with the Westerly line of East 105th Street, 53 feet; thence Westerly parallel with the South line of land conveyed to Edwin Nichols, as aforesaid, about 209 feet more or less to the Easterly line of East Boulevard, being also the Easterly line of land conveyed to the City of Cleveland by deed recorded in Volume 575, Page 564 of Cuyahoga County Records; thence Southerly along said Boulevard line to its intersection with a line drawn parallel with the Northerly line of premises herein described and 53 feet distant Southerly therefrom; thence Easterly parallel with the Northerly line of premises herein described 226 feet to the place of beginning and being further known as Sublot No. 12 and the Southerly 3 feet of Sublot No. 13 in Caroline D. Pentecost proposed Subdivision of part of Original One Hundred Acre Lot No. 393, be the same more or less but subject to all legal highways.

Subject to Covenants and Restrictions recorded in Volume 575, Page 564 of Cuyahoga County Records, Restrictions and easements recorded in Volume 1051, Page 131 of Cuyahoga County Records.

Easement recorded in Volume 1051, Page 286 of Cuyahoga County Records.

Easement recorded in Volume 1097, Page 86 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 1140-98.

By Councilmen Cintron, 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 1901 West 47th Street to Ohio City Near West Development Corporation.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 002-35-126, as more fully described in Section 2 below, to Ohio City Near West Development Corporation.

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. 002-35-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 241 in Benedict and Root's Allotment of part of Original Brooklyn Township Lots Nos. 48 and 49, as shown by the recorded plat in Volume 1 of Maps, Page 13 of Cuyahoga County Records and being 48 feet front on the Easterly side of West 47th Street (formerly Root Street) and extending back of equal width 132 feet, with the Southerly line also being known as the Northerly side of Bridge Court, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as

may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

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

Ord. No. 1141-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Dorn Color, Inc. to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to renovate a building at 11555 Berea Road and to purchase of machinery and equipment.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Dorn Color, Inc. (the "Enterprise") has proposed to renovate a building at 11555 Berea Road and to purchase of machinery and equipment in Cleveland, Ohio; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

Section 1. That this Council hereby approves the application of Dorn Color, Inc. for enterprise zone incentives on the basis that Dorn Color, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Dorn Color, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to renovate a building at 11555 Berea Road and to purchase of machinery and equipment in Cleveland, Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1141-98-A.

Section 4. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from fund No. 17 SF 305, Loan Fees Fund.

Section 5. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

Ord. No. 1142-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Dorn Color, Inc., to provide economic development assistance to partially finance the acquisition and renovation of real property located at 11555 Berea Road, Cleveland, Ohio.

Whereas, through Ordinance No. 56-94, passed June 13, 1994, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; 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, subject to the provisions of Section 8 of this Ordinance, the Director of Economic

Development is hereby authorized to enter into a Neighborhood Development Investment Fund contract with Dorn Color, Inc., to provide economic development assistance to partially finance the acquisition and renovation of real property located at 11555 Berea Road, Cleveland, Ohio.

Section 2. That the terms of said contract shall comply with the requirements of the Neighborhood Development Investment Program and NDIF, as set forth in Section 1 of Ordinance No. 56-94 passed June 13, 1994, and shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1142-98-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. 10 SF 501, RL 24287.

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

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of such loan and to deposit said monies in Fund No. 10 SF 502.

Section 6. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited 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, prior to entering into any contract authorized herein, the Director of Finance is required to certify that un-appropriated funds equal to the contract amount set forth in Section 3 of this ordinance have been collected by the City and are available to be allocated to such contract.

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

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

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 drawings 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 thirty percent (30%) of the construction contracts and supplier purchase orders for the Network to minority owned business enterprises and ten percent (10%) 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 thirty percent (30%) and ten percent (10%), 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 or 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.

21.5 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.

21.6 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.

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

FIRST READING ORDINANCES REFERRED

Ord. No. 1118-98.

By Councilmen Zone and Westbrook.

An ordinance establishing the West 117 Street/Berea Road Business Revitalization District (BRD) (Map Change No. 1978, Sheet Nos. 1 & 2)

Whereas, the Board of Trustees of Westown Community Development Corporation (Westown CDC) and Western-Elmwood-Berea Corporation (WEBCO) have submitted a written request dated to the City Planning Commission to establish a Business Revitalization District in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed district; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1988; therefore,

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the West 117 Street-Berea Road Business Revitalization District.

Beginning at the intersection of the center line of Berea Road, N.W. and the center line of West 110 Street; thence southerly along said center line of West 110 Street to its intersection with the easterly extension of the southerly line of a parcel of land owned by Full House Investment Company and identified as Permanent Parcel No. 005-02-003 (said southerly line of said parcel of land being located approximately four hundred fifty three (453) feet south of the intersection of the northwesterly line of Berea Road, N.W. and the westerly line of W. 110 Street); thence southerly and southwesterly along easterly lines of Permanent Parcel No. 005-02-009, the westerly line of Permanent Parcel No. 005-02-010, the southeasterly line of Permanent Parcel No. 005-02-011 and 005-02-001 and along its southwesterly extension to the center line of West 114 Street; thence southerly along said center line of West 114 Street to the center line of Western Avenue, N.W.; thence westerly along said center line of Western Avenue, N.W. to the center line of West 116 Street; thence southerly along said center line of West 116 Street to the center line of Belmont Avenue, N.W.; thence westerly along said center line of Belmont Avenue, N.W. to the center line of West 117 Street; thence southerly along said center

line of West 117 Street to the center line of the northerly ramp of Northwest Freeway I-90; thence southwesterly along said center line of said northerly ramp of said Northwest Freeway I-90 and along its southwesterly extension to its intersection with the center line of West 121 Street; thence northerly along said center line of West 121 Street and along its northerly prolongation to the center line of Berea Road, N.W.; thence northeasterly along said center line of Berea Road, N.W. to the center line of West 117 Street; thence northerly along said center line of West 117 Street to the center line of Franklin Boulevard, N.W.; thence easterly along said center line of Franklin Boulevard, N.W. to the center line of West 115 Street; thence southerly along said center line of West 115 Street to the center line of Madison Avenue, N.W.; thence easterly along said center line of Madison Avenue, N.W. to its intersection with the southeasterly property line of the New York Central Railroad identified as Permanent Parcel No. 005-01-002, Parcel No. 73; thence southwesterly along said southeasterly property line of said New York Central Railroad to its intersection with the northerly line of a parcel of land owned by Thomas J. and Valerie Kilbane and identified as Permanent Parcel No. 005-01-010; thence southeasterly and northeasterly along said northerly line of said parcel of land owned by Thomas J. and Valerie Kilbane to its intersection with the northeasterly line thereof, (said northeasterly line of said parcel of land being located approximately five hundred sixty eight (568) feet from the intersection of the easterly line of West 117 Street and the northwesterly line of Berea Road, N.W.; thence southeasterly along said northeasterly line of said parcel of land and along its southeasterly extension to the center line of Berea Road, N.W.; thence northeasterly along said centerline of Berea Road, N.W. to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the West 117 Street-Berea Road Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the West 117 Street-Berea Road Business Revitalization District.

Beginning at the intersection of the center line of Joan Avenue, S.W. and the northerly extension of the easterly line of Sublot No. 1019 in the Lorain Highlands Re-Subdivision as recorded in Volume 47, Page 23 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 1019 to its intersection with a line located one hundred thirty (130) feet south of the southerly line of Joan Avenue, S.W.; thence westerly along said line which is parallel to and one hundred thirty (130) feet south of said southerly line of Joan Avenue, S.W. to its intersection with a northeasterly line of Sublot No. 1024 in said Lorain Highlands Re-Subdivision; thence southeasterly along said northeasterly line of said

Sublot No. 1024 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 1024 and along its westerly extension to the center line of West 110 Street; thence southerly along said center line of West 110 Street to its intersection with the easterly extension of the northerly line of Sublot No. 4 in the in the Bosworth Heights Subdivision as recorded in Volume 31, Page 2 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 4 to its intersection with a line located one hundred twenty (120) feet west of the westerly line of West 110 Street; thence southerly along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of West 110 Street for a distance of forty (40) feet; thence westerly for a distance of forty (40) feet; thence northerly for a distance of forty (40) feet; thence westerly from this point to the center line of West 111 Street; thence southerly along said center line of West 111 Street to its intersection with the easterly extension of the northerly line of Sublot No. 37 in said Bosworth Heights Subdivision; thence westerly along said easterly extension and along said northerly line of said Sublot No. 37 to its intersection with a line located one hundred twenty (120) feet west of the westerly line of West 111 Street; thence southerly along said line which is parallel to and one hundred twenty (120) feet west of said westerly line of West 111 Street and along its southerly extension to the center line of Fidelity Avenue, S.W.; thence northwesterly and southwesterly along said center line of Fidelity Avenue, S.W. to the center line of Bosworth Road, S.W.; thence northwesterly along said center line of Bosworth Road, S.W. to its intersection with the easterly extension of a line located approximately two hundred thirty (230) feet north of the northerly line of Fidelity Avenue, S.W.; thence westerly along said easterly extension and along said line which is parallel to and approximately two hundred thirty (230) feet north of said northerly line of Fidelity Avenue, S.W.; to its intersection with the easterly line of Sublot No. 9 in the Lorain Street and Denison Avenue Land Company Subdivision as recorded in Volume 31, Page 3 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 9 to its intersection with a line located one hundred thirty (130) feet north of said northerly line of Fidelity Avenue, S.W.; thence westerly along said line which is parallel to and one hundred thirty (130) feet north of said northerly line of Fidelity Avenue, S.W. to its intersection with the easterly line with the easterly line of Sublot No. 7 in the Dunham Heights Re-Subdivision as recorded in Volume 47, Page 26 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 7 to its intersection with the northerly line of Sublot No. 1742 in said Dunham Heights Re-Subdivision; thence westerly along said northerly line of said Sublot No. 1742 to the westerly line thereof; thence southerly along said westerly line of said Sublot No. 1742 and along its southerly extension to the center line of Fidelity Avenue, S.W.; thence westerly along said center line of Fidelity Avenue, S.W. to the

center line of West 117 Street; thence northerly along said center line of West 117 Street to the center line of Lorain Avenue; thence southwesterly along said center line of Lorain Avenue to the center line of West 120 Street; thence northwesterly along said center line of West 120 Street to its intersection with the southwesterly extension of a line located one hundred forty (140) feet northwest of the northwesterly line of Lorain Avenue; thence north-easterly along said southwesterly extension and along said line which is parallel to and one hundred forty (140) feet northwest of said northwesterly line of Lorain Avenue and along its northeasterly prolongation to the center line of West 118 Street; thence northwesterly and northerly along said center line of West 118 Street to the center line of Geraldine Avenue, N.W.; thence easterly along said center line of Geraldine Avenue, N.W. to its intersection with the southerly extension of the easterly line of Sublot No. 7 in the A. J. Marvin Re-Subdivision as recorded in Volume 23, Page 20 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 7 to its intersection with the westerly line of Sublot No. 3 in said A. J. Marvin Re-Subdivision; thence northerly along said westerly line of said Sublot No. 3 to the northerly line thereof; thence easterly along said northerly line of said Sublot No. 3 to its intersection with a line located one hundred nine (109) feet west of the westerly line of West 117 Street; thence northerly along said line which is parallel to and one hundred nine (109) feet west of said westerly line of West 117 Street and along its northerly extension to the center line of Triskett Road, N.W.; thence westerly along said center line of Triskett Road, N.W. to its intersection with the southerly extension of a line located one hundred fifty (150) feet west of said westerly line of West 117 Street; thence northerly along said southerly extension and along said line which is parallel to and one hundred fifty (150) feet west of said westerly line of West 117 Street to its intersection with a line located one hundred forty (140) feet north of the northerly line of Triskett Road, N.W.; thence westerly along said line which is parallel to and one hundred forty (140) feet north of said northerly line of Triskett Road, N.W. to its intersection with a line located two hundred thirty (230) feet west of said westerly line of West 117 Street; thence northerly along said line which is parallel to and two hundred thirty (230) feet west of said westerly line of West 117 Street to its intersection with a line located two hundred forty (240) feet north of said northerly line of Triskett Road, N.W.; thence easterly along said line which is parallel to and two hundred forty (240) feet north of said northerly line of Triskett Road, N.W. to its intersection with a line located one hundred fifty (150) feet west of said westerly line of West 117 Street; thence northerly along said line which is parallel to and one hundred fifty (150) feet west of said westerly line of West 117 Street to its intersection with a line located ninety (90) feet south of the southerly line of Arden Avenue, N.W. thence easterly along said line which is parallel to and ninety (90) feet south of said southerly line of

Arden Avenue, N.W. and along its easterly extension to the center line of West 117 Street; thence northerly along said center line of West 117 Street to the center line of Arden Avenue, N.W., thence easterly along said center line of Arden Avenue, N.W. to its intersection with the northerly extension of a line located one hundred forty (140) feet west of the westerly line of West 116 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred forty (140) feet west of said westerly line of West 116 Street and along its southerly prolongation to its intersection with a line located approximately three hundred fifteen (315) feet south of the southerly line of Triskett Avenue, N.W.; thence easterly along said line which is parallel to and approximately three hundred fifteen (315) feet south of said southerly line of Triskett Avenue, N.W. and along its easterly extension to the center line of West 116 Street; thence northerly along said center line of West 116 Street to its intersection with the westerly extension of the southerly line of Sublot No. 630 in the Lorain Heights No. 2 (Conger-Helper Realty Co.) Allotment as recorded in Volume 57, Page 22 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said southerly line of said Sublot No. 630 to the easterly line thereof; thence northerly along said easterly line of said Sublot No. 630 to its intersection with the southerly line of Sublot No. 499 in said Lorain Heights No. 2 (Conger-Helper Realty Co.) Allotment; thence easterly along said southerly line of said Sublot No. 499 and along its easterly extension to the center line of West 115 Street; thence northerly along said center line of West 115 Street to its intersection with the westerly extension of the southerly line of Sublot No. 491 in said Lorain Heights No. 2 (Conger-Helper Realty Co.) Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 491 to the easterly line thereof; thence northerly along said easterly line of said Sublot No. 491 to its intersection with the southerly line of Sublot No. 781 in the Conger-Helper Realty Company Re-Subdivision as recorded in Volume 58, Page 28 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 781 and along its easterly extension to the center line of West 114 Street; thence northerly along center line of West 114 Street to its intersection with the westerly extension of the southerly line of Sublot No. 357 in said Lorain Height No. 2 (Conger-Helper Realty Company) Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 357 to the easterly line thereof; thence northerly along said easterly line of said Sublot No. 357 to its intersection with the southerly line of Sublot No. 239 in the Lorain Heights (Conger-Helper Realty Company) Allotment as recorded in Volume 55, Page 13 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 239 and along its easterly extension to the center line of West 112 Street; thence northerly along said center line of West 112 Street to its intersection with the westerly extension of the southerly line of Sublot No. 232 in said Lorain Heights (Conger-

Helper Realty Company) Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 232 to the easterly line thereof; thence northerly along said easterly line of said Sublot No. 232 to its intersection with the southerly line of Sublot No. 120 in said Lorain Heights (Conger-Helper Realty Company) Allotment; thence easterly along said southerly line of said Sublot No. 120 and along its easterly extension to the center line of West 111 Street; thence northerly along said center line of West 111 Street to its intersection with the westerly extension of the southerly line of Sublot No. 113 in said Lorain Heights (Conger-Helper Realty Company) Allotment; thence easterly along said westerly extension and along said southerly line of said Sublot No. 7 to its intersection with a line located one hundred ten (110) feet east of the easterly line of West 111 Street; thence northerly along said line which is parallel to and one hundred ten (110) feet east of said easterly line of West 111 Street to its intersection with a line located one hundred sixty (160) feet south of the southerly line of Arden Avenue, N.W.; thence easterly along said line which is parallel to and one hundred sixty (160) feet south of said southerly line of Arden Avenue, N.W. and along its easterly extension to the center line of West 110 Street; thence southerly along said center line of West 110 Street to the center line of Lorain Avenue; thence northeasterly along said center line of Lorain Avenue to said center line of Joan Avenue, S.W.; thence easterly along said center line of Joan Avenue, S.W. to the place of beginning.

Section 4. That the designation of the area set forth in Section 3 hereof as the West 117 Street-Berea Road Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1119-98.

By Councilman Polensek.

An ordinance to change the Use District of lands on the northerly side of St. Clair Avenue between Brussels and Nottingham Road. (Map Change No. 1976, Sheet No. 7)

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning at the intersection of the center line of Nottingham Road, N.E. and the center line of St. Clair Avenue, N.E.; thence southeasterly along said center line of St. Clair Avenue, N.E. to the center line of Brussels Road, N.E.; thence northwesterly along said center line of Brussels Road, N.E. to its intersection with the southwesterly extension of the northwesterly line of a parcel of land owned by Joseph Kastellec and identified as Permanent Parcel No. 116-19-011 (said northwesterly line of said parcel of

land being located approximately one hundred seventy and eight hundredths (170.08) feet northwest of the northwesterly line of St. Clair Avenue, N.W.); thence northeasterly along said southwesterly extension and along said northwesterly line of said parcel of land conveyed to Joseph Kastellec to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-010; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-010 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-009; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-009 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-008; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-008 to its intersection with a southwesterly line of a parcel of land owned by Robert E. Linkons and identified as Permanent Parcel No. 116-19-039; thence northwesterly along said southwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-039 to its intersection with the northwesterly line thereof, thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-039 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-007; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-007 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-006; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-006 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-005; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-005 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-004; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-004 to its intersection with the northwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-038; thence northeasterly along said northwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-038 to its intersection with the southwesterly line of a parcel of land identified as Permanent Parcel No. 116-19-002; thence southeasterly along said southwesterly line of said parcel of land identified as Permanent Parcel No. 116-19-002 to its intersection with the southeasterly line thereof; thence northeasterly along said southeasterly line of said parcel of land identified as Permanent Parcel No. 116-19-002 and along its northeasterly extension to the center line of Nottingham Road, N.E.; thence southeasterly along said center line of Nottingham Road, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1976, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 1135-98.

By Councilman Moran.

An ordinance amending Chapter 683 regarding sound devices to decrease the occurrences of noise nuisances in Cleveland neighborhoods caused by construction activity and pneumatically, mechanically powered equipment and other devices.

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

Section 1. That the unnecessary noise regulations be described as follows:

(a) No person shall make, or cause, suffer, allow, or permit to be made within the City any unreasonably loud, disturbing and unnecessary noise, or noises of such character, intensity or duration as to be detrimental to the life and health of any individual.

(b) Loud, disturbing and unnecessary noises in violation of this section shall include without limitation the following:

(1) The sounding of any horn, bell or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.

(2) The keeping of any animal or bird which, by causing frequent or long continued noise disturbs the comfort and response of any person in the vicinity, where such noise can be distinctly heard outside the property line of the premises at which the animal or bird is kept.

(3) The use of any motorcycle, or vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noises.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger, or the use of steam under pressure for cleaning purposes **between the hours of 7:00 P.M. and 7:00 A.M.**, when the windows of such establishment are open.

(5) The unreasonable discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine.

(6) The use of any mechanical device operated by compressed air (including a jackhammer) operated on weekdays **between the hours of 7:00 P.M. and 7:00 A.M.** unless the noise created is thereby effectively muffled and reduced.

(7) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(8) **Engaging or undertaking any construction or demolition activity or the operation of any mechanical, electrical, pneumatically, hydraulically powered or battery operated apparatus which produces loud sound between the hours of 7:00 P.M. and 7:00 A.M., which disturbs the peace and quiet of the neighborhood within 500 feet of places of residence and 150 feet of any portion of the grounds and premises on which is located a hospital or other institution reserved for the sick, aged, or infirm, or within 150 feet of any school, courthouse, church, or building in which religious services are held, during school hours, hours of holding court or hours of public worship, respectively. The area within 150 feet of a hospital, school, courthouse or church shall be called a "zone of quiet" and the Director of Public Safety shall place signs within such zones calling attention to the prohibition against unnecessary noises.**

(9) The making of any loud noise, assembly or unnecessary noise in violation of Chapter 683 of these Codified Ordinances.

(b) **There shall be an exemption to this ordinance only in emergency situations where major utility repairs are needed in residential neighborhoods, such emergency conditions where utility repair work such as restoring electric power lines or a water or sewer main or any other similar occurrence shall be exempted from this ordinance. If there is a legitimate need to do any construction activity other than utility repairs, the construction contractor in charge of the project shall submit to the Director of Public Safety a request to perform construction work outside of the time allowed under this ordinance to permit such activity to take place. The Director of Public Safety shall at his discretion grant an exemption to this ordinance if the request for such an exemption by the contractor is justified.**

(c) Whoever violates this section is guilty of making unnecessary noise, a minor misdemeanor and shall be fined at least seventy five dollars (\$75.00), which fine shall not be suspended, waived or otherwise reduced below that amount. Whoever violates this section within twelve (12) hours of having been charged with the minor misdemeanor of making unnecessary noises or of having been warned by a police officer to desist from making unnecessary noise is guilty of making unnecessary noise, a misdemeanor of the third degree, and shall be fined at least one hundred (\$100.00), which shall not be suspended, waived, or otherwise reduced below that amount. Notwithstanding the preceding provision of this paragraph, the penalties contained in Section 683.99 shall apply to violations of division (b)(9) of this section.

Section 2. That these amendments be added to this ordinance and be enforced by the Director of Public Safety and added to the City of Cleveland Codified Ordinances.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1120-98.

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

An emergency resolution supporting the application by the City of Cleveland to the Ohio Environmental Protection Agency to receive a multi-property Urban Setting Designation in certain of the areas of the City designated for commercial and industrial development.

Whereas, the Ohio legislature enacted Ohio's Voluntary Action Program ("VAP") in July, 1994, to address the problems of property development, particularly in the urban centers of Ohio, due to concerns about the environmental condition of property, the extent of cleanup necessary, the cost of such cleanups, and the legal liability that may exist due to environmental contamination; and

Whereas, the Voluntary Action Program is designed to provide legal and financial incentives for the voluntary cleanup of contaminated property, thereby encouraging significant re-investment in and redevelopment of urban properties throughout Ohio, and through such Program an owner or other person may undertake a voluntary action to determine if a property is contaminated and to pursue a cleanup under applicable standards established under the VAP; and

Whereas, the level of cleanup required for ground water under a property in order to meet the standards of the Voluntary Action Program and to protect public health, depends, in part, on whether the ground water is used for potable purposes in the surrounding area, and the VAP law and regulations allow for a property to be designated as an "urban setting" in densely populated areas where there are large public water systems and the ground water is not used for potable purposes such that contaminated ground water does not pose a substantial risk to public health and thus a cleanup of such a property will be less costly; and

Whereas, in order to foster development of properties within the City of Cleveland, that may otherwise not be developed due to concern over environmental conditions, the City of Cleveland is applying to the Ohio Environmental Protection Agency ("EPA") for an Urban Setting Designation ("USD") pursuant to the authority of Ordinance No. 1157-97, passed by this Council on August 13, 1997, for large areas of the City, in order to pre-qualify such properties within the City for special Urban Setting Designation cleanup standards for ground water, which will eliminate the cost of thousands of dollars to individual property owners or developers to apply for a property-specific Urban Setting Designation, will assist owners and developers to avoid months of delays for projects and will encourage rather than discourage development of so-called "Brownfield" properties within the City; and

Whereas, the areas of the City which are covered by this first application by the City for a multi-property Urban Setting Designation extend throughout the City in certain of the areas designated for commercial and industrial development, as set forth in the maps contained in the file described below; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it will encourage commercial and industrial development in the City of Cleveland; now, therefore,

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

Section 1. That the Council of the City of Cleveland hereby declares its support for the proposed multi-property Urban Setting Designation for the City of Cleveland, as set forth in the application for such designation submitted by the City of Cleveland, and as set forth in the maps contained in File No. 1120-98-A, and this Council urges the Ohio Environmental Protection Agency to promptly approve the City's application for an Urban Setting Designation for said properties.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution along with a representative map of the areas of the City included in the City's application for an Urban Setting Designation to the Director of the Ohio Environmental Protection Agency.

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

Referred to Directors of Economic Development, Public Health, Public Utilities, Finance, Law; Recommended by Committees on Community and Economic Development, Public Health, Public Utilities, Finance.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1129-98.

By Councilman Zone.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, and repealing Res. No. 1570-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, by Res. No. 1570-97, adopted August 13, 1997; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

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

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

Section 1. That objection to the renewal of a D5 and D6 Liquor Permit to 11120 & 24 Lorain Ave., 1st Fl. & 11118 Lorain, 1st Fl. rear, be and the same is hereby withdrawn and Res. No. 1570-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

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

Res. No. 1130-98.

By Councilman Cimperman.

An emergency resolution withdrawing objection to the issuance of a D3A Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsm., and repealing Res. No. 871-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsm., by Res. No. 871-98, adopted May 11, 1998; and

Whereas, this Council wishes to withdraw its objection to the above issuance and consents to said issuance; 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 issuance of a C1 Liquor Permit to 2529 W. 10th St., 1st Fl. & Bsm., be and the same is hereby withdrawn and Res. No. 871-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

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

Res. No. 1133-98.

By Councilman Cimperman (by departmental request).

An emergency resolution approving the report of the Assessment Equalization Boards on objections concerning estimated assessments for improvements of the Cleveland Theater District for the provision of additional security for the District, cleaning and maintaining of the public rights-of-way and Star Plaza within the District and collective marketing of the District in the City of Cleveland.

Whereas, the Assessment Equalization Board appointed by Resolution No. 938-98, adopted May 18, 1998, and the Assessment Equalization Board appointed by Resolution No. 1055-98, adopted June 8, 1998, to hear and determine all objections concerning the estimated assessments for the Cleveland Theater District in the City of Cleveland by providing additional security for the District, cleaning and maintaining the public rights-of-way and Star Plaza within

the District and collective marketing of the District in accordance with Resolution No. 1746-97, adopted December 15, 1997, has filed its report with this Council as to its determination of such objections and said report is on file in File No. 1133-98-A; and

Whereas, this Council deems said report proper in all respects; and

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

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

Section 1. That the report of the Assessment Equalization Board, appointed by Resolution No. 1746-97, adopted May 18, 1998, and appointed by Resolution No. 1055-98, adopted June 8, 1998, is hereby approved.

Section 2. That the assessments as equalized by the respective Boards and recommended by it in the reports are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

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

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

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

Res. No. 1134-98.

By Councilman Westbrook.

An emergency resolution fixing the summer schedule of meetings of the Council of the City of Cleveland.

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

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

Section 1. That the schedule of meetings during the summer months for the Council of the City of Cleveland is hereby fixed as follows:

Wednesday, July 29
Wednesday, August 19

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk of Council prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 14, 1998.

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

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

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

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

Ord. No. 1106-98.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1762, 1764, and 1766 East 65th Street to George B. and Vernita R. Rivers.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 118-03-003, 118-03-004 and 118-03-005, as more fully described in Section 2 below, to George B. and Vernita R. Rivers.

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

P.P. No. 118-03-003 (Northerly Part)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original One Hundred Acre Lot No. 337 and bounded and described as follows:

Beginning at a point at the intersection of the Southerly line of Hough Avenue, N.E., (60 feet wide) with the Westerly line of East 65th Street (46 feet wide); thence South 00° 13' 20" East, along said Westerly line of East 65th Street, 91.00 feet to the Northeastly corner of a parcel of land conveyed to the City of Cleveland by deed recorded in Volume 92-3940, Page 31 of Cuyahoga County Records and the principal place of beginning of the parcel of land herein described; thence continuing along said Westerly line of East 65th Street, 9.00 feet; thence South 89° 58' 00" West, 137.60 feet to a point in the Westerly line of said parcel of land so conveyed to the City of Cleveland; thence North 00° 05' 34" West, along said Westerly line of land so conveyed 9.00 feet to the Northwestly corner thereof; thence South 89° 57' 00" East, along the Northerly line of said parcel of land so conveyed to the City of Cleveland, 137.58 feet to the principal place of beginning and containing 1238 square feet of land, be the same more or less, but subject to all legal highways.

The above described parcel is based on a survey prepared by Donald E. Woike, Registered Surveyor No. 5547, and prepared by Steve Salay, Registered Ohio Surveyor #5505, May 21, 1998.

P.P. No. 118-03-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 337, bounded and described as follows:

Beginning in the Westerly line of East 65th Street (formerly Dorchester Avenue) at the Southeastly corner of premises conveyed by Ralph T. James to F.W. Goakes, by deed dated April 4, 1892 and recorded in Volume 509, Page 630 of Cuyahoga County Records; thence Southerly along said line of East 65th Street, 34 feet 8 inches to the Northerly line of premises conveyed by Edith Smith Williard to Joseph Loveman by deed dated June 2, 1906 and recorded in Volume 1043, Page 211 of Cuyahoga County Records; thence Westerly along said Loveman's Northerly line 137.52 feet to the Easterly line of Clare M. Hannon's Subdivision as recorded in Volume 15 of Maps, Page 29 of Cuyahoga County Records; thence Northerly along said Easterly line of said Subdivision, 34 feet 8 inches to said Southerly line of said Goakes' land; thence Easterly along said Southerly line of said Goakes' land, 137.52 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 118-03-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 337 and bounded and described as follows:

Beginning on the Westerly line of East 65th Street (formerly Dorchester Avenue) at a point 71 8/12 feet Southerly from the Southerly line of the parcel deeded by L.M. Southern and wife to W.G. Estep by deed dated January 1, 1891, and recorded in Volume 485, Page 268; thence Westerly, parallel with the Southerly line of said Estep's land 137 51/100 feet to the Westerly line of land set off to Loretta J. Pier in the partition of the Rufus Dunham Estate; thence Southerly along the Westerly line of said land set off to Loretta J. Pier 34 8/12 feet; thence Easterly to a point, on the Westerly line of East 65th Street, 34 8/12 feet Southerly from the place of beginning; thence Northerly along the Westerly line of East 65th Street 34 8/12 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

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

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

Ord. No. 1108-98.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7026 Lawnview Avenue, N.E., to Clarence Moten.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 106-13-016, as more fully described in Section 2 below, to Clarence Moten.

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

P.P. No. 106-13-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 33 feet front to rear of Sublot No. 59 in the Holden and Halle's Allotment of the Rufus Dunham Farm of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 33 feet front on the Southerly side of Lawnview Avenue, N.E., and extending back of equal width 128 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

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

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

Ord. No. 1121-98.
By Councilman Britt.
An emergency ordinance authorizing and directing the Director of Public Service to issue permit to St. Adel-

bert Church to hang twelve (12) Banners on Cleveland Public Power utility poles (by separate permission), which will encroach into the public right-of-way of East 83rd Street between Woodland Avenue and Carnegie Avenue for the period of July 8, 1998 to August 8, 1998 inclusive to celebrate their church festival.

Whereas, this ordinance constitutes an emergency measure providing for 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 the St. Adelbert Church, 2347 East 83 Street, Cleveland, Ohio; to install, maintain and remove twelve (12) banners, to be hung on Cleveland Public Power Poles (by separate permission), on both sides of East 83rd Street between Woodland Avenue and Carnegie Avenue for the period of July 8, 1998 to August 8, 1998, inclusive. Said Banners shall be approved

by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1122-98.

By Councilman Willis.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Northeastern Neighborhood Development Corporation to encroach into the public right-of-way of Lakeview Road from St. Clair Avenue to Osceola Avenue with twenty-seven (27) banners for the Forest Hills Banner 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 Northeastern Neighborhood Development Corporation, 540 East 105th Street, Cleveland, Ohio 44108; its successors and assigns; for the construction, use and maintenance of twenty-seven (27) banners to be attached to Cleveland Public Power, (C.P.P.) and Cleveland Electric Illuminating Company (C.E.I.) utility poles (by separate permission), for the Forest Hills Banner Project, and which banners will encroach into the public right-of-way of Lakeview Road from St. Clair Avenue to Osceola Avenue, at the locations more fully described herein:

NORTHEASTERN NEIGHBORHOOD DEVELOPMENT CORPORATION ENCROACHMENT FOR THE FOREST HILLS BANNER PROJECT AREA:

LOCATION:	POLE NUMBER:	OWNER:
TOTAL 6-POLES - 3-Poles on West side of Lakeview Road; & 3-Poles with missing numbers on East side of Lakeview Road, South of St. Clair Avenue.	NE-6-88-1-1	C. P. P.
	NE-6-88-1-	C. P. P.
	NE-6-88-3-	C. P. P.
	No #	C. E. I.
	No #	C. E. I.
TOTAL 3-POLES at Lakeview Road & Parklawn Avenue.	No #	C. E. I.
	513302	C. E. I.
	513636 516637	C. E. I. C. E. I.
TOTAL 5-POLES at the intersections of Lakeview Road, Earle & Durant Avenues.	NE5-35A-7	C. P. P.
	NE5-35A-6	C. P. P.
	NE5-35A-5	C. P. P.
	35509	C. E. I.
	302162	C. E. I.
TOTAL 4-POLES at the intersection of Lakeview Road, Primrose & Thornwood Avenues.	35491	C. E. I.
	305472	C. E. I.
	NE5-20-10A-3	C. P. P.
	NE5-10A-2	C. P. P.
	TOTAL 9-POLES at the intersections of Lakeview Road, East 114th Street, Castlewood & Chesterfield Avenues.	35487	C. E. I.
3548-		C. E. I.
35485		C. E. I.
536847		C. E. I.
536846		C. E. I.
NE5-20-10A-4		C. P. P.
NE5-20-10A-5		C. P. P.
NE5-20-10A-11		C. P. P.
NE5-20-10A-12		C. P. P.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any object to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed in the public right-of-way at the location as aforesaid in Section 1 and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1123-98.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to JF West St. Clair LLC, by and through its affiliate Jacobs Investments Management Company, Inc. for their property known as the D'Vine Wine Bar to encroach into the public right-of-way at 836 West St. Clair Avenue with an outdoor seasonal patio café.

Whereas, this ordinance constitutes an emergency measure providing for 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 JF West St. Clair, LLC, by and through its affiliate, Jacobs Investments Management Company, Inc., for their property, D'Vine Wine Bar located at 836 West St. Clair Avenue, its successors and assigns; for the construction, use and maintenance of an outdoor seasonal patio café with approximately twelve (12) two-man tables with chairs, and which café will encroach into the public right-of-way of West St. Clair Avenue between West 6th and West 9th Streets at the locations more fully described herein.

ENCROACHMENT AREA/D'VINE WINE BAR AT 836 WEST ST. CLAIR AVENUE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Cleveland Village Two Acre Lot Number 26 and is further bounded and described as follows:

Beginning at a point in the Northwesterly line of St. Clair Avenue N.W., 99.00 feet wide, distant North 55°-02'-41" East, 257.10 feet measured along said Northwesterly line from the Northeasterly line of West 9th Street, 99.00 feet wide, said point being on the Northeasterly face of a four-story masonry building; thence South 34°-57'-19" East, 9.50 feet; thence South 55°-02'-41" West along a line parallel with the Northwesterly line of St. Clair Avenue N.W., 60.00 feet; thence North 34°-57'-19" West, 9.50 feet to the Northwesterly line of St. Clair Avenue N.W.; thence along the Northwesterly line of St. Clair Avenue N.W., North 55°-02'-41" East, 60.00 feet to the place of beginning and containing 570 square feet of land as described by Christopher

J. Dempsey, Professional Surveyor No. 6914 of Dempsey & Neff, Inc. in June, 1998, being the same more or less, but subject to all legal highways.

Note: bearings shown are to an assumed meridian and are used to denote angles only.

Section 2. That said café will be placed within the public rights-of-way as aforesaid in Section 1, and said café will 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.

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

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

Ord. No. 1124-98.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Tower City Properties, Ltd. (The Avenue), Tower City Hotel Assocs. (Chase Financial Tower), Skylight Office Tower, LP (Skylight Office Tower), Post Office Plaza, LP (M. K. Ferguson), Terminal Investments, Inc. (Terminal Tower), to encroach into the right-of-way of Huron Rd., Prospect Ave., & Ontario Ave., with eighty-three banners from June 15, 1998 to August 31, 1998, inclusive.

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

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

Section 1. That 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 Tower City Properties, Ltd.

(The Avenue, 230 Huron Road, Cleveland, Ohio), Tower City Hotel Associates, L.P. (Chase Financial Tower, 250 Huron Road, Cleveland, Ohio), Skylight Office Tower, L.P. (Skylight Office Tower, 1660 West 2nd Street, Cleveland, Ohio), Post Office Plaza, L.P. (M. K. Ferguson, 1500 West 3rd Street, Cleveland, Ohio), Terminal Investments, Inc. (Terminal Tower, 1100 Terminal Tower, 50 Public Square, Cleveland, Ohio); their successors and assigns, for the construction, use and maintenance of eighty-three (83) banners to be hung on 75 privately owned utility poles (by separate permission), eight (8) banners will be double hung, and sixty-seven (67) will be single hung; from the period of June 15, 1998 to August 31, 1998, inclusive, and which banners will encroach into the public right-of-way of portions of Huron Road, Prospect Avenue and Ontario Avenue, and are for the Tower City Banner Program, and are more fully described at the locations as shown in File No. 1124-98-A, filed in the Office of the City Clerk of the Council of the City of Cleveland.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed within the public rights-of-way as aforesaid in Section 1 and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

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

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

Ord. No. 1125-98.
By Councilman Polensek.
An emergency ordinance authorizing and directing the Director of Public Service to issue permit to the Northeast Shores Development Corporation to stretch four (4) banners, on Cleveland Public Power utility poles (by separate permission), on E. 185th St. & Neff Rd., Lake Shore Blvd. & E. 185th St., LaSalle at E. 185th St. & Pawnee at E. 185th St. for the period of July 14, to August 5, 1998 inclusive, to publicize their street festival.

Whereas, this ordinance constitutes an emergency measure providing for 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 the Northeast Shores Development Corporation 18901 Lake Shore Boulevard, Cleveland, Ohio 44119; to install, maintain and remove four (4) banners, using eight (8) Cleveland Public Power Poles (by separate permission), at East 185th Street and Neff Road; Lake Shore Boulevard and East 185th Street; LaSalle Road at East 185th Street and Pawnee Avenue at East 185th Street; for the period from July 14, 1998 to August 5, 1998, inclusive. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1126-98.
By Councilman Polensek.
An emergency ordinance consenting and approving the issuance of a permit for The East 185th Street Festival Run on July 30, 1998, sponsored by Northeast Shores Development Corporation, as part of the Annual East 185th Street Festival.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this

Council consents to and approves the holding of The East 185th Street Festival Run, sponsored by the Northeast Shores Development Corporation, as part of the Annual East 185th Street Festival, beginning at approximately 7:00 P.M. on Thursday, July 30, 1998, and ending at approximately 8:00 P.M. the same day. The run will begin at Villa Angela / St. Joseph High School and encompass a scenic route along the westbound lanes of Lake Shore Boulevard, Euclid Creek State Park and the residential area along Lake Erie, and end at Villa Angela / St. Joseph High School, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police of safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1127-98.
By Councilman Cimperman.
An emergency ordinance authorizing and directing the Director of Public Service to issue permit to Cuyahoga County Fair to hang one (1) banner, on Cleveland Public Power utility poles (by separate permission), which will encroach into the public right-of-way of Euclid Avenue at East 9th Street for the period of July 13, 1998 to August 10, 1998, inclusive, to publicize this event.

Whereas, this ordinance constitutes an emergency measure providing for 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 the Cuyahoga County Fair, 2364 Queenston Road, Cleveland Heights, Ohio 44118, to install, maintain and remove one (1) banner, to be hung on Cleveland Public Power Poles (by separate permission), on Euclid Avenue at East 9th Street, being Pole Nos. B59-8 and B59-8, for the period of July 13, 1998 to August 10, 1998, inclusive to publicize the Cuyahoga County Fair. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere

with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1128-98.
By Councilman Melena.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Our Lady of Mt. Carmel to stretch banners at 6928 Detroit Avenue, for the period from July 1, 1998 to July 26, 1998, inclusive, publicizing the Church Festival

Whereas, this ordinance constitutes an emergency measure providing for 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 Our Lady of Mt. Carmel to install, maintain and remove banners at 6928 Detroit Ave., (pole #34838 #T-140) for the period from July 1, 1998 to July 26, 1998, 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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1131-98.
By Councilman Cimperman (by
departmental request).

An emergency ordinance determining to proceed to provide additional security for the Cleveland Theater District, cleaning and maintaining the public rights-of-way and Star Plaza within the District and collective marketing in the District in the City of Cleveland; adopting the assessments; and levying the assessments.

Whereas, this ordinance constitutes an emergency measure providing for 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 proceed to provide additional security for the Cleveland Theater District, clean and maintain the public rights-of-way and Star Plaza within the District and collectively market the District (collectively, "District Services") in the Cleveland Theater District as established in Resolution No. 483-95, adopted June 5, 1995, as amended by Resolution No. 1746-97, adopted December 15, 1997 (collectively, "the Resolution of Necessity").

Section 2. That said District Services shall be performed in accordance with the provisions of the Resolution of Necessity, and with the plans, specifications, profiles and estimates heretofore approved and filed in the office of the Clerk of Council.

Section 3. That all claims for damages resulting from the District Services that have been filed in accordance with law shall be judicially inquired into after completion of the District Services.

Section 4. That it is further determined that the cost of said District Services to be assessed against benefitted property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 5. That the list of assessments for the cost of said District Services reported to this Council and now on file in the office of the Clerk of Council, and aggregating \$1,652,521.00 and as approved by the Assessment Equalization Board heretofore appointed by Resolution No. 938-98, adopted May 18, 1998, the report of which Board was approved by Resolution No. _____, adopted _____, 1998, and as approved by the Assessment Equalization Board heretofore appointed by Resolution No. 1055-98, adopted June 8, 1998, the report of which Board was approved by Resolution No. _____, adopted _____, 1998, be and the same are hereby adopted and confirmed as final assessments.

Section 6. That the several amounts of the final assessments are hereby assessed and levied on the lots and lands benefitted and to be charged therewith in the Cleveland Theater District as set forth in the Resolution of Necessity.

Section 7. That it is determined that the assessments do not exceed the special benefits resulting from the improvement, and do not exceed any statutory limitation.

Section 8. That the Clerk of Council is directed to continue on file in her office a list of the assessments and the description of the lots and lands.

Section 9. That the first year installment against each lot and parcel of land shall be payable in cash to the Commissioner of Assessments and Licenses of the City within thirty (30) days after the passage of this ordinance. The second through fifth annual installments shall be payable in cash within thirty (30) days after each of the next four anniversaries of the date of passage of this ordinance. All assessments and installments which have not been paid at the expiration of the respective thirty (30) day period shall be certified by the Clerk of Council to the County Auditor, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 10. That the Clerk of this Council is hereby directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 11. That the Clerk of this Council is directed to cause notice of the levy of the assessments herein to be filed with the County auditor within twenty (20) days following the passage of this ordinance.

Section 12. That the Clerk of Council is directed to keep the adjusted assessments on file in her office for as long as any of them remain unpaid.

Section 13. That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements.

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.

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

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

Ord. No. 1132-98.
By Councilman Cimperman (by
departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Cleveland Theater District Development Corporation with respect to the levy of an assessment for the Cleveland Theater District and approving of an amendment to the articles of incorporation of the Cleveland Theater District Development Corporation.

Whereas, this ordinance constitutes an emergency measure providing for 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 Cleveland Theater District Development Corporation setting forth the terms under which the City will levy an assessment for the Cleveland Theater District.

Section 2. That this Council hereby approves the amendments to the Articles of Incorporation of the Cleveland Theater District Development Corporation on file in File No. 1132-98-A, in accordance with Ohio Revised Code §1710.02(E).

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

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

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

Ord. No. 1137-98.
By Councilmen Jackson and Gordon.

An emergency ordinance authorizing the Directors of Community Development and Public Health to enter into contracts with outside agencies to provide AIDS related services. CDBG Year XXIV.

Whereas, the City of Cleveland has received a Community Development Block Grant Year XXIV from the United States Government; and

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into contracts with various outside agencies for the purpose of providing AIDS related services in conjunction with the Community Development Block Grant Program.

Section 2. That the Directors of Health and Community Development are hereby authorized to enter a memorandum of understanding for this program.

Section 3. That the costs of the contracts authorized by Section 1 of this ordinance shall be paid from Fund No. 14 SF 024 RL 23114 and shall not exceed \$30,000.00.

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.

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

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

Ord. No. 1138-98.**By Councilman Willis.**

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 128th Street, East 110th Street, Lakeview/Templett, Lakeview and Churchill to Northeastern Neighborhood Development Corporation or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-09-055 as more fully described in Section 2 below, to Northeastern Neighborhood 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. 110-09-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 373 and described as follows:

Beginning on the Easterly line of East 128th Street at a point distant 40 feet Southerly measured along said Easterly line, from its intersection with the Southerly line of the Euclid View Allotment as recorded in Volume 52 of Maps, Page 18 of Cuyahoga County Records; thence Southerly along the Easterly line of East 128th Street, 40 feet; thence Easterly and parallel with the Southerly line of Euclid View Allotment 124.27 feet to the Westerly line of Sublot No. 7 in the Bor Mot Superior Through Subdivision as recorded in Volume 85 of Maps, Page 40 of Cuyahoga County Records; thence Northerly along the Westerly line of said Sublot No. 7, 40 feet to the Northwesterly corner thereof; thence Westerly and parallel with the Southerly line of the Euclid View Allotment 124.19 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 3. That 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. 110-09-056 as more fully described in Section 4 below, to Northeastern Neighborhood 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. 110-09-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 4, 5, and 6 in the Bor-Mot Superior Through Subdivision of part of Original One Hundred Acre Lots Nos. 365 and 373, as shown by the recorded plat in Volume 85 of Maps, Page 40 of Cuyahoga County Records and being 114.75 feet front on the Easterly line of East 128th Street and extending back 124.75 feet on the Northerly line, 125.06 feet on the Southerly line, which is also the Northerly line of Brackland Avenue, N.E., and having a rear line of 108.61 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

The Plat as recorded in Volume 85 of Maps, Page 40 of Cuyahoga County Records and known as being Sublots Nos. 4, 5, and 6 shows restriction and building lines.

Restrictions contained in the deed dated May 23, 1924 and recorded in Volume 2927, Page 387 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 110-09-057 as more fully described in Section 6 below, Northeastern Neighborhood 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. 110-09-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 26 in the C.S. Realty Company's Subdivision No. 4 of part of Original One Hundred Acre Lot No. 373 as shown by the recorded plat in Volume 54 of Maps, Page 27 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 128th Street, and extending back 113.93 feet on the Northerly line, 114.08 feet on the Southerly line, which is also the Northerly side of Brackland Avenue, N.E., and having a rear line of 40 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Said property also subject to a driveway easement recorded on May 7, 1986, in Volume 86-7385, Page 19 of Cuyahoga County Records. A copy of which is attached hereto and incorporated herein.

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. 110-19-011 as more fully described in Section 8 below, to Northeastern Neighborhood 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. 110-19-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 2 in the Charles Realty Company's Templett Avenue Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 63 of Maps, Page 31 of Cuyahoga County Records and being 55.11 feet front on the Easterly side of Lakeview Road, N.E., 103.54 feet deep on the Northerly line, 100 feet deep on the Southerly line, which is also the Northerly line of Templett Avenue, N.E., and 55 feet on the rear as appears 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 No. 110-30-006 as more fully described in Section 10 below, to Northeastern Neighborhood 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. 110-30-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 184 in Knight Richardson and Moore Allotment of part of Original One Hundred Acre Lot No. 379, as shown by the recorded plat in Volume 24 of Maps, Page 5 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 114th Street and extending back of equal width 100 feet, as appears on said plat.

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. 111-01-083 as more fully described in Section 12 below, to Northeastern Neighborhood 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. 111-01-083

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 33 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and being 20 feet front on the Westerly side of Rumar Drive, N.E., 23.56 feet on the curved turnout between the Westerly and the Southerly side of Rumar Drive, N.E., and extending back 80 feet on the Southerly line and 65 feet on the Northerly line which is also the Southerly side of Rumar Drive, N.E., and having a rear line of 35 feet along the Easterly side of East 110th Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. 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. 111-01-086 as

more fully described in Section 14 below, Northeastern Neighborhood Development Corporation or designee.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 111-01-086

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 and part of Sublot No. 7 in the Keiper Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 363, as shown by the recorded plat in Volume 62 of Maps, Page 22 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning in the Easterly line of East 110th Street at the Northwest corner of said Sublot No. 6; thence Southerly along the Easterly line of East 110th Street, 40 feet, 2 inches to a point; thence Easterly parallel with the Northerly line of said Sublot No. 7, about 121.53 feet to the Easterly line of Sublot No. 7; thence Northerly along the Easterly line of Sublots Nos. 6 and 7, to the Northeast corner of Sublot No. 6; thence Westerly along the Northerly line of Sublot No. 6, 108.09 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. 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. 120-01-059 as more fully described in Section 16 below, Northeastern Neighborhood Development Corporation or designee.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 120-01-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 5 in the Phillip's Subdivision of a part of Original One Hundred Acre Lots Nos. 386 and 387, as shown by the recorded plat in Volume 19 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Churchill Avenue, N.E., and extending back between parallel lines 120 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to conditions contained in Volume 870, Page 587 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

Section 17. 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. 120-09-049 as more fully described in Section 18 below, Northeastern Neighborhood Development Corporation or designee.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 120-09-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

57 in the Knowlton Subdivision of part of Original One Hundred Acre Lot No. 387 as shown by the recorded plat in Volume 14 of Maps, Page 44 of Cuyahoga County Records, being 40.90 feet front on the West-erly side of East 115th Street and being 145 feet deep on the Northerly line, 145 feet deep on the Southerly line and 41.84 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 19. 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 20. 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 21. 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 22. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 1144-98.

By Councilman Cimperman.

An emergency ordinance to repeal Ordinance No. 1042-98, passed June 8, 1998, relating to the issuance of a permit to the Cleveland Irish Cultural Festival.

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

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

Section 1. That Ordinance No. 1042-98, passed June 8, 1998 is hereby repealed.

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

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

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

Ord. No. 1145-98.

By Councilman Westbrook.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (Wayne Hickman).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 18: Wayne Hickman.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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.

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

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

Ord. No. 1146-98.

By Councilman Westbrook.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 18. (David Smith).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 18; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage

in peddling in the public rights of way of Ward 18: David Smith.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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.

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

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

Ord. No. 1155-98.

By Councilman Cintron.

An emergency ordinance authorizing and directing the Director of Public Service to issue permit to the Near West Theatre to stretch one (1) banner, on Cleveland Public Power utility poles (by separate permission), across Bridge Avenue at 3606 Bridge Avenue, for the period of July 15, 1998 to August 10, 1998, inclusive, to publicize the 20th Anniversary Year of Near West Theatre.

Whereas, this ordinance constitutes an emergency measure providing for 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 the Near West Theatre, 4315 Bridge Avenue, Cleveland, Ohio 44113; to install, maintain and remove one (1) banner, using two (2) Cleveland Public Power Poles (by separate permission), across Bridge Avenue and in front of St. Patrick's Club Building at 3606 Bridge Avenue; for the period from July 15, 1998 to August 10, 1998, inclusive. Said Banner shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1450-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment to Contract No. 44164 with APCOA/Etna Parking, a joint venture, to extend the term of the lease and to increase the leased premises, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In the title, lines 5 and 6, strike "to extend the term of the lease and"; and in line 7, between "premises" and the comma, insert "on a temporary basis".

2. In Section 1, lines g and 5, after "44164," strike "to extend said lease term an additional six (6) years and to" and insert in lieu thereof the following: "to temporarily"; and in line 6, at the end, insert the following new sentence: "The additional premises shall be used for vehicle parking only until such time as the new parking garage is open for use by the public. Upon 15 days of the date of the opening of the final phase of the garage, the amendment authorized herein shall terminate; Lessee's rights and obligations to use and occupy the additional premises thereunder shall cease."

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 14. Nays 7.

Those voting yea were Councilmen: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Moran, Patmon, Robinson, Sweeney, Westbrook, Willis.

Those voting nay were Councilmen: Dolan, Lewis, Melena, Polensek, Rybka, White, Zone.

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

Ord. No. 1148-97.

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

An emergency ordinance determining the method of making the public improvement of abating erosion into Mill Creek, and authorizing the Directors of Public Service and Public Utilities to enter into contract for the making of such improvement; authorizing said directors to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for relocation purposes such real property as is necessary to make the public improvement.

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

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

Ord. No. 1283-97.

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

An emergency ordinance determining the method of making the public improvement of removing asbestos from the Cleveland Hopkins International Airport terminal; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ an engineering and environmental consultant to provide professional services necessary to design said public improvement.

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

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

Ord. No. 2101-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain and repair the rental car complex facility, including the interior and exterior grounds, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. Strike the title, Section 1 and Section 2 in their entirety and insert, respectively, in lieu thereof the following:

"An emergency ordinance authorizing the Director of Port Control to enter into contract with Ostendorf-Morris for the professional services to manage and provide all maintenance services, including janitorial, snow removal and HVAC services for the consolidated rental car facility at Cleveland Hopkins International Airport, Department of Port Control.

Section 1. That the Director of Port Control is hereby authorized to enter into contract with Ostendorf-Morris for services, including but not limited to janitorial, snow removal and HVAC services, for the new consolidated rental car facility at Cleveland Hopkins International Airport, on the basis of its proposal dated February 25, 1998, as amended by, *inter alia*, letter dated April 20, 1998, in the total sum of not to exceed \$330,000 per year for a period of one year, payable from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105 and 60 SF 106, Request No. 22600, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The Director of Port Control shall require that prevailing wage rates are paid to all maintenance service providers.

Section 2. That the Director of Port Control shall provide a written report on May 1, 1999 to the Chairman of the Aviation and Transportation Committee detailing the employment practices of Ostendorf-

Morris pursuant to said agreement, including the number of City residents hired, and a written report to the full Council including the same information, as well as the total expenditures made, the wages and benefits provided by Ostendorf-Morris, a comparison of those wages and benefits with the same if provided by the City, and the rate of employee turnover for Ostendorf-Morris."

2. Before the existing whereas clause, insert the following:

"Whereas, the Department of Port Control desires to supplement the regularly employed staff of the several departments of the City of Cleveland in order to obtain the professional services necessary to manage and provide all required maintenance services, including but not limited to janitorial, snow removal and HVAC services for the consolidated rental car facility at Cleveland Hopkins International Airport; and

Whereas, Ostendorf-Morris has proposed to provide such services, which shall include the use of union labor and hiring preferences to City residents for janitorial services, and landscaping provided by Cooper Landscaping, Inc., a minority business enterprise; and"

Amendments agreed to.
The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 12. Nays 9.

Those voting yea were Councilmen: Coats, Gordon, Jackson, Johnson, Jones, Moran, Polensek, Robinson, Sweeney, Westbrook, Willis, Zone.

Those voting nay were Councilmen: Britt, Cimperman, Cintron, Dolan, Lewis, Melena, Patmon, Rybka, White.

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

Ord. No. 2195-97.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of Prospect Avenue, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

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. Insert new Sections 4 and 5 to read, respectively, as follows:

"Section 4. That the Director of Community Development ("Director") shall annually, not later than June 1 of each year during the period of the exemption, report to the Community and Economic Development Committee ("Committee") on the rate of return on equity participation generated by the property authorized herein for exemption (Rate of Return). Where the annual average Rate of Return for the period beginning on the date the exemption becomes effective to December 31, immediately preceding said report exceeds Fifteen Percent (15%), the Director shall make a recommendation to the Committee regarding reducing or eliminating the exemption.

Section 5. That, in the event the owner of such property authorized herein for exemption desires to transfer fee ownership of the property during the exemption period, the Director shall report same to the Committee with a recommendation regarding reducing or eliminating the exemption."

3. Renumber existing Section 4, 5, and 6, respectively, to new "Section 6", "Section 7", and "Section 8".

Amendments agreed to.

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

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

Ord. No. 159-98.

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

An emergency ordinance to authorize the Director of Economic Development to enter into a Tax Increment Financing Agreement with Third Federal Savings and Loan Association to collect service payments for the purpose of repayment of NDIF funds used to partially finance certain infrastructure improvements on Broadway Avenue and for the purpose of payment to the Cleveland School District, and to declare certain improvements to real property to be a public purpose.

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 5, line 6, after "funds" insert **“, plus interest,”**; and in line 9, strike **“\$1,100,000”** and insert **“\$2,000,000”**.

Amendment agreed to.

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

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

Ord. No. 196-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to solicit proposals to enter into contracts with various entities for the Housing Opportunities for Persons with AIDS Program.

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

1. In the Title, line 3, strike "to solicit proposals".

2. Strike Section 1 in its entirety and insert in lieu thereof the following:

"Section 1. That the Director of Public Health is authorized to amend Contract Nos. 51609, 51610, 51611, and 51612 with various entities to provide additional housing related services in connection with the Housing Opportunities for People with AIDS Program and to increase the amount of the contracts as follows:

Contract No.	Organization	Increase	Total
51609	AIDS Housing Council	\$18,710.00	\$112,257.00
51610	AIDS Task Force	\$31,550.00	\$189,300.00
51611	AIDS Housing Council	\$37,678.00	\$226,065.00
51612	AIDS Housing Council	\$22,564.00	\$135,382.00".

3. Insert a new Section 2 to read:

"Section 2. That the additional responsibilities of the Department of Public Health for administering this Program shall be memorialized in an amendment to Memorandum of Understanding No. 51634 between it and the Department of Community Development."

4. Renumber existing Sections 2 and 3 to "Section 3" and "Section 4".

Amendments agreed to.

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

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

Ord. No. 241-98.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Broadway Avenue and Aetna Avenue, including but not limited to streetscape and roadway improvements; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Economic Development to apply for and accept a grant from the State of Ohio Department of Development Infrastructure Fund; and authorizing the Director of Public Service to accept a gift from Third Federal Savings in conjunction with the improvement.

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

1. In Section 1, line 4, after "limited to" insert **"land acquisition,"**.

2. In Section 4, line 2, strike "\$1,200,000" and insert **"\$2,000,000, plus the amount of any grant funds received pursuant to Section 3 and 4 of this ordinance,"**.

3. In Section 5, line 2, after "501" insert **"in an amount not to exceed \$2,000,000"**.

Amendments agreed to.

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

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

Ord. No. 312-98.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating the Kinsman Water Tower and constructing a control room therein, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 352-98.

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

An emergency ordinance determining the method of making the public improvement of constructing and repairing catch basins and manholes at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

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

1. In the title, line 10; in Section 1, line 8; and in Section 2, line 4, strike "one year" and insert in lieu thereof **"two years"**.

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 20. Nays 1.

Those voting yea were Councilmen: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Lewis, Melena Moran, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Those voting nay were Councilman: Dolan.

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

Ord. No. 353-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing and installing new sewers and repairing sewers at various locations throughout the City, and authorizing the Director of Public Utilities to enter into one or more requirement contracts for the making of such improvement, for a one year period.

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

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

Ord. No. 426-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of computer hardware, software and supplies, equipment, cabling, office furniture, fiber optic backbone employee training, and various accessories for the Department of Port Control; and authorizing said director to employ one or more computer consultants necessary to implement a computer network.

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

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

Ord. No. 477-98.

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

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with Metropolitan Savings Bank of Cleveland ("Metropolitan") for approximately 15.4 acres of City-owned property located in the Village of Highland Hills, with an option to purchase an additional 8.7 acres within the first five years.

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

1. In Section 1, line 5, and in Section 2, lines 2 and 3, strike "the legal description of which is" and insert in lieu thereof in both places **"shown on the map"**.

2. In Section 3, line 3, strike "of price" and insert in lieu thereof **"price of"**.

3. Insert a new Section 9 to read as follows:

"Section 9. The Project Agreement shall require Metropolitan to use best efforts, consisting of their cooperation with programs offered by the City's Human Resources Division, subject to economic restraints of the project and the right of Metropolitan to make final employment decisions, to achieve objectives related to construction and employment for City economic development initiatives, to include awarding 30% of construction contracts and supplier purchase orders to minority-owned enterprises; awarding 10% of construction contracts and supplier purchase orders to female-owned enterprises; hiring minorities for 16.1% of construction jobs; hiring women for 6.9% of construction jobs; hiring minorities for 33% of the jobs created by the project; hiring Cleveland residents for 50% of construction jobs; and hiring Cleveland residents for 50% of all jobs created by the project."

4. Renumber existing Sections 9, 10, 11, 12 and 13 to new **"Section 10"**, **"Section 11"**, **"Section 12"**, **"Section 13"** and **"Section 14"**.

Amendments agreed to.

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

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

Ord. No. 545-98.

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of distribution water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 549-98.

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

An emergency ordinance determining the method of making the public improvement of constructing an asphalt overlay and repairing Runway 6L-24R and associated appurtenances at Burke Lakefront Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

1. In Section 2, line 8, after "price," add the following language: **"Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of all contractors and subcontractors that submit bids, as well as written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract,"**; and in

line 11, at the end, add the following sentence: **"Prior to award of the contract by the Board of Control, the Director of Port Control shall forward such schedule to City Council."**

2. In Section 3, at the end, add the following sentence: **"That the contract or contracts authorized herein shall be executed not later than June 15, 2000."**

Amendments agreed to.

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

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

Ord. No. 550-98.

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

An emergency ordinance determining the method of making the public improvement of performing remediations to the underground storage tank farm sites at Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into contract for the making of such improvement; and authorizing said director to employ professional design engineering services to design the public improvement.

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

1. In Section 2, line 9, after "price," add the following language: **"Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of all contractors and subcontractors that submit bids as well as written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract."**

Amendment agreed to.

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

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

Ord. No. 607-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair cracks, seal cracks and joints and seal coating for concrete paved areas, for the various divisions of the Department of Port Control.

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

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

Ord. No. 608-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide professional services necessary for testing and construction inspection services, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance, when amended as follows:

1. In Section 1, delete lines 6, 7 and 8, and insert in lieu thereof **"provide environmental sampling, testing, analysis, consulting, construction inspection services, environmental compliance services, permit analysis and development, deicing chemical management planning, solid and hazardous waste permitting, stormwater and drainage master planning and design, deicing chemical monitoring/testing and reporting, emergency testing and other related services for the various divisions of the Department of Port Control."**

2. In Section 1, second paragraph, line 6, after "list," insert the following: **"Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with the list of qualified consultants and subconsultants that submit proposals, as well as written notification of the successful proposers and any subconsultants."**

Amendments agreed to.

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

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

Ord. No. 609-98.

By Councilman Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of bunker gear suits and equipment, for the various divisions of the Department of Port Control.

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

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

Ord. No. 610-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed three battery operated carpet extractors, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Ord. No. 611-98.

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

An emergency ordinance determining the method of making the public improvement of expanding and modifying the building maintenance shop at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Ord. No. 613-98.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and renovating or otherwise improving the terminal at Burke Lakefront Airport to comply with ADA regulations regarding access to doors, restrooms and other areas of the terminal building; authorizing the Director of Port Control to enter into contract for the making of such improvement; and to employ one or more consultants or one or more firms of consultants necessary to provide professional services relating to such improvements.

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

1. In Section 2, line 9, after "price," insert the following language: **"Prior to award of the contract by the Board of Control, the Director of Port Control shall provide City Council with a list of written notification of the successful bidders and any subcontractors, together with the amount of the proposed contract."**

Amendment agreed to.

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

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

Ord. No. 614-98.

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

An emergency ordinance determining the method of making the public improvement of repairing and rehabilitating roofs, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

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

Ord. No. 619-98.

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

An emergency ordinance determining the method of making various public improvements as authorized by the Year XXIV Community Development Block Grant, and authorizing the Directors of Community Development, Public Service, Parks, Recreation and Properties, and Public Utilities to enter into contract for the making of the various public improvements.

Approved by Directors of Community Development, Parks, Recreation and Properties, Public Utilities, Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, Public Parks, Property and Recreation, Public Utilities, Public Service, City Planning, Finance.

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

Ord. No. 681-98.

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 Cuyahoga County Solid Waste District for the 1998 Solid Waste Disposal Program.

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

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

Ord. No. 684-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located north of Cherry Street and east of East Boulevard, adjacent to Calvary Cemetery to the Catholic Cemeteries Association of the Diocese of Cleveland.

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

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

Ord. No. 685-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located south of Detroit Avenue between West Boulevard and Landon Avenue; and authorizing the Director of Parks, Recreation and Properties to execute an easement granting to the Ohio Department of Transportation certain easement rights to property located on Detroit Avenue at the northwest corner of Detroit Avenue and West Boulevard and declaring said easement rights no longer needed for public use.

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

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

Ord. No. 686-98.

By Councilmen Britt, 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 10512 Shale Avenue to Kenneth Wayne Williams and Keyetta Latise Williams.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 693-98.

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

An emergency ordinance authorizing the Commissioner of Purchases

and Supplies to sell City-owned property no longer needed for public use located east of 7510 Woodland Avenue; and authorizing the Director of Community Development to execute an easement granting to the Mt. Sinai Baptist Church certain easement rights to property located on Woodland Avenue and declaring said easement rights no longer needed for public use.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 694-98.

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

An emergency ordinance to appropriate property for the redevelopment and/or rehabilitation of the blighted premises located at 1284 West 87th Street, Cleveland, Ohio.

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

Ord. No. 695-98.

By Councilmen White, 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 8915 Cannon Avenue, S.E. to Charles Maczko.

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

Ord. No. 745-98.

By Councilmen Moran and Gordon (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland Metroparks on behalf of The Cleveland Zoo to encroach into the public rights-of-way at various locations in Wards 15 and Ward 16 by installing and/or replacing approximately fifty-six (56) double-sided banners to promote the Zoo's exhibits and attractions.

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

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

Ord. No. 746-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair and replace automotive, truck and construction equipment glass, including related mechanical repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

Ord. No. 752-98.

By Councilman Jones.

An emergency ordinance to vacate a portion of Dynes Avenue S.E. hereinafter described.

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

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

Ord. No. 753-98.

By Councilman Westbrook.

An emergency ordinance to vacate a portion of West 61st Street, West 62nd Street, West 63rd Street, West 64th Place, West 66th Place, Gordon Court, Sargent Avenue, and Heber Court hereinafter described.

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

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

Ord. No. 755-98.

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

An emergency ordinance determining the method of making the public improvement of replacing the sewer on Westchester Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 756-98.

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

An emergency ordinance determining the method of making the public improvement of replacing the sewer on Mayview Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 757-98.

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

An emergency ordinance determining the method of making the public improvement of replacing the sewer on West 49th Street, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

Ord. No. 762-98.

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

An emergency ordinance determining the method of making the public improvement of labor and materials to install two boilers at the West Side Market, and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance. The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 763-98.

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 7000 Carnegie Avenue to Atlas Management Corporation.

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

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

Ord. No. 769-98.

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 1255 East 58th Street and 1241 East 61st Street to St. Clair Superior Coalition or designee.

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

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

Ord. No. 775-98.

By Councilmen Willis, 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 12214 Ashbury Avenue to Gloria Hawkins.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 818-98.

By Councilman Sweeney (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ms. Sandy Long to encroach into the public right-of-way of Justin Avenue S.W. with a fence to enclose her swimming pool.

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

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

Ord. No. 821-98.

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 2391 Tremont Street to Kevin and Kyle Dreyfuss-Wells.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 822-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal Home funds for the operation of the Low Interest Loan and Grant Programs and to enter into contract with various agencies to implement these programs.

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

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

Ord. No. 823-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit development corporations to provide grants to small, neighborhood-based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

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

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

Ord. No. 825-98.

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 8913-15 and 8911 Blaine Avenue to Ronald Gibbs.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 826-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Thomas Platzar to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5800 Detroit Avenue, Cleveland, Ohio 44102.

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

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

Ord. No. 827-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13601-03 Ashburton Road, N.E., to Evelyn Moss.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 828-98.

By Councilmen Willis, 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 11416-18 Hopkins Avenue to Lelia M. Hester.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 830-98.

By Councilmen Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Harstone Properties, Inc. to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5102 and 5014 Fleet Avenue, Cleveland, Ohio.

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

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

Ord. No. 859-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an amendment with Delta Airlines, Inc., City Contract No. 30883, to provide for the deletion of certain space from the Lease, effective August 11, 1997, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

Ord. No. 860-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an Assignment and Novation Agreement with Southwest Airlines and Air Canada to release Southwest Airlines from all duties and liabilities relative to certain support and operations space under City Contract No. 46540 and to substitute Southwest Airlines for Air Canada under the contract for use of such space at Cleveland Hopkins International Airport.

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

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

Ord. No. 861-98.

By Councilman Jackson.
An emergency ordinance to vacate a portion of Avrina Avenue S.E. hereinafter described.

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

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

Ord. No. 862-98.

By Councilman Rybka.
An emergency ordinance to vacate a portion of Forman Avenue S.E. hereinafter described.

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

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

Ord. No. 864-98.

By Councilmen Willis 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.

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

Ord. No. 865-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Drop Die Forging & Company to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to expand its facilities and acquisition of machinery and equipment at 3097 East 61st Street located in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 908-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance to authorize (a) the issuance and sale of Waterworks Improvement and Refunding Revenue Bonds, Series I, 1998, of the City of Cleveland under authority of Article XVIII of the Constitution of the State of Ohio for the purpose of paying costs of capital improvements to the Waterworks System, including the Refunding of Outstanding Revenue

Bonds of the City issued for that purpose, those Revenue Bonds to be in an aggregate principal amount not to exceed \$155,000,000 with respect to bonds for new capital improvements and in an aggregate principal amount not to exceed \$200,000,000 with respect to refunding bonds (except, in each case, in the event that any Series I Bonds are to be offered at an Original Issue Discount), and to authorize the execution and delivery of a Ninth Supplemental Indenture Of Mortgage to secure the Series I Bonds; (b) to authorize the issuance of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 for the purpose of refunding certain Outstanding Revenue Bonds, to authorize the City to enter into an interest rate swap transaction with a notional amount not to exceed \$125,000,000 and the execution of interest swap agreements and other documents related thereto, and the execution and delivery of a supplemental indenture of mortgage to secure the Series 2002 Bonds; (c) to authorize the defeasance of certain Outstanding Revenue Bonds of the City issued for the Waterworks System from moneys available for such purpose in an aggregate amount not to exceed \$30,000,000 and the execution of a Defeasance Agreement and other documents related thereto; to provide for certain other matters; and declaring an emergency.

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

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

Ord. No. 911-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a First Amendment to Lease by Way of Concession, City Contract No. 48824, with APCOA, Inc.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. Insert new Sections 2 and 3 to read as follows:

"Section 2. That the concession fees for the East 9th Street Parking Facility shall be \$3,000 the first year of the term and \$27,000 per year until the expiration of the term. Lessee shall give hiring preference to City residents and hiring shall be done through the City's One Stop Job Shop.

Section 3. That APCOA, Inc. shall notify the City of any proposed subcontractors or partners. The Director of Port Control shall have prior approval of any subcontractors or partners and shall notify Council of any subcontractors or partners to be approved. APCOA, Inc. shall provide the City with conformed copies of any contracts with subcontractors or partners."

2. Renumber existing Sections 2 and 3 to "Section 4" and "Section 5".

Amendments agreed to.
The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 15. Nays 6.

Those voting yea were Councilmen: Britt, Cimperman, Cintron, Coats, Gordon, Jackson, Johnson, Jones, Moran, Patmon, Robinson, Sweeney, Westbrook, White, Willis.

Those voting nay were Councilmen: Dolan, Lewis, Melena, Polensek, Rybka, Zone.

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

Ord. No. 912-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the lease of hangar space for police aircraft and the purchase of aviation fuel, for the Division of Police, Department of Public Safety, for a period of one year, with a one year option to renew.

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

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

Ord. No. 913-98.

By Councilmen Britt, Cintron, Melena, 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 scattered sites to Cleveland Housing Network Limited Partnership XV.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 917-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with various agencies to provide social service programs.

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

1. In Section 1, at the end of line 2, after the colon, insert the following list:

**AACCESS-Ohio
A Cultural Exchange
Alta Social Settlement House
American Sickle Cell Anemia Association
Bellflower Center For Prevention of Child Abuse
Better Living Center
Boys and Girls Club (Broadway)
Boys and Girls Club (Mt. Pleasant)
Boys and Girls Club (West Side)
Brooklyn Memorial Community Youth Center
Brownettes Academy of Charm, Inc.
Catholic Charities Services Corporation/Cleveland Mediation Center
Catholic Charities Services Corporation/Hispanic Senior Center
Catholic Charities Services Corporation/Martin DePorres Center
Center for Families and Children
Center for the Prevention of Domestic Violence
Cleveland Women, Inc.
Collinwood Community Services Center-Elderly
Collinwood Community Services Center-Youth
Community Re-Entry-Youth
Community Re-Entry-Elderly**

Community Socialization Program
 Cornerstone Connections, Inc.
 Cory Senior Citizens Program, Inc.
 Custom Enrichment
 Delta Tutoring and Nutrition Program, Inc.
 East End Neighborhood House-Elderly
 East End Neighborhood House-Youth
 EBC's Fery Development Corp.
 El Barrio
 Esperanza, Inc.
 Garden Valley Neighborhood House
 Glad Center, Inc.
 Golden Age Centers of Greater Cleveland, Inc.
 Golden Age Centers of Greater Cleveland, Inc. (Home-based Cleveland)
 Goodrich Gannett Neighborhood Center
 Greater Cleveland Neighborhood Centers Association-Elderly
 Greater Cleveland Neighborhood Centers Association/Schools as a Neighborhood Resource
 Guardian House Shelter aka. G.B.C.
 Harambee: Services to Black Families
 Harvard Community Services Center
 Hijos de Borinquen Spanish American Center
 Hunger Task Force d.b.a. Hunger Network
 Karamu House, Inc.
 Lexington Bell Community Center
 Marotta Montessori Schools of Cleveland
 Near West Multi-Service Center/May Dugan
 Merrick House, Inc.-GED
 Merrick House, Inc.-Youth
 Mum-Ford Visual Health Care, Inc.
 Neighborhood Counseling Service
 New Cleveland Food Basket
 Nottingham Youth Center, Inc.
 Old Brooklyn United Services Assn., Inc.
 Police Athletic League
 Phillis Wheatley Association, Inc.-Youth
 Senior Citizens Resources, Inc.-Elderly
 Senior Citizens Resources, Inc.-Transportation
 Senior Outreach Services
 Services For Independent Living, Inc.
 Spanish American Committee for a Better Community
 Starting Point a.k.a. Child Care Resource Center of Cuyahoga County
 Substance Abuse Initiative of Greater Cleveland
 The Chorale
 The Salvation Army (Meals)
 The Salvation Army (Youth)
 The Salvation Army (Tremont)
 Vietnamese Community in Greater Cleveland
 Vocational Guidance Services
 Werner Community Outreach, Inc.
 West Side Community House-Child Day Care
 West Side Community House-Elderly Meals
 West Side Multi-Service Corporation-Consortium
 West Side Ecumenical Ministry
 YMCA-Broadway
 YMCA-Downtown/West Side
 YMCA-Glenville
 YMCA-Midtown East
 YMCA-West Park
 Youth At Risk (Community Relations Board)
 Amendment agreed to.
 The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 918-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Ord. No. 919-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation or construction of low income housing units.

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

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

Ord. No. 920-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various agencies to provide housing, commercial, industrial and real estate development activities.

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

1. In Section 1, line 6, strike "Cleveland Housing Network: Receivership Project".

2. Insert a new Section 5 to read as follows:

"Section 5. That the Director is authorized to enter into 1-year contracts with the agencies listed in Section 1 of this ordinance. At the end of the 1-year contract term, the Director shall review all of the agencies listed herein to determine whether they are providing the City-wide and local services described in Section 4 of this ordinance."

Amendments agreed to.

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

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

Ord. No. 921-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a contract with Cleveland Housing Network, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for the purchase, rehabilitation or construction of low income rental housing.

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

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

Ord. No. 922-98.

By Councilmen Willis, 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 3191 Scranton Road and 2007 - 2009 Buhner Avenue to Mega Church.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 925-98.

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

An emergency ordinance authorizing the Directors of Economic and Community Development to enter into various agreements relating to the provision of economic development financial assistance for the rehabilitation and redevelopment of the Colonial and Euclid Arcades (the "Project"); authorizing the Mayor and/or the Director of Economic Development to apply for and accept loan and grant funds from the United States Department of Housing and Urban Development ("HUD") and to enter into agreements for the lending of such funds; authorizing the Commissioner of Purchases and Supplies to acquire title to certain property in the Euclid/Prospect Community Development Plan Area and to reconvey title to such property to those parties from whom it was acquired to effectuate the public purpose of the Plan and the Project; and authorizing the execution of various contracts, certifications, and other documents related thereto.

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, lines 2 and 3, strike "Arcades Retail Garage, LLC" and insert in lieu thereof the following: "Market Place Retail Limited Partnership".

2. In Section 2, line 5, after "located at" insert "510 and"; and in line 7 strike "Project" and insert in lieu thereof "contract".

3. Insert new Section 13 to read as follows:

"Section 13. The hotel operators in the Project shall recognize the union's right to organize their employees. Recognizing a union's right to organize employees of the hotel shall include providing union organizers reasonable access to the premises of the hotel, and the Redeveloper and the hotel operator shall not interfere with a union's right to organize. Said organizing activities shall be carried out under provisions of law and the National Labors Relations Board. Proven violation of this provision would mean an event of default under the \$500,000 SBRLF loan."

4. Insert New 14 to read as follows:

"Section 14. The relevant project agreements shall include the following terms:

1. That in the event any part of the project is transferred or sold during the term of the Tax Increment Financing authorized by Ordinance 1010-98 ("TIF"), TIF, purchaser or transferee shall assume repayment obligations under CDBG Float/HUD Section 108 loans.

2. That in the event either the parking garage portion or retail portion is transferred or sold during the term of the TIF, Redeveloper shall immediately retire all outstanding obligations due the City under the \$500,000 SBRLF loan, and Redeveloper shall pay to the City an amount equal to all taxes the City would have received from the time of execution of relevant documents to the transfer or sale of these portions of the project, but for the TIF.

3. In the event the hotel portion of the Project is transferred or sold during the term of the TIF Redeveloper shall repay to the City all outstanding obligations due the City under the \$500,000 SBRLF loan.

4. Failure by Redeveloper or the operator of the hotel to substantially comply with the following economic development objectives of the Project shall be an event of default and Redeveloper shall pay to the City an amount equal to the taxes the City would have received but for the TIF:

a. The investment of \$29 million in the Project within three (3) years of passage of this ordinance;

b. The creation of 118 jobs at the Project within three (3) years from the passage of this ordinance and the maintenance of these 118 jobs throughout the duration of the TIF;

c. Compliance with Section 13 of this ordinance; and

d. Renovation of the public open space of the arcades and maintaining same as open space for the public use."

5. That existing Section 13 shall be renumbered Section 15."

Amendments agreed to.

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

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

Ord. No. 926-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Zaremba Midtown, LLC to provide economic development assistance to partially finance the acquisition of the Bearings Building and construction of a new commercial office building, located at 3634 Euclid Avenue, Cleveland, Ohio.

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

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

Ord. No. 927-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a project agreement with Courthouse Towers, Inc. for the acquisition, clearance and redevelopment of certain lands in the Main Avenue/Lakeside Avenue/West 3rd Street/West 9th Street Community Development Plan Area.

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

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

Ord. No. 928-98.

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

An emergency ordinance authorizing the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Community Development Plan for the Main Avenue/Lakeside Avenue/West 3rd/West 9th Street Plan Area and for the Action Area therein; and making certain findings and determinations in connection therewith.

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

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

Ord. No. 989-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials to maintain HVAC equipment, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Ord. No. 990-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of deicing agents, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Ord. No. 991-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to execute deicing collection services, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Ord. No. 992-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with IMG Motorsports - Cleveland, Inc. for use of certain premises at Burke Lakefront Airport to conduct the Grand Prix auto races.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 3, after "(Lessee)", add the following language: ", in substantially the same form as that contained in File No. 992-98-A."

2. In Section 1, at the end, add the following language: "**The Director of Port Control shall provide to City Council a complete copy of Lessee's annual audit report, including a report of all charitable beneficiaries of the race. In addition, fifty percent (50%) of any complimentary tickets that are provided to charities or community groups shall be provided to charities or community groups that are designated by Council.**"

3. Insert new Sections 2 and 3 to read, respectively, as follows:

"Section 2. That the Lease By Way of Concession authorized herein shall not be transferred, assigned, or sublet without the prior legislative authorization of the Council.

Section 3. That Council shall be provided annually a copy of the estimate of the Special Event charges assessed by the City, as well as a copy of the actual charges billed and paid by the Lessee."

4. Renumber existing Sections 2 and 3 to new "Section 4" and "Section 5".

Amendments agreed to.

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

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

Ord. No. 993-98.

By Councilman Cintron.

An emergency ordinance to vacate a portion of Pearl Court S.W. hereinafter described.

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

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

Ord. No. 994-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of replacement receptacle lids, 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.

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

Ord. No. 995-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Interna-

tional truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Ord. No. 996-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Ford tractor, mower and construction equipment, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

1. In the title, line 5, and in Section 1, line 6, after "equipment" insert "parts".

Amendment agreed to.

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

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

Ord. No. 997-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace the fuel dispensing pumps and systems necessary for fuel operations, fuel tankers, hydraulic lifts, oil and grease dispensing equipment, stationary air compressor, and for emergency cleanup and replacement of leaking underground storage tanks and systems, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

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

Ord. No. 998-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various automotive, van and truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 999-98.

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

An emergency ordinance to amend Section 7 of Ordinance No. 1471-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing portions

of Arlington Avenue, East 123rd Street and East 125th Streets.

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

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

Ord. No. 1000-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1468-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing Bessemer Avenue from East 65th Street to East 88th Street.

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

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

Ord. No. 1001-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 7 of Ordinance No. 1467-96, passed October 14, 1996, relating to the public improvement of rehabilitating and reconstructing East 55th Street from Blanche Avenue to Woodland Avenue.

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

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

Ord. No. 1003-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 17901-17903 St. Clair Avenue and 18111 St. Clair Avenue to Collinwood Nottingham Villages Development Corporation.

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

1. In Section 1, strike line 6 in its entirety and insert the following:

"PPN: 116-18-010, 116-18-011, 116-18-012 and 116-18-013"

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 11 and 12 in James M. Eddy and A. D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and together forming a parcel of land, bounded and described as follows:

Beginning in the centerline of St. Clair Avenue, N.E., at a point distant southwesterly measured along said centerline 50 feet from the most Easterly corner of said Sublot No. 11;

Thence Northwesterly parallel with the Northeasterly line of said Sublot No. 11, 225.06 feet to the Northwesterly line of said Sublot No. 11;

Thence Southwesterly along the Northwesterly line of said Sublots Nos. 11 and 12, 60 feet;

Thence Southeasterly parallel with the Northeasterly line of said Sublot No. 11, 225.06 feet to the centerline of St. Clair Avenue, N.E.;

Thence Northeasterly along said centerline 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the West-erly 83-74/100 feet from front to rear of Sublot No. 12 in James M. Eddy and A.D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat of said Subdivision in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 83-74/100 feet front on the Northerly side of St. Clair Avenue, N.E., (formerly St. Clair Street), and extending back between parallel lines 225-06/100 feet, measured from the centerline of St. Clair Avenue, N.E., 60 feet wide, as appears by said plat, be the same more or less but subject to all legal highways.

Parcel No. 3:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 13 in Jas. M. Eddy and A.D. Walworth's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 96-855/1000 feet on the Northwesterly side of St. Clair Avenue, N.E., and extending back between parallel lines 225-06/100 feet, measured from the centerline of said St. Clair Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Parcel No. 4:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 14 and the Easterly 76,855 feet of Sublot No. 15 in Eddy and Walworth's Subdivision of part of Original Euclid Township Tracts Nos. 14 and 15, as shown by the recorded plat in Volume 3 of Maps, Page 22 of Cuyahoga County Records and being 173.71 feet front on the Northerly side of St. Clair Avenue, N.E., and extending back of equal width 225.06 feet deep, measured from the center of said road, as appears by said plat, be the same more or less, but subject to all legal highways.

Permanent Parcel Nos.: 116-18-010, 116-18-011, 116-18-012 and 116-18-013".

2. In Section 2, strike lines 4 and 5 in their entirety and insert in lieu thereof the following:

"Nottingham Villages Development Corporation, for a price of One Dollar (\$1.00)."

Amendments agreed to.

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

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

Ord. No. 1006-98.

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 1890 and 1884 East 70th Street to Louise V. Jackson.

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 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1007-A-98 (as a substitute for Ordinance No. 1007-98).

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract for the demolition of not to exceed four school buildings to be acquired by the City of Cleveland.

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

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

Ord. No. 1009-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with ITX Corporation to provide for a ten year abatement for certain tangible personal property taxes as an incentive to expand its facilities by acquiring and rehabilitating a building located at 955 West Street, and to assist in the purchase of machinery and equipment in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 1011-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Flats Realty, Ltd. to provide economic development assistance to expand its facility by acquiring, renovating and purchasing machinery and equipment for its facility located at 955 West Street and 1100 Center Street, Cleveland, Ohio.

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

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

Ord. No. 1012-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with S.R.S. Company, Inc. to provide economic development assistance to purchase and renovate real property

located at 12911 Taft Avenue, Cleveland, Ohio.

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

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

Ord. No. 1013-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Helima Rollform, LLC, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to acquire and relocate a tubing mill operation and to purchase equipment and machinery to 4500 Lee Road located in the Cleveland Area Enterprise Zone.

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

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

Ord. No. 1014-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Neighborhood Development Investment Fund contract with Cleveland Range, Inc., to provide economic development assistance to partially finance the renovation and asbestos abatement for property located at 17901-03 and 18111 St. Clair Avenue, Cleveland, Ohio.

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

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

Ord. No. 1015-98.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with Applied Benefits Research, Inc. dba COBRASERV for professional services necessary to administer the City's COBRA program for the Department of Personnel and Human Resources, for a period of one year, with a one-year option to renew.

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

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

Ord. No. 1070-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to make alterations and modifications in Contract No. PI 52012A for improvements to Cleveland Memorial

Gardens with S.W. Franks Construction Company, 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. Insert new Section 2 to read as follows:

"Section 2. That this Council instructs the Director of Parks, Recreation and Properties and the Director of Law to investigate and determine all legal remedies, whether at law or in equity, that may be available to the City against URS Greiner with respect to the public improvement of Phase I of the Highland Park Cemetery (Cleveland Memorial Gardens) expansion and to resort their findings to the Council within thirty (30) days of the passage of this legislation."

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

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 13. Nays 8.

Those voting yea were Councilmen: Cimperman, Coats, Jackson, Johnson, Jones, Melena, Moran, Patmon, Robinson, Sweeney, Westbrook, Willis, Zone.

Those voting nay were Councilmen: Britt, Cintron, Dolan, Gordon, Lewis, Polensek, Rybka, White.

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

Ord. No. 1073-98.

By Councilman Patmon.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Saint Aloysius - Saint Joseph Parish to encroach into the public right-of-way of St. Clair Avenue with four (4) banners from the period of June, 1998 to June, 1999, to celebrate their centennial year as a church.

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

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

Ord. No. 1074-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various on-road vehicles and off-road equipment, for the various divisions of City government.

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

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

Ord. No. 1079-98.

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

An emergency ordinance authorizing the Director of Public Health to enter into a Lease By Way of Concession with the U.S. Department of Veterans Affairs to provide medical services at the McCafferty Health Center, for a period not to exceed five years and a five-year option to renew.

Approved by Directors of Public Health, Finance, Law; Recommended by Committees on Public Health, Finance, when amended as follows: 1. In the first Whereas clause, line 8, strike "adjustment" insert "re-adjustment".

Amendment agreed to. The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 1081-98.

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

An emergency ordinance to make an exception to Section 171.61 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to City employees entitled to benefits of federally administered loan and grant programs for home loans and grants.

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

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

Ord. No. 1084-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Downtown Development Coordinators, fiscal agent for Cleveland Media Development Corporation, to develop and administer a program for marketing Cleveland as a place to produce major motion pictures.

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

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

Ord. No. 1085-98.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Fanta Equipment Company to provide economic development assistance to partially finance the construction and the purchase of machinery and equipment for its facility located at 6601 Storer Avenue, Cleveland, Ohio.

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

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

SECOND READING ORDINANCES PASSED

Ord. No. 1868-97.

By Councilman Britt. An ordinance establishing the Fairhill Village Historic Landmark District. (Map Change No. 19617 Sheet No. 9)

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

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

Ord. No. 160-98.

By Councilman Polensek. An ordinance to change the Use District of lands on the northeasterly side of Ivanhoe Road, N.E. between Yorick Avenue, N.E. and south of Mandalay Avenue, N.E. (Map Change No. 1968, Sheet No. 7)

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

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

Ord. No. 161-98.

By Councilman Polensek. An ordinance to change the Use, and Area Districts of lands on the westerly side of East 200 Street from Mohican Avenue, N.E., north to City Line. (Map Change No. 1967, Sheet No. 7)

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

1. In Section 1, line one, after "Use" insert "and Area".

Amendment agreed to. The rules were suspended. Yeas 21. Nays 0. Read third time in full. Passed. Yeas 21. Nays 0.

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

Ord. No. 250-98.

By Councilman Zone. An ordinance to change the Use and Area Districts of lands on the easterly side of West 130 Street between Matheron Avenue, S.W. and Leeila Avenue, S.W. (Map Change No. 1970, Sheet No. 12)

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

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

Ord. No. 330-98.

By Councilman Polensek. An ordinance to change the Use District of lands on both sides of Lakeport Road, N.E. to Lakeshore Boulevard, N.E. approximately 345.80' southwest of Brazil Road, N.E. (Map Change No 1969, Sheet No. 7)

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

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

Ord. No. 332-98.

By Councilman Westbrook. An ordinance establishing the Lorain Station Historic Landmark District. (Map Change No. 1971, Sheets Nos. 1 & 2)

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

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

Ord. No. 333-98.

By Councilmen Zone and Westbrook.

An ordinance establishing the West 117 Street/Berea Road Business Revitalization District. (BRD) (Map Change No. 1946, Sheets Nos. 1 & 2)

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

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

Ord. No. 622-98.

By Councilman Polensek. An ordinance to amend Section 1 of Ordinance No. 2106-97 passed February 9, 1998 relating to changing the Use and Height Districts of lands between South Waterloo Road, N.E. and the New York Central Railroad and between Neff Road, N.E. and East 200 Street. (Map Change No. 1966, Sheet No. 7)

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

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

Ord. No. 623-98.

By Councilman Rybka. An ordinance to amend Section 1 of Ordinance No. 2107-97 passed February 9, 1998 relating to changing the Use Area of lands on the westerly side of East 78 Street between Aetna Road, S.E. and Osage Avenue, S.E. (Map Change No. 1964, Sheet No. 6)

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

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 564-98.

By: Councilman Cintron (by request).

An emergency resolution declaring the intention to vacate a portion of Stone Court N.W.

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

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

Res. No. 930-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency resolution to provide for the issuance and sale of Waterworks Improvement And Refunding Revenue Bonds, Series I, 1998, of the City of Cleveland in an aggregate principal amount not to exceed \$155,000,000 with respect to bonds for new improvements and in an aggregate principal amount not to exceed \$200,000,000 with respect to refunding bonds (except, in each case, in the event that any Series I Bonds are to be offered at an Original Issue Discount); to award the Series I Bonds to Original Purchasers thereof; to prescribe the form and content and authorize the execution and delivery of a Series I Bond Purchase Agreement; to authorize a Series I Certificate of Award fixing the principal amount, date, interest rates, maturities, redemption provisions and other terms, provisions and details of the Series I Bonds subject to the restrictions set forth in the Series I and Series 2002 Bond Legislation; to determine certain other matters required to be determined herein by the Series I and Series 2002 Bond Legislation; and declaring and emergency.

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

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

Res. No. 931-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency resolution to provide for the issuance and sale of Waterworks Refunding Revenue Bonds, Series 2002, of the City of Cleveland in an aggregate principal amount not to exceed \$125,000,000 (except in the event that any Series 2002 Bonds are to be offered at an Original Issue Discount); to award the Series 2002 Bonds to Original Purchasers thereof; to prescribe the form and content and authorize the execution and delivery of a Series 2002 Bond Purchase Agreement; to authorize a Series 2002 Certificate of Award fixing the principal amount, date, interest rates, maturities, redemption provisions and other terms, provisions and details of the Series 2002 Bonds subject to the restrictions set forth in the Series I and Series 2002 Bond Legislation; to determine certain other matters required to be determined herein by the Series I and Series 2002 Bond Legislation; and declaring and emergency.

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

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

Res. No. 1018-98.

By Councilman Sweeney (by request).

An emergency resolution declaring the intention to vacate a portion of Old (Relocated) Grayton Road.

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

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

Res. No. 1086-98.


By Councilman Westbrook (by departmental request).

An emergency resolution declaring the necessity and intention to appropriate property for development of a corporate office park.

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 21. Nays 0. Read third time in full. Adopted. Yeas 21. Nays 0.

The Council adjourned at 10:05 p.m. to meet on Wednesday, July 29, 1998.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

June 10, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, June 10, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 407-98.

By Acting Director Sheffield-McClain.

Whereas, pursuant to Ordinance No. 1190-88 passed by the Council of the City of Cleveland on May 16, 1988, and Board of Control Resolution No. 354-92, adopted by the Board of Control April 29, 1992, the City entered into an agreement (Contract 45139) with R & R International, Inc. (MBE "Consultant") to provide professional environmental consulting services for the Cleveland Hopkins International Airport for the Department of Port Control; and

Whereas it is necessary to make an addition to the scope of work previously approved to include additional sampling, testing, reporting, engineering & consulting services for Cleveland Hopkins International Airport to expand the scope of work to provide additional samples requested by the Ohio Environmental Protection Agency at the Excavation Site Groundwater Monitoring Project in order to complete the Clean Closure requirements of the State for this site, in accordance with the Amended Findings & Orders issued by the Ohio Environmental Protection Agency; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is hereby authorized to enter into the first amendment to the agreement between the City and R & R International, Inc. ("Consultant"), Contract No. 45139, for an addition to the scope of work based on the Consultant's letters dated June 5, 1996, June 19, 1996 & November 13, 1996. The amount to be paid for all environmental sampling, analysis, reporting, engineering & consulting services shall be increased from an amount not to exceed Eighty-Seven Thousand, Six Hundred and Eighty-Six Dollars and Fifty Cents (\$87,686.50) to an amount not to exceed One Hundred and Sixteen Thousand, Five Hundred and Twenty-Two Dollars (\$116,522.00).

Be it further resolved that the Director of Port Control is hereby authorized to complete and execute any documents necessary and appropriate to effect the amendment hereby authorized.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 408-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of **United Rotary Brush Corp.** for an estimated quantity of **replacement parts for broom cores for Idaho Norland, Schmidt, and Sweepster high-speed runway brooms, and VAC-ALL and Tennant street brooms (Item No. 6)** for the various divisions of the Department of **Port Control**, for the period of two (2) years beginning with the date of execution of a contract received on the **6th day of March, 1998**, pursuant to the authority of Ordinance No. **399-97**, passed **May 12, 1997**, which on the basis of the estimated quantity would amount to **One Hundred Fifty Thousand and 00/100 Dollars, (150,000.00), (2% - 30 Days) including 55% off list price**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Port Control** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. **13571**

which shall be certified against such contract in the sum of **Thirty Thousand and 00/100 (\$30,000.00) Dollars.**

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 409-98.

By Acting Director Sheffield-McClain.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Sweepster, Inc.** for an estimated quantity of **replacement parts for heavy duty Oshkosh trucks, brooms, snow blowers and ARFF-equipment (Item No. 5)** for the Division of various divisions of the Department of Port Control, for the period of two (2) years beginning with the date of execution of a contract received on the **6th day of March, 1998**, pursuant to the authority of Ordinance No. **399-97**, passed **May 12, 1997**, which on the basis of the estimated quantity would amount to **Forty Thousand and 00/100 Dollars, (\$40,000.00), (including 15% discount off list price)**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Port Control** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. **13569**

which shall be certified against such contract in the sum of **Twenty Thousand and 00/100 Dollars (\$20,000.00).**

Said requirement contract shall further provide that the Contractor will furnish the remainder of the

requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 410-98.

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 1642-97, passed by the Council of the City of Cleveland November 24, 1997, the firm of Parsons Brinckerhoff Ohio, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Public Service from a list of qualified consultants determined to be available after a full and complete canvass by the Director of Public Service, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City in order to obtain engineering services necessary for making the public improvement of rehabilitating Carter Road, Columbus Road, Center Street, West 3rd Street, Willow Avenue and Eagle Avenue lift bridges over the Cuyahoga River.

Be it further resolved that the Director of Public Service hereby is authorized to enter into a written contract with Parsons Brinckerhoff based on its March 20, 1998 proposal, provided that the compensation to be paid shall not exceed Ninety - Nine Thousand, Nine Hundred and Ninety - Seven and 44/100 dollars (\$99,997.44), which contract shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-contractors by Parsons Brinckerhoff for the design services contract authorized above hereby is approved:

Dodson - Stilson
The Rockefeller Building
614 Superior Avenue, N.W.
Cleveland, Ohio 44113-2081
(MBE) 30%

KS Associates, Inc.
424 Middle Avenue
P.O. Box 89
Elyria, Ohio 44036
(FBE) 8%

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 411-98.

By Director Guzman.

Whereas, Resolution No. 375-98, adopted May 27, 1998, approving the bid of Valley Ford Truck Sales, Inc. incorrectly cited the Ordinance Number as "1113-98, passed by the Cleveland City Council July 16, 1997"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that

Board of Control Resolution 375-98, adopted May 27, 1998, approving the bid of Valley Ford Truck Sales, Inc. hereby is amended by substituting "Ordinance No. 1113-97, passed July 16, 1997", for the incorrect number.

Be it further resolved that all other provisions of said Resolution No. 375-98 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 412-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Valley Ford Truck Sales, Incorporated** for an estimated quantity of **Ford truck parts and labor (all items)** for the Division of **Motor Vehicle Maintenance, Department of Public Service**, for the period of one (1) year beginning with the date of execution of a contract received on **May 8, 1998**, pursuant to the authority of Ordinance No. **151-98**, passed **March 9, 1998**, which on the basis of the estimated quantity would amount to approximately One Hundred Twenty Thousand and no/100 Dollars, **(120,000.00), (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. **19674** which shall be certified against such contract in the sum of **Ten Thousand and no/100 Dollars (\$10,000.00)**.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 413-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **Columbus Equipment Company** for an estimated quantity of **Blaw Knox paver parts and labor (all items)** for the Division of **Motor Vehicle Maintenance, Department of Public Service**, for the period of one (1) year beginning with the date of execution of a contract received on the 8th day of **May, 1998**, pursuant to the authority of Ordinance No. **72-98**, passed **February 9, 1998**, which on the basis of the estimated quantity would amount to approximately Forty Thousand and no/100 Dollars **(\$40,000.00), (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 commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. **19673** which shall be certified against such contract in the sum of **Four Thousand and no/100 Dollars (\$4,000.00)**.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 414-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of **The ODB Company** for an estimated quantity of **three (3) trailer mounted leaf vacuums with additional equipment, complete as specified (all items)** for the Division of **Motor Vehicle Maintenance, Department of Public Service**, for the period of one (1) year beginning with the date of execution of a contract received on the 1st day of **May, 1998**, pursuant to the authority of Ordinance No. **1113-97**, passed **July 16, 1997**, which on the basis of the estimated quantity would amount to approximately Thirty Nine Thousand Eight Hundred Ten and no/100 Dollars **(\$39,810.00), (Net 30 Days)**, is hereby affirmed and approved as the lowest and best bid, and the Director of **Public Service** is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. **19682** which shall be certified against such contract in the sum of **Thirty Nine Thousand Eight Hundred Ten and no/100 Dollars (\$39,810.00)**.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 415-98.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Warren Fire Equipment, Inc. for an estimated quantity of Labor and Materials necessary to repair, maintain and service MSA Breathing Apparatus, all items for the Division of Fire, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on April 22, 1998, pursuant to the authority of

Ordinance No. 1933-97, passed December 15, 1997, which on the basis of the estimated quantity would amount to Fifty-Nine Thousand, Seven Hundred Thirty-Seven and 46/100 Dollars (\$59,737.46) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 18492

Various quantities of labor and materials necessary to repair, maintain and service MSA Breathing apparatus

which shall be certified against such contract in the sum of Five Thousand, Nine Hundred Sixty-Seven and 75/100 Dollars (\$5,967.75).

Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirement 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 416-98.

By Director **Jackson**.

Resolved by the Board of Control of the City of Cleveland that the bid of York Building Maintenance, Inc. for the following: Cleaning of the West Side Market for a period of eighteen (18) months (all items) for the Division of Cleveland Convention Center, Department of Parks, Recreation and Properties, received on the 26th day of November 1997, pursuant to the authority of Ordinance No. 433-98, passed April 27, 1998 which on the basis of the order quantity would amount to \$215,100.00 is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into contract for such items.

Be it further resolved that the employment of the following subcontractor of York Building Maintenance, Inc. for the abovementioned standard purchase contract be and the same hereby is approved:

SUBCONTRACTOR

WORK

Cleanrite Cleaning Co.
20475 Farnsleigh
Shaker Heights, Ohio 44120

Janitorial Service

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 417-98.

By Director **Hamilton**.

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

Whereas, City has acquired Permanent Parcel No. 112-01-044 under said Land Reutilization Program; and

Whereas, Ordinance No. 473-98 passed May 11, 1998 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, Frances R. Carson 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. 473-98 passed May 11, 1998 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 Frances R. Carson for the sale and development of Permanent Parcel No. 112-01-044, 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 \$400.00, 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 418-98.

By Director **Hamilton**.

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

Whereas, City has acquired Permanent Parcel Nos. 106-14-002, 106-14-003 and 106-14-004 under said Land Reutilization Program; and

Whereas, Ordinance No. 770-98 passed May 18, 1998 authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Stephen Anthony and Natalie Marie Sangster have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 770-98 passed May 11, 1998 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 Stephen Anthony and Natalie Marie Sangster for the sale and development of Permanent Parcel Nos. 106-04-002, 106-04-003 and 106-04-004, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 419-98.

By Director **Hamilton**.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 142-27-056 located at Florida Avenue in Ward 1; 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, Amistad Development 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 1 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 Amistad Development Corporation for the sale and development of Permanent Parcel No. 142-27-056 located at Florida Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 420-98.

By Director **Hamilton**.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 020-10-055 (Easterly half) located at 12404 Longmead Avenue, S.W., in Ward 20; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have

been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Vincent J. Bontempo and Tok Sun Bontempo, 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 20 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel 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 Vincent J. Bontempo and Tok Sun Bontempo for the sale and development of Permanent Parcel No. 020-10-055 (Easterly half) located at 12404 Longmead Avenue, S.W., 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 421-98.

By Director **Hamilton**.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 020-10-055 (Westerly half) located at 12404 Longmead Avenue, S.W., in Ward 20; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Leslie A. Neel and Helen Neel, 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 20 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel 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 Leslie A. Neel and Helen Neel for the sale and development of Permanent Parcel No. 020-10-055 (Westerly half) located at 12404 Longmead Avenue, S.W., 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 422-98.

By Director **Hamilton**.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 112-24-167 located at 14503 Darwin Avenue in Ward 10; 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, Mary Moore, 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 10 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 Mary Moore for the sale and development of Permanent Parcel No. 112-24-167 located at 14503 Darwin Avenue, 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 423-98.

By Director **Hamilton**.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-17-123 located at 2448 Thurman Street in Ward 13; 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, Thomas and Kathleen Kirk, 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 13 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 Thomas and Kathleen Kirk for the sale and development of Permanent Parcel No. 004-17-123 located at 2448 Thurman 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 Summers, Carmody, Konicek, Acting Director Borokovich, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 424-98.

By Director **Jackson**.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Harrington Electric Company for the public improvement of the new Cleveland Browns NFL Stadium broadcast cabling and security system, Bid Package #8H, all items, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on June 5, 1998, pursuant to the authority of Ordinance

No. 304-96, passed March 8, 1996, for a gross price for the improvement in the aggregate amount of One Million Nine Hundred Forty-Five Thousand Three Hundred Forty-One and no/100 Dollars (\$1,945,341.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractor by Harrington Electric Company for the public improvement of the new Cleveland Browns Stadium broadcast cabling and security system, hereby is approved:

Minority Electric Company
(MBE) \$342,960.00

Leader Electric Company
(FBE) \$51,200.00

Ross Equipment
(FBE) \$20,000.00

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, JUNE 29, 1998

9:30 A.M.

Calendar No. 98-110: 9617 Heath Avenue, S.E.

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 123' lot located in a Two-Family District and to be known as 9617 Heath Avenue; the distance to the adjoining dwelling house to the west at 9613 Heath Avenue is pro-

posed to be 9' instead of 10' therefrom as required by Sections 357.09(b)(2)(A) and 337.23(a) of the Codified Ordinances.

Calendar No. 98-111: 10813 Eliot Avenue, S.E.

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 125' lot located in a Two-Family District and to be known as 10813 Eliot Avenue; the distance to the adjoining dwelling house to the west at 10809 Eliot Avenue is proposed to be 9.58' instead of 10' therefrom as required by Sections 357.09(b)(2)(A) and 337.23(a) of the Codified Ordinances.

Calendar No. 98-112: 3569 East 106th Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 117' corner lot located in a Two-Family District on the northeast corner of East 106th Street and Benham Avenue and to be known as 3569 East 106th Street; the north interior side yard for said building is proposed to be 3' instead of 5' in width as required by Section 357.09(b)(2)(B) of the Codified Ordinances.

Calendar No. 98-113: 3463 East 108th Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 145' lot located in a Two-Family District and to be known as 3463 East 108th Street; the distance to the adjoining dwelling house to the south at 3465 East 108th Street to be 8.73' instead of 10' therefrom as required by Section 357.09(b)(2)(A) of the Codified Ordinances.

Calendar No. 98-114: 3407 East 117th Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 128' lot located in a Two-Family District and to be known as 3407 East 117th Street; the distance to the adjoining dwelling house to the north at 3403 East 117th Street is proposed to be 7' instead of 10' therefrom as required by Section 357.09(b)(2)(A) of the Codified Ordinances.

Calendar No. 98-115: 3345 East 121st Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 139' lot located in a Two-Family District and to be known as 3345 East 121st Street; the distance to the adjoining dwelling house to the south at 3349 East 121st Street is proposed to be 8.41' instead of 10' therefrom as required by Sections 357.09(b)(2)(A) and 337.23(a) of the Codified Ordinances.

Calendar No. 98-116: 3354 East 128th Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 39' x 150' lot located in a Two-Family District and to be known as 3354 East 128th Street; the south side yard is proposed to be 4' and the north side yard 5' instead of both totaling 10' as required by Section 357.09(b)(2)(B) and the distance to the adjoining dwelling house to the south at 3356 East 128th Street is proposed to be 6' instead of 10' therefrom as required by Sections 357.09(b)(2)(A) and 337.23(a) of the Codified Ordinances.

Calendar No. 98-117: 3301 East 132nd Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage all on a 40' x 105' lot located in a Two-Family District and to be known as 3301 East 132nd Street; the distance to the adjoining dwelling house to the south at 3305 East 132nd Street is proposed to be 9.39' instead of 10' therefrom as required by Section 357.09(b)(2)(A) of the Codified Ordinances.

Calendar No. 98-118: 3278 East 140th Street

Mt. Pleasant Homes, III, Ltd. Partnership, owner c/o David Budge, appeals to erect an 18' x 42' two-story frame one-family dwelling house with a 12' x 20' one-story attached private garage, all on a 40' x 145' lot located in a Two-Family District and to be known as 3278 East 140th Street; the distance to the adjoining dwelling house to the south at 3282 East 140th Street is proposed to be 8.35' instead of 10' therefrom as required by Sections 357.09(b)(2)(A) and 337.23(a) of the Codified Ordinances.

Calendar No. 98-130: 2257 West 7th Street

City of Cleveland/Department of Community Development, owner, c/o Joseph Sidoti and Tremont Ridge Phase I c/o Keith Sutton, prospective purchaser, appeals to erect a 20' x 40' 3-story two-family dwelling house and a 20' x 20' detached private garage all on a 33' x 140' lot located in a Two-Family District on the East side of West 7th Street at 2257 West 7th Street; said proposal being contrary to the provisions of Section 355.05(b) where a two-family residence on an existing lot of record requires a minimum 4800 sq. ft. lot and a minimum 40' wide lot with a 33' width and 4,620 sq. ft. proposed but subject to Section 355.02 in that one-half the width of the abutting alley can be computed in the lot area calculations which adds 1120 sq. ft. or a total lot area of 5740 sq. ft. and the front yard setback of said dwelling to be 10' instead of the 21' or 15% of the lot depth required by Section 357.04 of the Codified Ordinances.

POSTPONED FROM MAY 5, 1998

10:30 A.M.

Calendar No. 97-57: 1690 Columbus Road

Wayne Ecker, owner, to erect two 7' 6" x 11' 6" double faced pole signs

in front of the service station on the 42' x 183' irregular shaped corner lot located in a General Industry District on the southwest corner of Columbus Road and Center St. at 1690 Columbus Road; said pole signs to be located 110' apart instead of the 500' minimum distance as required by Section 350.20 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 15, 1998

At the Meeting of the Board of Zoning Appeals on Monday, June 8, 1998, the following appeals were heard by the Board, and, on Monday, June 15, 1998 were decided by the Board.

The following appeals were **Granted**:

Calendar No. 98-39: 5205 Behrwald Avenue, N.W. (heard on April 20, 1998)

Kenneth Wayne, owner, appealed to install approximately 75 linear feet of 6' high wood privacy fence. (Conditional grant).

Calendar No. 98-63: 2203 West 6th Street

Tremont Ridge, Phase I, Limited Partnership owner, c/o Deane Malaker, appealed, to erect a 20' x 40' 3-story two-family dwelling house and a 20' x 20' detached private garage.

Calendar No. 98-64: 2122 West 6th Street

Tremont Ridge Phase I, Limited Partnership owner, c/o Deane Malaker, appealed, to erect a 20' x 40' 3-story two-family dwelling house and a 20' x 20' detached private garage.

Calendar No. 98-79: 2061 West 10th Street

Bosan's Restaurant Inc., owner, c/o Richardo Sandoval, appealed, to change use of an existing 24' x 74' two-story masonry 3-dwelling unit and 1 store building to a restaurant with 2 dwelling units and erect an 18' x 16' "L" shaped outdoor dining patio with 5-6 tables for 2.

Calendar No. 98-82: 1385 East 25th Street

Zapis Communications, owner c/o James Wymer, appealed, to construct a 9-car accessory off-street parking lot. (Conditional grant).

Calendar No. 98-87: 18122 St. Clair Avenue

Elliot Sustin, owner, and Eastway Motors Inc. c/o Elliot Sustin, tenant, appealed to display autos within the setback area within the setback area of an existing 96' x 130' corner lot for used car sales located in a Local Retail District. (Conditional grant).

Calendar No. 98-98: 1303 West 58th Street

Cleveland Police Patrolmen's Association, owner c/o Bill VanWert, appealed to erect a 41' x 6" x 76' masonry one-story office building.

Calendar No. 98-100: 6600 Lexington Avenue, S.E.

The Catholic Charities Facilities Corporation, owner c/o Diana Keller, appealed to erect a 220' x 150' one-story approximately 25,000 sq. ft. Community Center building and 119 car parking lot.

Calendar No. 98-101: 11400 Governor Avenue, S.W.

Sal and James Braun, owners, appealed to erect a 10' x 24' one-story wood frame enclosed patio addition.

Calendar No. 98-102: 10500 Edgewater Drive, N.W.

Donald P. Shury, owner, appealed to maintain an existing gravel stone driveway. (Conditional grant).

Calendar No. 98-103: 4653 Pearl Road, S.W.

Leo and Marion Schnell, owners, and Richard Marusa, prospective purchaser, appealed to change the use of an existing nonconforming service station to a used car sales lot and office.

Calendar No. 98-121: 530 Euclid Avenue

The Colonial Arcade Co./The Euclid Arcade Co., owners, c/o James Marcus and Colonial Marketplace, LLC, prospective purchaser, c/o Robert Rains appealed to change use from offices and retail to hotel occupancy for 176 rooms and indoor garage for 190 cars with retail space, on the first floor.

The following appeals were **Postponed** to July 6, 1998:

Calendar No. 98-95: 6605 Clark Avenue, S.W.

Calendar No. 98-96: 5163 Broadway, a.k.a. 5303 McBride Avenue, S.E.

Calendar No. 98-99: 7027 St. Clair Avenue, N.E.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
June 10, 1998

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

* * *

Docket A-59-98.

RE: Appeal of Herbert Kay, Owner of the Property located on the premises known as 7300 Clark Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Commissioner of the Division of Fire dated March 10, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-59-98 has been POSTPONED; to be rescheduled for June 24, 1998.

Docket A-65-98.

RE: Appeal of BancOklahoma Mortgage, Mortgagee of the Residential Property located on the premises known as 7005 Flowerdale Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated April 3, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 7005 Flowerdale Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-73-98.

RE: Appeal of Mt. Arrat Baptist Church, Owner of the Property located on the premises known as 3790 East 131st Street from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated April 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date; the Docket will be left opened for any future appeals.

* * *

Docket A-74-98.

RE: Appeal of Mohammad A. Hamad & Inan M. Hammad, Owners of the Property located on the premises known as 4323 Clark Avenue from a VACATE ORDER/RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated March 26, 1998 & March 30, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-74-98 has been POSTPONED; to be rescheduled for June 24, 1998.

* * *

Docket A-77-98.

RE: Appeal of Homeside Lending, Inc., Mortgagee of the Residential Property located on the premises known as 1934 West 54th Street from a 72 HOUR EMERGENCY FIRE CONDEMNATION ORDER/MS & GARAGE of the Commissioner of the Division of Building and Housing dated April 1, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HOUR EMERGENCY FIRE CONDEMNATION and LETTER OF INTENTION TO DEMOLISH by requiring that the debris be removed from the premises immediately including the garage areas, and that the Appellant is granted two months (2 mos.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other

provisions of the 72 HOUR EMERGENCY FIRE CONDEMNATION and LETTER OF INTENT 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 August 24, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-84-98.

RE: Appeal of Barbara Samples, Owner of the Residential Property located on the premises known as 3184 West 84th Street from a VACATE/CONDEMNATION ORDER/MS & GARAGE/HVAC/ELECTRICAL of the Commissioner of the Division of Building and Housing dated March 26, 1998, March 30, 1998, and April 9, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-84-98 has been POSTPONED; to be rescheduled for July 8, 1998.

* * *

Docket A-89-98.

RE: Appeal of Sue E. Zakaib, Owner of the Property located on the premises known as 11108 Primrose Avenue from a NOTICE OF VIOLATION — ELECTRICAL of the Commissioner of the Division of Building and Housing dated May 8, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-89-98 has been POSTPONED; to be rescheduled for June 24, 1998.

* * *

Docket A-96-98.

RE: Appeal of Roman Maciag, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 12543 North Road from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated May 28, 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 to remain as it is installed eight feet (8 ft.) from the property line as indicated on the drawings, noting that the pool has been installed since 1985 and noting the letters of concurrence of the adjacent neighbors; and to waive the late filing fees. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Docket A-98-98.

RE: Appeal of Sam Riolo, Owner of the Property located on the premises known as 7821 Lorain Avenue (a.k.a. 7817-21 Lorain Avenue) from a STOP WORK ORDER of the

Commissioner of the Division of Building and Housing dated May 19, 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 Appellant three months (3 mos.) in which to obtain permits and abate the violations, with the provision that the Appellant submit to the Division of Building and Housing recommendations for temporary shoring within two weeks (2 wks.); no work is to proceed without permits except for any necessary shoring, covering and safing of the areas that necessitate immediate methods of barricading. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-99-98.

RE: Appeal of John W. Carte, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 3402 West 131st Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated June 1, 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 to be installed as indicated on the drawings twelve inches (12") from the property line and six foot (6 ft.) high fence, noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-395-97—Paul P. Arnold.
- L-5-98—Ronald Hebebrand.
- A-49-98—Merlene Atwater Allen.
- A-50-98—Charles C. Pearson.
- A-51-98—Midland Mortgage Co.
- A-52-98—Chase Mortgage Services.
- A-55-98—Josephine Walker.
- A-85-98—Keith R. Kunath.
- A-88-98—Cleveland Housing Network.
- A-90-98—Francis C. Gardner.
- A-91-98—Denise Metzel Chipgus.
- A-92-98—Kenneth Wayne.
- A-93-98—Nolasco Housing Corp.

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Williams and seconded by Mr. Saunders for Approval of the Min-

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

May 27, 1998

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JUNE 25, 1998

Labor and Materials to Repair Overhead Doors, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 244-98, passed by the Council of the City of Cleveland, April 6, 1998.

Stage Draperies, for the Division of Convention Center and Stadium/West Side Market, as authorized by Ordinance No. 761-98, passed by the Council of the City of Cleveland, May 18, 1998.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, JUNE 19, 1998, 10:00 A.M. IN THE CLEVELAND CONVENTION CENTER, 5001 LAKESIDE AVENUE.

Phased Asbestos Removal, for the Department of Port Control, as authorized by Ordinance No. 929-96, passed by the Council of the City of Cleveland, June 18, 1996.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE COST OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, JUNE 18, 1998, 10:00 A.M. IN THE ENGINEERING OFFICE, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

Phase 2 — Residential Sound Insulation Program '98 — Group M, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group N, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group O, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DE-

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group P, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

Phase 2 — Residential Sound Insulation Program '98 — Group Q, for the Department of Port Control, as authorized by Ordinance Nos. 930-95 and 469-98, passed by the Council of the City of Cleveland.

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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 16, 1998, 3:00 P.M. LOCAL TIME, IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION IN THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

June 10, 1998 and June 17, 1998

FRIDAY, JUNE 26, 1998

Labor and Materials to Perform Glycol Collection Services, for the Department of Port Control, as authorized by Ordinance No. 991-98, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE COST OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, JUNE 19, 1998, 10:00 A.M. IN THE ENGINEERING OFFICE CONFERENCE ROOM OF CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

June 10, 1998 and June 17, 1998

WEDNESDAY, JULY 1, 1998

Dare Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 320-98, passed by the Council of the City of Cleveland, April 6, 1998.

June 10, 1998 and June 17, 1998

FRIDAY, JULY 10, 1998

New Cleveland Browns NFL Football Stadium, Bid Package No. 81 — Telephone and Data Cabling System, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED OR CASHIER'S CHECK ONLY.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JUNE 24, 1998, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 501 LAKESIDE AVENUE, CLEVELAND, OHIO.

June 10, 1998 and June 17, 1998

WEDNESDAY, JULY 1, 1998

Abbey Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1264-97, passed by the Council of the City of Cleveland, July 16, 1997.

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.

June 17, 1998 and June 24, 1998

THURSDAY, JULY 2, 1998

Tire Recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 362-98, passed by the Council of the City of Cleveland, April 6, 1998.

Galion Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 428-98, passed by the Council of the City of Cleveland, April 27, 1998.

Computer Related Hardware Equipment, for various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1471-97, passed by the Council of the City of Cleveland, October 13, 1997.

Painting Roadways, Runways and Other Paved Areas, for the various divisions of Port Control, as authorized by Ordinance No. 2149-97, passed by the Council of the City of Cleveland, February 2, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JUNE 23, 1998, 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

June 17, 1998 and June 24, 1998

WEDNESDAY, JULY 8, 1998

Hepatitis B Vaccine, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2152-97, passed by the Council of the City of Cleveland, March 2, 1998.

Landfill Sites, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 354-98, passed by the Council of the City of Cleveland, April 6, 1998.

HVAC Controls and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 247-98, passed by the Council of the City of Cleveland, April 6, 1998.

June 17, 1998 and June 24, 1998

THURSDAY, JULY 9, 1998

Traffic Cones and Safety Drums, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 430-98, passed by the Council of the City of Cleveland, May 18, 1998.

Asphalt Concrete Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 295-98, passed by the Council of the City of Cleveland, April 27, 1998.

HFRS2 Emulsion and Equipment Management Services and Purg-ing Solution, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 302-98, passed by the Council of the City of Cleveland, April 27, 1998.

Gutter Brooms and Gutter Broom Sets, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 299-98, passed by the Council of the City of Cleveland, April 27, 1998.

Manhole Risers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 297-98, passed by the Council of the City of Cleveland, April 27, 1998.

Rental of Large Capacity Trucks with Operators, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 296-98, passed by the Council of the City of Cleveland, April 27, 1998.

June 17, 1998 and June 24, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1055-98.
By Councilman Cimperman.

An emergency resolution appointing a second assessment equalization board to hear objections to estimated assessments with respect to the provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland.

Whereas, this Council did, on the 15th day of December, 1997, duly adopt Resolution No. 1746-97, declaring therein the necessity of provision of additional security for the Cleveland Theater District, cleaning and maintenance of the public rights-of-way and Star Plaza within the Cleveland Theater District and collective marketing of the Cleveland Theater District in the City of Cleveland; and

Whereas, pursuant to said resolution, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; and

Whereas, this Council appointed an Assessment Equalization Board in Resolution No. 938-98, adopted May 18, 1998, to hear and determine written objections on June 5, 1998; and

Whereas, one party petitioned this Council to continue the June 5, 1998 hearing by reason of out-of-town travel by said party; 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 Michael Thomas McBride, curly M. Range and Gladys Faye Callahan, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board, to hear and determine written objections filed with respect to Permanent Parcel No. 103-01-036 in accordance with law to the estimated assessments heretofore filed with the Clerk of this Council pursuant to Resolution No. 1746-97 of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 1746-97 and by law.

Section 2. That the assessment equalization board shall meet at 8:00 o'clock, a.m. on the 12th day of June, 1998, at Cleveland City Hall, 601 Lakeside Avenue, Room 514, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations along with the recommendations arising out of the June 5, 1998 meeting, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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 June 8, 1998.
Effective June 11, 1998.

Res. No. 1056-98.
By Councilman Jackson.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 6017 Quincy Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 54075040005, Madaba Inc., DBA Quick Stop, 6017 Quincy Ave., Cleveland, Ohio 44104; 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. 54075040005, Madaba Inc., DBA Quick Stop, 6017 Quincy Ave., Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 8, 1998.

Effective June 16, 1998.

Res. No. 1057-98.
By Councilman Johnson
An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 2664 Woodhill Rd.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 4424893, KHA Mo Corp., DBA Perfect Market, 11612 Kinsman Rd., 1st Fl., Cleveland, Ohio 44120, to Permit No. 97601540005, Woodhill Best Grocery Co., Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 4424893, KHA Mo Corp., DBA Perfect Market, 11612 Kinsman Rd., 1st Fl., Cleveland, Ohio 44120, to Permit No. 97601540005, Woodhill Best Grocery Co., Woodhill Shoprite, 2664 Woodhill Rd., Cleveland, Ohio 44104

and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 8, 1998.

Effective June 16, 1998.

Res. No. 1058-98.
By Councilman Patmon.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 951 Linn Dr., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 7921018, Abraham L. Scott, DBA Scott, Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 6417552, 951 Linn Corp., DBA Scotts Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X

Liquor Permit from Permit No. 7921018, Abraham L. Scott, DBA Scott, Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, to Permit No. 6417552, 951 Linn Corp., DBA Scotts Grocery, 951 Linn Dr., 1st Fl. & Bsmt., Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 8, 1998.

Effective June 16, 1998.

Res. No. 1059-98.
By Councilman Sweeney.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St., and repealing Res. No. 167-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th St., by Res. No. 167-98, adopted January 26, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4200 W. 130th, be and the same is hereby withdrawn and Res. No. 167-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted June 8, 1998.

Effective June 16, 1998.

Res. No. 1060-98.
By Councilman Westbrook.
An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., and repealing Res. No. 2209-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., by Res. No. 2209-97, adopted December 15, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 and D6 Liquor Permit to 9601 Lorain Ave., be and the same is hereby withdrawn and Res. No. 2209-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted June 8, 1998.

Effective June 16, 1998.

Res. No. 1061-98.

By Councilmen Jackson, Gordon, Patmon, Sweeney, White, Cintron, Jones and Cimperman.

An emergency resolution withholding local community approval as required by the Ohio Department of Youth Services in connection with the construction of the juvenile detention center and affiliated court buildings at East 22nd Street.

Whereas, the Council of the City of Cleveland is in receipt of Resolutions adopted by the Board of County Commissioners for Cuyahoga County as well as the Juvenile Court Judges, adopted by those respective bodies on or about May 28, 1998, approving a three phase plan for the construction of a juvenile detention center and affiliated court buildings and other accessories, as set forth in the design drawing of Thomas Zung, Architects/Richard Bowen & Associates, dated May 28, 1998; and

Whereas, local community approval is also required by the Ohio Department of Youth Services as indicated in the outline of required steps in the correspondence of April 30, 1998, addressed to the Board of County Commissioners from the Director of the Ohio Department of Youth Services, Geno Natalucci-Persichetti; and

Whereas, the local community authority is constituted in the City Council who is not opposed to the plan indicated above, but is not willing to provide local community approval unless and until the following conditions have been satisfied:

(a) A detailed timetable for all phases being constructed has been provided; and

(b) A realistic and identifiable source of funding for all three phases has been put in place binding the County and all sources of such funding so as to accomplish same within the next three to five years; and

(c) That the Council is satisfied as to the long range viability of the plan and that it is conducive to the proper care of the children being housed and handled in such facilities.

Whereas, the proposed site on and about the existing premises for the Juvenile Court on 22nd Street is contrary to the City Zoning Code, in that Section 337.08(e)(8) specifically prohibits correctional facilities in this zoning district, and that any use in contradiction of the Code which is non-conforming in nature must obtain a zoning variance for any "enlargement or expansion" pursuant to Chapter 359 of the Codified Ordinances of the City of Cleveland, 1976; and

Whereas, the County Commissioners have not addressed the concerns as protected under Chapter 161 of the Codified Ordinances relating to Landmark Commission approvals, and buildings of a special historic, community, or aesthetic interest or value; and

Whereas, as the protector of the local community, it is this Council's duty, before approving the proposed plan, to assure that the proper care is being provided to the children of this community, and that the plan will provide a viable institution for the protection of the health, safety, and welfare of our constituents; and

Whereas, although Council is not opposed to the plan at this time, approval is being withheld until such time as the aforementioned conditions and concerns have been satisfied, and

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

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland, does hereby and herein formally serve notice upon the Ohio Department of Youth Services, the Cuyahoga County Board of Commissioners, and the County Juvenile Court Judges, that they are withholding local community approval as required in the Ohio Department of Youth Services letter of April 30, 1998, until such time as all of the conditions indicated above have been satisfied, and do further serve notice upon the aforementioned that the subject site is not in compliance with all Code and Zoning requirements as is also required in the Ohio Department of Youth Services correspondence of April 30, 1998.

Section 2. That the Council of the City of Cleveland is ready, willing and able to work with the County Commissioners and the Juvenile Court Judges in order to accomplish satisfaction of the aforementioned conditions of Council in order that local community approval can be provided within the required time period.

Section 3. That the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution to Geno Natalucci-Persichetti, Director of the Ohio Department of Youth Services, to the Cuyahoga County Board of Commissioners, and to the Cuyahoga County Juvenile Court Judges.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Res. No. 1062-98.

By Councilmen Cintron, Westbrook, Polensek, Gordon, Zone, Melena, Robinson, Coats, Lewis, Johnson, Cimperman, Willis and Dolan.

An emergency resolution opposing any attempts to privatize the United States Postal Service.

Whereas, the Council of the City of Cleveland recognize all the men and women who work for the United States Postal Service and who have served the American public in this constitutionally authorized service during the past 220 years, and

Whereas, thousand of dedicated postal employees commit their lives and careers to processing and delivering America's mail to businesses and residents throughout the country in a timely and efficient manner and at the least cost to American taxpayers; and

Whereas, a postal service operated by private sector carriers has been historically rejected by the United States Congress and the American people, and

Whereas, the United States Postal Service has attempted to move toward privatization through awarding a contract to Emery Worldwide Airlines to create a new Priority Mail network, which appears to be a backdoor privatization effort by administrative practice rather than by Congressional policy, a practice this Council strongly oppose; and

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

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That the Council of the City of Cleveland is opposed to any efforts by the United States Postal Service that result, both directly or indirectly, in the privatization of the United States Postal Service and the loss of jobs for dedicated postal employees and hereby urges the United States Postal Service to reject any such measure which result in privatization of services provided by the Postal Service. This Council urges the United States Congress to take appropriate action to prevent the United States Postal Service from taking any such actions which may result in the privatization of such services.

Section 2. That the Clerk of Council be and she is hereby requested to transmit a copy of this Resolution to Congressman Dennis J. Kucinich.

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 June 8, 1998.

Effective June 16, 1998.

Res. No. 1064-98.

By Councilman Britt.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 8502 Quincy Ave.

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. 36356500005, Harry John Inc., 448502 Quincy Ave., Cleveland, Ohio 44106; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 36356500005, Harry John Inc., 448502 Quincy Ave., Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted June 8, 1998.
Effective June 16, 1998.

Ord. No. 1304-96.
By Councilman Cimperman (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to 1352 West Sixth Street Limited Partnership to construct railings and six (6) planter boxes, in front of the Piccolo Mondo Restaurant, which will encroach into the public right-of-way of West 6th 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 Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the consent of the Director of Public Service to 1352 West Sixth Street Limited Partnership, 1370 West 6th Street, Cleveland, Ohio 44113; its successors and assigns, to construct, use and maintain railings and six (6) planter boxes in front of the Piccolo Mondo Restaurant, which will encroach into the public right-of-way of West 6th Street, at the locations more fully described as follows:

**PLANTERS AND RAILINGS
ENCROACHMENT INTO
WEST 6TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows:

Beginning on the Southerly line of West St. Clair Avenue N.W. (99.00 feet wide), at its intersection with the Westerly line of West 6th Street (99.00 feet wide); thence Easterly along the Southerly line of West St. Clair Avenue N.W. about 6.00 feet to a point; thence Southerly and parallel with the Westerly line of West 6th Street about 24.00 feet to a point; thence Easterly and parallel with West St. Clair Avenue N.W. about 3.00 feet to a point; thence Southerly and parallel with the Westerly line of West 6th Street about 63.00 feet to a point; thence Westerly and parallel with West St. Clair Avenue N.W. about 9.00 feet to the Westerly line of West 6th Street; thence Northerly along the Westerly line of West 6th Street to the place of beginning.

Section 2. That said railing, gate, and planters will be constructed in the public right-of-way of West 6th Street at the locations aforesaid in Section 1, supra, and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

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

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

Passed June 8, 1998.
Effective June 17, 1998.

Ord. No. 2194-97.
By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Schmelzer Brothers Limited Partnership, or their designee, for renovation of the Finance/Pointe Building.

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

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

Section 1. That the Director of Community Development is hereby authorized to enter into contract with Schmelzer Brothers Limited Partnership, or their designee, to renovate the Finance/Pointe Building.

Section 2. That the cost of said contract shall be in an amount not to exceed \$250,000.00 and shall be paid from Fund No. 13 SF 844.

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 322-98.
By Councilmen Jackson, Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Directors of Economic Development and Parks, Recreation and Properties to enter into contract with the Thompson Design Group for the purpose of conducting a planning study for the West Side Market and the larger Market District.

Whereas, this ordinance constitutes an emergency measure providing for 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 Directors of Economic Development and Parks, Recreation and Properties is hereby authorized and directed to enter into contract with the Thompson Design Group for professional services necessary to conduct a planning study of the West Side Market and larger Market District on the basis of its proposal dated January 16, 1998, in the total sum of \$51,500.00, payable from Fund No. 10 SF501, Request No. 24269, for the Departments of Economic Development and 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.

Passed June 8, 1998.
Effective June 16, 1998.

Ord. No. 424-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more consultants to provide professional services to develop and implement a telecommunications system for the Division of Cleveland Public Power.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to employ by contract

one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the installation of a telecommunications system for the Division of Cleveland Public Power, including but not limited to, the analysis, design, identification, specification preparation and implementation of said system, but expressly excluding the actual installation of the telecommunications system.

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 No. 58 SF 001, Request No. 22190.

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 677-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to modify and maintain a trac-vac residuals collection system at the Garrett Morgan Water Works Facility, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials needed to modify and maintain a trac-vac residuals collection system at the Garrett Morgan Water Works Facility, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said

items as the Board of Control shall determine. Alternate bids for a period less than 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 24012)

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 678-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for a Water Pollution Control Loan Fund loan to finance a City-wide sewer system evaluation survey.

Whereas, Title VI of the Clean Water Act, as amended (the "CWA"), authorizes the Administrator of the United States Environmental Protection Agency to make capitalization grants to states to establish a state water pollution control revolving loan fund; and

Whereas, pursuant to the CWA, states can provide loans from a water pollution control revolving loan fund to municipal corporations for professional services necessary to provide a sewer system evaluation survey as defined in Section 212 of the CWA; and

Whereas, the Ohio General Assembly has created a water pollution control loan fund ("WPCLF") pursuant to Ohio Revised Code Section 6111.036 to provide loans as set forth in said Section, which shall be administered by the Director of the Ohio Environmental Protection Agency; and

Whereas, to assist the Director of the Ohio Environmental Protection Agency in administering the WPCLF, the Director of the Ohio Environmental Protection Agency has entered into an Interagency Agreement, dated September 1, 1989, with the Ohio Water Development Authority; and

Whereas, the City desires to have a City-wide sewer system evaluation survey done with loan funds from the WPCLF in the approximate amount of \$750,000; and

Whereas, the City of Cleveland desires to apply for and enter into an agreement to repay loan funds from the WPCLF in the approximate amount of \$750,000 for the City-wide sewer system evaluation survey; 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 Mayor is hereby authorized to apply for the WPCLF loans in the approximate amount of \$750,000 to finance the City-wide sewer system evaluation survey. The Mayor is hereby authorized to pay application fees to the WPCLF for the costs of the loan agreement in the amount of .35% of the estimated project costs, or \$400.00, whichever is greater, payable from Fund No. 54 SF 211.

Section 2. That the Mayor is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for WPCLF loans, which loan agreement shall be in substantially the same form as the Water Pollution Control Loan Fund Agreement, File No. 678-98-A, and shall contain such additional terms as are acceptable to the Director of Law to protect the public interest. The Mayor is further authorized to file all papers and to execute all documents necessary to receive the funds under said loan agreement; and said loan funds are hereby appropriated for the purposes set forth in the loan agreement.

Section 3. That upon execution of the loan agreement, the Director of Public Utilities is authorized to repay the loan funds to the WPCLF in accordance with the terms and conditions of the loan agreement, from the operating revenues of the Division of Water Pollution Control.

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 679-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to test and dispose of hazardous or non-hazardous waste or materials, including asbestos assessment and removal, for the Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to test and dispose of hazardous or non-hazardous waste or materials, including asbestos assessment and removal, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Cleveland Public Power and Water Pollution Control, Department of Public Utili-

ties. 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 22195)

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 691-98.
By Councilmen Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to expend Community Development Block Grant funds and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs.

Whereas, the City of Cleveland has received Community Development Block Grants, Year XXIV from the United States Government; and

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to expend Community Development Block Grant funds in the amount of \$1,275,000 from Fund No. 14 SF 024 and Federal HOME Program funds from Fund No. 13 SF 875, for the administration of the Housing Rehabilitation Programs in conjunction with the Community Development Block Grant Program, Years XXIV, and pursuant to the following schedule:

Personnel	\$1,250,000
Other	25,000

Section 2. And that the Director of Community Development is authorized to enter into one or more contracts for professional services related to inspecting properties to comply with Section 8 Housing Quality Standards (HQS).

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 754-98.
By Councilmen Patmon and Johnson (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace fire hydrants, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair or replace fire hydrants in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24015)

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 768-98.
By Councilmen Coats, Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXIV, from the United States Government; and

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

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

Section 1. That the Director of Public Safety is hereby authorized to expend Community Development Block Grant funds in the amount of One Million Dollars (\$1,000,000.00), from Fund No. 14 SF 024 Request No. 23098, for the operation of the Community Response Unit in conjunction with the Community Development Block Grant Program.

Section 2. That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 771-98.
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 1917, 1911, 1913 East 73rd Street to Ronnie A. Stephens.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-10-038, 118-10-040, and 118-10-041, as more fully described in Section 2 below, to Ronnie A. Stephens.

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

P.P. No. 118-10-038
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 148 feet of the Southerly 37.5 feet of Sublot No. 19 in the Spangler Heir's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 14 of Maps, Page 8 of Cuyahoga County Records, and being 37.5

feet front on the Easterly side of East 73rd Street, (formerly Spangler Avenue), and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-10-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 20 and 21 in the Spangler Heir's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 14 of Maps, Page 8 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 73rd Street (formerly Spangler Avenue), at a point 37-1/2 feet Southerly, measured along said Easterly line, from the Northwesterly corner of said Sublot No. 21; thence Southerly along said Easterly line of East 73rd Street, 39 feet; thence Easterly 29 feet to a point which is 26 feet 2 inches Southerly, measured at right angles from the Northerly line of said Sublot No. 20; thence Easterly 36 feet to a point which is 25 feet 10 inches Southerly, measured at right angles from the Northerly line of said Sublot No. 20, thence Easterly 21 feet to a point which is 25 feet Southerly measured at right angles from the Northerly line of said Sublot No. 20; thence Easterly on a line parallel with the Northerly line of said Sublot No. 20 to a point 27 feet Westerly, measured at right angles from the Easterly line of said Sublot No. 20; thence Northerly on a line parallel to the Easterly line of said Sublot Nos. 20 and 21, 37-1/2 feet to the point of intersection with a line drawn Easterly from the place of beginning and parallel to the Southerly line of said Sublot No. 21; thence Westerly 123 feet to the place of beginning as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 118-10-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 21 in the Spangler Heir's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat in Volume 14 of Maps, Page 8 of Cuyahoga County Records; and being a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 73rd Street, (formerly Spangler Avenue), at the Northwesterly corner of said Sublot No. 21; thence Southerly along said Easterly line of East 73rd Street, 37-1/2 feet; thence Easterly on a line parallel to the Northerly line of said Sublot No. 21, 123 feet; thence Northerly on a line parallel to said Easterly line of East 73rd Street, 37-1/2 feet to the Northerly line of said Sublot No. 21; thence Westerly along Northerly line of Sublot No. 21, 123 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed June 8, 1998.

Effective June 17, 1998.

Ord. No. 773-98.
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 7122, 7206, 7210 Linwood to Wendy Y. Beverly and Lenwood P. Beverly.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-16-006, 106-16-007, and 106-16-008, as more fully described in Section 2 below, to Wendy Y. Beverly and Lenwood P. Beverly.

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

P. P. No. 106-16-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 6 in the Bolton Estate Subdivision of part of Original One Hundred Acre Lots Nos. 339 and 342 as shown by the recorded plat in Volume 22 of Maps, Page 26 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Linwood

Avenue, and extending back 149.39 feet on the Westerly line, 149.44 feet on the Easterly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Along with an easement and right of way over 29 inches of Sublot No. 5 adjacent to the described premises pursuant to a Grant of Easement dated December 16, 1971, recorded January 19, 1972 in Volume 12965, Page 787. (No examination has been made concerning the validity of the estate created under this instrument.)

Subject to restrictions and easements contained in deed recorded in Volume 877, Page 589, Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

P. P. No. 106-16-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Thomas Bolton Estate Subdivision of part of Original One Hundred Acre Lot No. 342 as shown by the recorded plat in Volume 22 of Maps, Page 26 of Cuyahoga County Records:

Said Sublot No. 7 has a frontage of 40 feet on the Southerly side of Linwood Avenue (60 feet wide) extends back between parallel lines 149.44 feet on the Westerly line, 149.49 feet on the Easterly side and contains 0.1372 acres of land, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 106-16-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 8 in Thomas Bolton Estate Subdivision of a part of One Hundred Acre Lots Nos. 339 and 342 as recorded in Volume 22 of Maps, Page 26 of Cuyahoga County Records; said Sublot 8 being 40 feet front on the Southerly side of Linwood Avenue 149.53 feet deep on the Easterly line, 149.49 feet deep on the Westerly line and 40 feet wide on the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

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

Passed June 8, 1998.
Effective June 17, 1998.

Ord. No. 816-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance to authorize (i) the issuance of a series of Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of advance refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in an aggregate principal amount not to exceed \$45,000,000; (ii) the issuance of a series of the Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of currently refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in a principal amount not to exceed \$60,000,000; (iii) the engagement by the City in an interest rate swap transaction with a notional amount not to exceed \$60,000,000 and the execution of any interest rate swap agreements and other documents related thereto; and (iv) the execution of supplemental indentures and certain other documents related thereto, as applicable, and the provision for certain other authorizations and matters related to the issuance and sale of the Bonds herein authorized.

Whereas, the City of Cleveland, Ohio (the "City" or "Issuer"), a municipal corporation and political subdivision in and of the State of Ohio, is authorized and empowered pursuant to Article XVIII of the Constitution of the State of Ohio and the Charter of the Issuer, among other things: (a) to own and operate the public utility hereinafter defined and referred to as "Cleveland Public Power"; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to Cleveland Public Power as it may deem advisable; (c) to borrow money for the purpose of providing funds for such additions, extensions, improvements, replacements and alterations and to refinance obligations issued for such purpose; (d) to issue its bonds, and notes in anticipation thereof, in evidence of money borrowed for such purpose in the manner and on the terms set forth in the Indenture, as hereinafter defined, and to issue refunding bonds to refund, in advance or otherwise, such bonds or notes; and (e) to secure any bonds, or notes issued in anticipation thereof, by a pledge of and lien on the Net Revenues, as hereinafter defined, of Cleveland Public Power and by a mortgage on the properties of Cleveland Public Power, including with respect to any bonds, as a part of the mortgaged properties a franchise stating the terms upon which, in the event of foreclosure, a purchaser at a foreclosure sale of the mortgaged properties may operate the same for a period of years from the date of such sale.

Whereas, by and pursuant to Ordinance No. 1516-91, duly passed on July 24, 1991 (the "Original Bond Legislation"), this Council authorized the issuance of Public Power System Improvement First Mortgage

Revenue Bonds, dated September 1, 1991 in the aggregate principal amount of \$66,930,000, consisting of Series 1991A Bonds in the aggregate amount of \$13,895,000 for the purposes of paying Capital Costs and Series 1991B Bonds in the aggregate amount of \$53,035,000 for the purpose of advance refunding all of the outstanding revenue bonds that had previously been issued for Cleveland Public Power (collectively herein the "Series 1991 Bonds"), all as defined in the Original Bond Legislation; and

Whereas, the Series 1991 Bonds are issued under and secured on a parity with any Additional Bonds by a Trust Indenture, dated as of September 1, 1991 (the "Original Indenture"), between the Issuer and Star Bank, N.A., Cincinnati, Ohio, as Trustee (the "Trustee"), and reference is hereby made to the Original Indenture as if rewritten in full herein; and

Whereas, the Original Bond Legislation provides, in Section 12 thereof, that the Issuer may issue Additional Bonds on a parity with the Series 1991 Bonds for certain purposes including the payment of Capital Costs and the refunding of obligations issued for that purpose; and

Whereas, pursuant to Ordinance No. 1133-93, duly passed on June 7, 1993 (the "1994A Bond Legislation") this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994A (the "Series 1994A Bonds"), in the aggregate principal amount of \$179,775,000 for the purpose of providing funds for capital improvements to Cleveland Public Power and to refinance notes issued for such purpose; and

Whereas, pursuant to Ordinance No. 55-94, duly passed on June 6, 1994 (the "1994B Bond Legislation") this Council authorized the issuance of additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994B (the "Series 1994B Bonds") in the aggregate principal amount of \$39,330,000 for the purpose of providing funds for the payment of a judgment involving the Issuer and Cleveland Public Power and to refinance notes issued for such purpose (the Series 1994A Bonds and the Series 1994B Bonds are hereinafter collectively referred to as the "Series 1994 Bonds"); and

Whereas, pursuant to Ordinance No. 1003-95, duly passed on June 19, 1995 (the "1996 Bond Legislation"), this Council authorized the issuance of Additional Bonds entitled Public Power System First Mortgage Revenue Refunding Bonds, Series 1996, Sub-Series 1 (the "Series 1996 Bonds") in the aggregate principal amount of \$123,720,000 for the purpose of providing funds for the advance refunding of a portion of the Series 1994A Bonds that had been issued for Cleveland Public Power; and

Whereas, this Council has determined that, in order to reduce the Bond Service Charges payable by the Issuer, it will be necessary for the Issuer to refund, in advance, a portion of the Series 1991 Bonds and a portion of the Series 1994A Bonds (such portions hereinafter referred to as the "Prior Bonds") and to provide for the current refunding, when permitted under the Internal Revenue Code of 1986, as amended, of a portion of the Series 1991 Bonds

through the issuance and sale of certain additional debt obligations; and

Whereas, this Council has further determined that the refundings provided for in this Ordinance will result in a reduction in the debt service charges payable by the Issuer; and

Whereas, this Council has further determined that in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and to increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the proposed transaction it may be necessary for the Issuer to engage in an interest rate swap transaction with a notional amount not to exceed \$60,000,000; and

Whereas, this Council has further determined that, in order to provide funds for such purposes, it will be necessary for the Issuer to issue and sell the series of Bonds authorized herein, on the terms set forth herein; and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions. All words and terms defined in the Original Bond Legislation shall have the same meaning herein as therein unless otherwise defined herein or unless the context or use otherwise so indicates. In addition to the words and terms defined in the Original Bond Legislation, the following words and terms as used in this Ordinance, the Indenture and the Series 1998 Bonds and the Series 2001 Bonds (each as hereinafter defined) shall have the following meaning unless the context or use otherwise indicates:

"Bond Legislation" means this Ordinance, constituting part of the Fourth Supplemental Indenture and Fifth Supplemental Indenture.

"Fifth Supplemental Indenture" means the Fifth Supplemental Indenture, provided for in Section 15 hereof between the Issuer and the Trustee, including this Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

"First Supplemental Indenture" means the First Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of November, 1, 1994.

"Fourth Supplemental Indenture" means the Fourth Supplemental Indenture, provided for in Section 8 hereof between the Issuer and the Trustee, including the Series 1998 Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Indenture, the Second Supplemental

tal Indenture, the Third Supplemental Indenture, the Fourth Supplemental Indenture and the Fifth Supplemental Indenture, as applicable, and as the same may be further supplemented, amended or modified from time to time in accordance with the provisions thereof.

"Second Supplemental Indenture" means the Second Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of November 1, 1994.

"Series 1991 Escrow Agent" means Star Bank, N.A., acting as escrow agent under the Series 1991 Escrow Agreement with respect to the refunding of certain of the Series 1991 Bonds.

"Series 1991 Escrow Agreement" means the escrow agreement of even date with the Series 2001 Bonds between the Issuer and the Series 1991 Escrow Agent.

"Series 1991 Escrow Fund" means the escrow fund established in the Series 1991 Escrow Agreement.

"Series 1991/1994A Escrow Agent" means Star Bank, N.A., acting as escrow agent under the Series 1991/1994A Escrow Agreement with respect to the Prior Bonds.

"Series 1991/1994A Escrow Agreement" means the escrow agreement of even date with the Series 1998 Bonds between the Issuer and the Series 1991/1994A Escrow Agent.

"Series 1991/1994A Escrow Fund" means the escrow fund established in the Series 1991/1994A Escrow Agreement.

"Series 1998 Bond Purchase Agreement" means the Bond Purchase Agreement between the Issuer and the Original Purchaser of the Series 1998 Bonds, authorized in Section 6 hereof.

"Series 1998 Bonds" means the Issuer's Public Power System Revenue Bonds Series 1998 authorized pursuant to Section 3 hereof.

"Series 1998 Certificate of Award" means the certificate authorized pursuant to Section 5 hereof.

"Series 2001 Bond Purchase Agreement" means the Bond Purchase Agreement between the Issuer and the Original Purchaser of the Series 2001 Bonds, authorized in Section 13 of this Bond Legislation.

"Series 2001 Bonds" means the Issuer's Public Power System Revenue Bonds Series 2001 authorized pursuant to Section 10 hereof.

"Series 2001 Certificate of Award" means the certificate authorized pursuant to Section 5 hereof.

"Third Supplemental Indenture" means the Third Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of December 1, 1996.

Any reference herein to the Issuer or the Legislative Authority, the Director of Finance, the Director of Law, the Director of Public Utilities, the Clerk, or any other officers of the Issuer, or to other public boards, commissions, departments, institutions, agencies, bodies, entities or officers thereof, shall include those who or which succeed to the functions, duties or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties or responsibilities. Any reference to a section or provision of the Constitution of the State, of the Ohio Revised Code, or of Federal or State laws and regulations, shall include such section or provision as is from

time to time amended, modified, revised, supplemented, or superseded, provided that no such change in the Constitution or laws shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer, the Bondholders or the Trustee under the Indenture or an alteration of the obligation to pay the Bond Service Charges in the amount and manner, at the times, and from the sources provided in the applicable Series Bond Legislation and the Indenture, except as otherwise herein permitted. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," and "hereunder" and similar terms refer to this Series Bond Legislation and the Indenture.

Section 2. Authority. This Bond Legislation is adopted pursuant to sections 3, 4 and 12 of Article XVIII of the Constitution of the State, Section 12 of the Original Bond Legislation, and pursuant to the Issuer's Charter.

Section 3. Authorization of Series 1998 Bonds. For the purposes referred to in Section 4 hereof, the Legislative Authority hereby authorizes the issuance and sale of the Series 1998 Bonds in an aggregate principal amount to be determined in accordance with, and subject to the limitation set forth in, Section 5(f) hereof, and to be designated "Public Power System Revenue Bonds Series _____" [the blank to be replaced by the calendar year in which the Series 1998 Bonds are initially authenticated] or such other designation as may be approved by the Director of Finance prior to the issuance thereof.

Section 4. Purpose of Series 1998 Bonds. The Bonds authorized in Section 3 hereof shall be issued for the public purpose of advance refunding the Prior Bonds pursuant to the Indenture with respect to Cleveland Public Power. The Legislative Authority hereby determines that it is desirable for the Issuer to refund such Prior Bonds and any other bonds authorized to be refunded hereunder in order to reduce Bond Service Charges payable by the Issuer and that doing so will serve proper public municipal purposes.

Section 5. Terms and Provisions Applicable to the Series 1998 Bonds.

(a) Form and Numbering. The Series 1998 Bonds shall be issued only in fully registered form, shall be exchangeable only for other fully registered Bonds in the manner and on the terms provided in the Indenture, and shall be numbered from R-1 upward in order of date of authentication.

(b) Denomination and Dates. The Series 1998 Bonds shall be in the denomination of \$5,000 or any integral multiple thereof permitted by the Indenture (or in any other denomination set forth in the Series 1998 Certificate of Award and permitted in the Indenture); provided, however, that any Series 1998 Bonds issued as Capital Appreciation Bonds (the "Series 1998 Capital Appreciation Bonds") shall be issued in a denomination such that the Appreciated Principal Amount of such Series 1998 Bond at maturity shall be \$5,000 or an integral multi-

ple thereof. The Series 1998 Bonds initially delivered to the Original Purchaser shall be dated as set forth in the Series 1998 Certificate of Award. Any Series 1998 Bonds, other than Series 1998 Capital Appreciation Bonds, authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original Purchaser shall, if authenticated prior to the first Interest Payment Date, be dated as of the same date as the Series 1998 Bonds initially delivered to the Original Purchaser, and shall, if authenticated on or after the first Interest Payment Date, be dated as of the Interest Payment Date next preceding the date of their authentication, except that if authenticated on an Interest Payment Date, they shall be dated as of the date of such authentication; provided, however, that if at the time of authentication of any such Series 1998 Bond interest thereon is in default, it shall be dated as of the date to which interest has been paid. Series 1998 Capital Appreciation Bonds authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original Purchaser shall be dated the same date as that of the Series 1998 Capital Appreciation Bonds initially delivered to the Original Purchaser. Each bond issued as part of the Series 1998 Bonds shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 1998 Bonds.

(c) Principal Maturities and Interest. The Series 1998 Bonds shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule, subject to the provisions hereinafter set forth with respect to mandatory and optional redemption of the Series 1998 Bonds. The Series 1998 Bonds, other than the Series 1998 Capital Appreciation Bonds, shall bear interest from their respective dates payable semiannually on the Interest Payment Dates at their respective Specified Interest Rates per annum.

(d) Place of Payment. The principal of and any redemption premium on the Series 1998 Bonds and the Appreciated Principal Amount of Series 1998 Capital Appreciation Bonds shall be payable at the principal corporate trust office of the Trustee or, at the option of the holder, at the principal corporate trust office of any other Paying Agent. Interest on Series 1998 Bonds other than Series 1998 Capital Appreciation Bonds shall be payable by check or draft mailed by the Trustee or by wire transfer, all in accordance with the Indenture.

(e) Redemption (Mandatory and Optional) Terms and Prices.

The Series 1998 Bonds are non-callable for redemption prior to the Optional Earliest Redemption Date except as hereinafter provided with respect to mandatory redemption of Term Bonds.

Any Series 1998 Bonds which are Term Bonds shall be subject to mandatory redemption, through the application of Mandatory Sinking Fund Installments, on each Mandatory Redemption Date at one hundred percent (100%) of the principal amount thereof plus accrued interest to such date, in the years and in the principal amounts set forth in the Principal Retirement Schedule. For the purpose of effecting the mandatory redemption of the Series 1998 Bonds which are Term Bonds, the Trustee shall cause to be redeemed

on each Mandatory Redemption Date an aggregate principal amount of Series 1998 Bonds which are Term Bonds equal to the Mandatory Sinking Fund Installment for such Mandatory Redemption Date, and the Trustee shall do so on behalf of the Issuer and in the manner provided in the Indenture.

At its option, to be exercised on or before the forty-fifth (45th) day immediately preceding any Mandatory Redemption Date, the Issuer may (i) deliver to the Trustee for cancellation Series 1998 Bonds which are Term Bonds then subject to mandatory redemption, in any aggregate principal amount, or (ii) receive a credit against the Mandatory Sinking Fund Installment next payable (and the corresponding mandatory redemption obligation) for any Series 1998 Bonds that are Term Bonds then subject to mandatory redemption and which prior to such date have been redeemed (other than through the application of the Mandatory Sinking Fund Installments) or purchased for cancellation and canceled by the Trustee and not theretofore applied as a credit against any Mandatory Sinking Fund Installment. Each Series 1998 Bond which is a Term Bond so delivered or previously redeemed shall be credited by the Trustee at one hundred percent (100%) of the principal amount thereof against the Mandatory Sinking Fund Installment payable on such Mandatory Redemption Date. If, as a result of any such credits, the aggregate of amounts included in the amounts deposited monthly in the Principal Payment Account of the Bond Service Fund equals or exceeds the Mandatory Sinking Fund Installment, net of such credits, payable on the next Mandatory Redemption Date, then no further such amounts shall be required to be included in such monthly deposits to be made prior to such Mandatory Redemption Date, and any excess of the aggregate of the amounts included in such amounts deposited over such Mandatory Sinking Fund Installment shall be credited against future Mandatory Sinking Fund Installments in direct order, and the principal amount the Series 1998 Bonds to be redeemed by mandatory redemption shall be accordingly reduced. If the Issuer intends to avail itself at any time of the provisions of this paragraph with respect to credits against Mandatory Sinking Fund Installments, the Issuer will on or before the forty-fifth (45th) day immediately preceding such Mandatory Redemption Date furnish the Trustee with a certificate signed by the Director of Finance, stating the extent to which such provisions of this paragraph are to be availed of with respect to such Mandatory Sinking Fund Installment and corresponding mandatory redemption obligation) payable on such Mandatory Redemption Date shall not be reduced.

Unless previously redeemed pursuant to mandatory redemption as set forth in the next preceding paragraph of this Subsection (e), Series 1998 Bonds maturing after the Optional Earliest Redemption Date are also subject to redemption from funds other than those deposited as Mandatory Sinking Fund Installments, by and at the option of the Issuer prior to their stated maturity, in whole on any date or in part on any Interest Payment Date, on

and after the Optional Earliest Redemption Date at the Optional Redemption Prices plus in each case accrued interest to the date fixed for redemption.

The Series 1998 Bonds to be redeemed by mandatory or optional redemption, if less than all the Outstanding Series 1998 Bonds are to be redeemed, shall be selected in the manner set forth in the Indenture, and notice of call of any Series 1998 Bonds for redemption shall be given in accordance with the Indenture.

(f) Series 1998 Certificate of Award. The Director of Public Utilities and the Director of Finance are, and each of them is, hereby authorized and directed promptly to negotiate the sale of the Series 1998 Bonds to the Original Purchasers to be designated pursuant to Section 6 hereof on terms consistent with this Bond Legislation, and to determine and specify in the Series 1998 Certificate of Award the following terms and provisions of or with respect to the Series 1998 Bonds:

(i) the aggregate principal amount shall not exceed \$45,000,000;

(ii) the Specified Interest Rates, expressed as percentages per annum of the principal amount of the respective Series 1998 Bonds to which such Rates apply and Appreciated Principal Amounts at maturity of Series 1998 Capital Appreciation Bonds; provided that the yield (determined as provided in the Code and the regulations promulgated thereunder) of the Series 1998 Bonds shall not exceed six percent (6%) per annum;

(iii) the Purchase Price, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 1998 Bonds from their date to the date of their delivery and excluding any original issue discount) shall be not less than ninety-seven percent (97%) of the aggregate of the products from multiplying the principal amount of each Series 1998 Bond times the percentage of such principal amount at which such Series 1998 Bond is to be initially offered to the public;

(iv) the date of the Series 1998 Bonds to be initially delivered to the Original Purchaser;

(v) the Interest Payment Dates;

(vi) the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates, provided that no such date shall occur later than November 15 of the thirtieth year following the date of issuance of the Series 1998 Bonds;

(vii) the Mandatory Sinking Fund Installments;

(viii) the Optional Earliest Redemption Date provided that such date shall occur no later than ten years from the first Principal Retirement Date of the Series 1998 Bonds and provided further that Series 1998 Capital Appreciation Bonds may, but shall not be required to be, subject to optional redemption prior to their stated maturity;

(ix) the Optional Redemption Prices provided that no such Optional Redemption Price shall exceed 105% of the principal amount of the Series 1998 Bonds; and

(x) the Paying Agents for the Series 1998 Bonds, other than the Trustee.

The Director of Public Utilities and the Director of Finance, or either of them, shall execute the Series 1998 Certificate of Award, which shall also specify whether the

Series 1998 Bonds are to be issued in Book Entry Form or under a Book Entry System, both as defined in the Indenture, and which may contain, in addition to the items enumerated in (i) through (x) above, such other data or provisions consistent with this Bond Legislation and the Indenture as the officer or officers executing the same on behalf of the Issuer deems necessary or appropriate.

Section 6. Award, Sale and Execution of the Bonds. The Series 1998 Bonds are hereby awarded to Merrill Lynch & Co.; Pryor, McClendon, Counts & Co., Inc.; A.G. Edwards & Sons, Inc.; Goldman, Sachs & Co.; and SBK-Brooks Investment Corp., provided that any underwriter may be deleted if such underwriter does not become a party to the Series 1998 Bond Purchase Agreement (collectively, the "Original Purchaser"). The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 1998 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 1998 Bond Purchase Agreement shall incorporate the terms of the Series 1998 Bonds as determined pursuant to this Bond Legislation and the Series 1998 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 1998 Bonds, including without limitation, any conditions relating to the obtaining of an insurance policy to enhance the security of the Series 1998 Bonds, the obtaining of which insurance the officers executing the Series 1998 Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in its Bond Service Charges on the Series 1998 Bonds. The Series 1998 Bond Purchase Agreement shall be substantially in the form now on file with the Clerk in File 816-98-A, with such changes therein or thereto not inconsistent with the Indenture, this Bond Legislation or the Series 1998 Certificate of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 1998 Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 1998 Bonds in accordance with the terms of the Indenture, this Bond Legislation, the Series 1998 Certificate of Award and the Series 1998 Bond Purchase Agreement.

The Director of Public Utilities and the Director of Finance are also delegated the authority to enter into agreements on behalf of the Issuer with respect to the issuance, sale of and security for the Series 1998 Bonds, including tax regulatory agreements, reimbursement agreements or similar agreements in connection with credit facilities, including, but not necessarily limited to,

letters of credit or policies of bond insurance, remarketing agreements, standby bond purchase agreements, and any other necessary or appropriate agreements, which agreements the Director of Public Utilities and the Director of Finance determine to be in the best interest of the Issuer.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 1998 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 1998 Bonds shall be prepared and executed by the Director of Finance and the Director of Public Utilities or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Original Purchaser's use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Series 1998 Bond Purchase Agreement is hereby authorized and approved.

The Series 1998 Bonds shall be executed by the Mayor and the Director of Finance, provided that either or both of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

Notwithstanding anything herein to the contrary, the Mayor, the Director of Public Utilities and the Director of Finance may all decline to execute and deliver the Series 1998 Bond Purchase Agreement on behalf of the Issuer in the event that the Original Purchaser fails to offer to purchase the Series 1998 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Mayor, the Director of Public Utilities and the Director of Finance mutually determine that the terms offered by the Original Purchaser are otherwise unacceptable to the Issuer, but the execution of the Series 1998 Bond Purchase Agreement by either the Mayor, the Director of Public Utilities and the Director of Finance, or any two of them, shall conclusively evidence the absence of any such mutual determination.

Section 7. Allocation of Purchase Price for the Series 1998 Bonds.

The net proceeds from the sale of the Series 1998 Bonds (consisting of the Purchase Price less bond insurance premiums and other credit enhancement costs) shall be received and receipted for by the Director of Finance or by the Trustee on the Issuer's behalf and shall be allocated, deposited and credited as follows: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 1998 Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 1991/1994A Escrow Fund the amount necessary to provide for the defeasance of the Prior Bonds; and (e) to the Construction Fund the balance of the net proceeds. Upon issuance

of the Series 1998 Bonds and receipt by the Trustee of the verification report required by Section 9.02 of the Indenture, the Prior Bonds shall be called for redemption on such date or dates, at such redemption price or prices (plus accrued interest to the respective redemption dates), as shall be specified in the Series 1998 Certificate of Award. The foregoing determination to effect such redemption is irrevocable, and the Trustee in hereby instructed to give notice of such redemption to the holders of the Prior Bonds to be redeemed at the times and in the manner required under the Indenture. The Issuer shall not modify, revoke or rescind the foregoing call for redemption and the instructions to the Trustee set forth in this paragraph.

Section 8. Fourth Supplemental Indenture. In order to secure the payment of Bond Service Charges as and when due and payable, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, a good and sufficient Fourth Supplemental Indenture, approved as to form and correctness by the Director of Law, substantially in the form on file with the Clerk in File No. 816-98-A, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Fourth Supplemental Indenture by such officers. This Bond Legislation shall constitute a part of the Fourth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application of this Bond Legislation to the provisions of the Fourth Supplemental Indenture relating to amendment, modification, supplementation and severability. In addition, the First Supplemental Indenture, Second Supplemental Indenture and Third Supplemental Indenture, on file with the Clerk in File No. 816-98-A, and the amendments to the Original Indenture contained therein are hereby ratified and approved.

Section 9. Series 1991/1994A Escrow Agreement.

In order to cause the proceeds deposited into the Series 1991/1994A Escrow Fund pursuant to Section 7 hereof to be invested as required under the Indenture for the Prior Bonds to be deemed paid and discharged and in order to cause the amount so deposited to be dedicated and applied solely to the payment of the principal, redemption premium, if any of and interest on the Prior Bonds as and when due, to and including the respective redemption dates for the Prior Bonds, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the City, to make, execute, acknowledge and deliver the Series 1991/1994A Escrow Agreement between the Issuer and the Series 1991/1994A Escrow Agent,

approved as to form and correctness by the Director of Law, providing for the establishment of the Series 1991/1994A Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the payment to the Series 1991/1994A Escrow Agent of fees and expenses for its performance of its fiduciary duties as Escrow Agent. The officers executing the Series 1991/1994A Escrow Agreement on behalf of the City shall determine that such Series 1991/1994A Escrow Agreement satisfies the requirements of this Section 9, which determination shall be conclusively evidenced by the execution of the Series 1991/1994A Escrow Agreement by such officers.

Section 10. Authorization of Series 2001 Bonds. For the purposes referred to in Section 11 hereof, the Legislative Authority hereby authorizes the issuance and sale of a series of Bonds in an aggregate principal amount to be determined in accordance with, and subject to the limitation set forth in, Section 12 hereof, and to be designated "Public Power System Revenue Bonds, Series _____" [the blank to be replaced by the calendar year in which the Series 2001 Bonds are initially authenticated] or such other designation as may be approved by the Director of Finance prior to the issuance thereof.

Section 11. Purpose of Series 2001 Bonds. (i) The Series 2001 Bonds authorized in Section 10 hereof shall be issued for the public purpose of currently refunding of a portion of the Series 1991 Bonds. The Legislative Authority hereby determines that it is desirable for the Issuer to refund such portion of the Series 1991 Bonds in order to reduce Bond Service Charges payable by the Issuer and that doing so will serve proper public municipal purposes.

(ii) The Legislative Authority, in connection with the issuance of the Series 2001 Bonds, hereby authorizes the issuance of such bonds as Variable Rate Bonds or fixed rate obligations and as Additional Bonds or Subordinated Debt; and further authorizes the execution of credit or liquidity agreements, or such other agreements or documents required thereunder as may be determined necessary, and proper and appropriate by the Director of Finance.

Section 12. Terms and Provisions Applicable to the Series 2001 Bonds.

(a) Form and Numbering. The Series 2001 Bonds shall be issued only in fully registered form, shall be exchangeable only for other fully registered Bonds in the manner and on the terms provided in the Indenture, and shall be numbered from R-1 upward in order of date of authentication.

(b) Denomination and Dates. The Series 2001 Bonds shall be in the denomination of \$5,000 or any integral multiple thereof permitted by the Indenture (or in any other denomination set forth in the Series 2001 Certificate of Award and permitted in the Indenture); provided, however, that any Series 2001 Bonds issued as Capital Appreciation Bonds (the "Series 2001 Capital Appreciation Bonds") shall be issued in a denomination such that the Appreciated Principal Amount of

such Series 2001 Bond at maturity shall be \$5,000 or an integral multiple thereof. The Series 2001 Bonds initially delivered to the Series 2001 Original Purchaser shall be dated as set forth in the Series 2001 Certificate of Award. Any Series 2001 Bonds, other than Series 2001 Capital Appreciation Bonds, authenticated subsequent to the initial delivery of the Series 2001 Bonds to the Series 2001 Original Purchaser shall, if authenticated prior to the first Interest Payment Date, be dated as of the same date as the Series 2001 Bonds initially delivered to the Series 2001 Original Purchaser, and shall, if authenticated on or after the first Interest Payment Date, be dated as of the Interest Payment Date next preceding the date of their authentication, except that if authenticated on an Interest Payment Date, they shall be dated as of the date of such authentication; provided, however, that if at the time of authentication of any such Series 2001 Bond interest thereon is in default, it shall be dated as of the date to which interest has been paid. Series 2001 Capital Appreciation Bonds authenticated subsequent to the initial delivery of the Series 2001 Bonds to the Series 2001 Original Purchaser shall be dated the same date as that of the Series 2001 Capital Appreciation Bonds initially delivered to the Series 2001 Original Purchaser. Each bond issued as part of the Series 2001 Bonds shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2001 Bonds.

(c) Principal Maturities and Interest. The Series 2001 Bonds shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule, subject to the provisions hereinafter set forth with respect to mandatory and optional redemption of the Series 2001 Bonds. The Series 2001 Bonds, other than the Series 2001 Capital Appreciation Bonds, issued as fixed rate bonds shall bear interest from their respective dates payable semi-annually on the Interest Payment Dates at their respective Specified Interest Rates per annum. Series 2001 Bonds issued as Variable Rate Bonds shall bear interest from their respective dates payable, either monthly, quarterly or semiannually on such Interest Payment Dates at a variable interest rate as determined by the Director of Finance.

(d) Place of Payment. The principal of and any redemption premium on the Series 2001 Bonds and the Appreciated Principal Amount of Series 2001 Capital Appreciation Bonds shall be payable at the principal corporate trust office of the Trustee or, at the option of the holder, at the principal corporate trust office of any other Paying Agent. Interest on Series 2001 Bonds other than Series 2001 Capital Appreciation Bonds shall be payable by check or draft mailed by the Trustee or by wire transfer, all in accordance with the Indenture.

(e) Redemption (Mandatory and Optional) Terms and Prices.

The Series 2001 Bonds issued as fixed rate bonds are non-callable for redemption prior to the Optional Earliest Redemption Date except as hereinafter provided with respect to mandatory redemption of Term Bonds.

Any Series 2001 Bonds which are Term Bonds shall be subject to mandatory redemption, through the

application of Mandatory Sinking Fund Installments, on each Mandatory Redemption Date at one hundred percent (100%) of the principal amount thereof plus accrued interest to such date, in the years and in the principal amounts set forth in the Principal Retirement Schedule. For the purpose of effecting the mandatory redemption of the Series 2001 Bonds which are Term Bonds, the Trustee shall cause to be redeemed on each Mandatory Redemption Date an aggregate principal amount of Series 2001 Bonds which are Term Bonds equal to the Mandatory Sinking Fund Installment for such Mandatory Redemption Date, and the Trustee shall do so on behalf of the Issuer and in the manner provided in the Indenture.

At its option, to be exercised on or before the forty-fifth (45th) day immediately preceding any Mandatory Redemption Date, the Issuer may (i) deliver to the Trustee for cancellation Series 2001 Bonds which are Term Bonds then subject to mandatory redemption, in any aggregate principal amount, or (ii) receive a credit against the Mandatory Sinking Fund Installment next payable (and the corresponding mandatory redemption obligation) for any Series 2001 Bonds that are Term Bonds then subject to mandatory redemption and which prior to such date have been redeemed (other than through the application of the Mandatory Sinking Fund Installments) or purchased for cancellation and canceled by the Trustee and not theretofore applied as a credit against any Mandatory Sinking Fund Installment. Each Series 2001 Bond which is a Term Bond so delivered or previously redeemed shall be credited by the Trustee at one hundred percent (100%) of the principal amount thereof against the Mandatory Sinking Fund Installment payable on such Mandatory Redemption Date. If, as a result of any such credits, the aggregate of amounts included in the amounts deposited monthly in the Principal Payment Account of the Bond Service Fund equals or exceeds the Mandatory Sinking Fund Installment, net of such credits, payable on the next Mandatory Redemption Date, then no further such amounts shall be required to be included in such monthly deposits to be made prior to such Mandatory Redemption Date, and any excess of the aggregate of the amounts included in such amounts deposited over such Mandatory Sinking Fund Installment shall be credited against future Mandatory Sinking Fund Installments in direct order, and the principal amount the Series 2001 Bonds to be redeemed by mandatory redemption shall be accordingly reduced. If the Issuer intends to avail itself at any time of the provisions of this paragraph with respect to credits against Mandatory Sinking Fund Installments, the Issuer will on or before the forty-fifth (45th) day immediately preceding such Mandatory Redemption Date furnish the Trustee with a certificate signed by the Director of Finance, stating the extent to which such provisions of this paragraph are to be availed of with respect to such Mandatory Sinking Fund Installment and corresponding mandatory redemption obligations payable on such Mandatory Redemption Date shall not be reduced.

Unless previously redeemed pursuant to mandatory redemption as set forth in the next preceding paragraph of this Subsection (e), Series 2001 Bonds maturing after the Optional Earliest Redemption Date are also subject to redemption from funds other than those deposited as Mandatory Sinking Fund Installments, by and at the option of the Issuer prior to their stated maturity, in whole on any date or in part on any Interest Payment Date, on and after the Optional Earliest Redemption Date at the Optional Redemption Prices plus in each case accrued interest to the date fixed for redemption.

The Series 2001 Bonds to be redeemed by mandatory or optional redemption, if less than all the Outstanding Series 2001 Bonds are to be redeemed, shall be selected in the manner set forth in the Indenture, and notice of call of any Series 2001 Bonds for redemption shall be given in accordance with the Indenture.

(f) Series 2001 Certificate of Award. The Director of Public Utilities and the Director of Finance are, and each of them is, hereby authorized and directed promptly to negotiate the sale of the Series 2001 Bonds to the Series 2001 Original Purchaser to be designated pursuant to Section 13 hereof on terms consistent with this Bond Legislation, and to determine and specify in the Series 2001 Certificate of Award the following terms and provisions of or with respect to the Series 2001 Bonds:

(i) the aggregate principal amount shall not exceed \$60,000,000;

(ii) the Specified Interest Rates, expressed as percentages per annum of the principal amount of the respective Series 2001 Bonds to which such Rates apply and Appreciated Principal Amounts at maturity of Series 2001 Capital Appreciation Bonds; provided that the yield (determined as provided in the Code and the regulations promulgated thereunder) of the Series 2001 Bonds shall not exceed the rate of interest as set forth in the Series 2001 Certificate of Award;

(iii) the Purchase Price, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 2001 Bonds from their date to the date of their delivery and excluding any original issue discount) shall be not less than ninety-seven percent (97%) of the aggregate of the products from multiplying the principal amount of each Series 2001 Bond times the percentage of such principal amount at which such Series 2001 Bond is to be initially offered to the public;

(iv) the date of the Series 2001 to be initially delivered to the Series 2001 Original Purchaser;

(v) the Interest Payment Dates;

(vi) the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates, provided that no such date shall occur later than November 15 of the thirtieth year following the date of issuance of the Series 2001 Bonds;

(vii) the Mandatory Sinking Fund Installments;

(viii) the Optional Earliest Redemption Date provided that such date shall occur no later than ten years from the first Principal Retirement Date of the Series 2001 Bonds, and provided further that Series 2001 Capital Appreciation Bonds and Series 2001 Variable Rate

Bonds may, but shall not be required to be, subject to optional redemption prior to their stated maturity;

(ix) the Optional Redemption Prices, if any, provided that no such Optional Redemption Price shall exceed 105% of the principal amount of the Series 2001 Bonds to be redeemed;

(x) the Paying Agents for the Series 2001 Bonds, if any, other than the Trustee; and

(xi) any remarketing provisions or tender provisions with respect to the Series 2001 Bonds issued as Variable Rate Bonds and the selection of any remarketing agent or tender agent as appointed by the Director of Finance.

The Director of Public Utilities and the Director of Finance, or either of them, shall execute the Series 2001 Certificate of Award, which shall also specify whether the Series 2001 Bonds are to be issued in Book Entry Form or under a Book Entry System, both as defined in the Indenture, and which may contain, in addition to the items enumerated in (i) through (xi) above, such other data or provisions consistent with this Bond Legislation and the Indenture as the officer or officers executing the same on behalf of the Issuer deems necessary or appropriate.

(g) Authorization of Sale of Series 2001 Bonds. Notwithstanding the terms and provisions applicable to the Series 2001 Bonds described in Subsections (a), (b), (c) and (e) and any other provision in this Bond Legislation, the Director of Public Utilities and the Director of Finance are, and each is, hereby authorized promptly to negotiate the sale of the Series 2001 Bonds to the Series 2001 Original Purchaser as Fixed Rate Bonds or Variable Rate Bonds, but otherwise on terms consistent with this Bond Legislation, and should such Director of Public Utilities and Director of Finance determine to negotiate and sell such Series 2001 Bonds as Variable Rate Bonds, to determine and specify in the Series 2001 Certificate of Award alternative terms and provisions of or with respect to the Series 2001 Bonds in order to permit them to be issued and sold as Variable Rate Bonds.

Section 13. Award, Sale and Execution of the Series 2001 Bonds. The Series 2001 Bonds are hereby awarded to Merrill Lynch & Co. and Pryor, McClelland, Counts & Co., Inc. and any additional underwriters as appointed in the Series 2001 Certificate of Award, provided that any underwriter may be deleted if such underwriter does not become a party to the Series 2001 Bond Purchase Agreement (collectively, the "Series 2001 Original Purchaser"). The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 2001 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 2001 Bond Purchase Agreement shall incorporate the terms of the Series 2001 Bonds as determined pursuant to this Bond Legislation and the Series 2001 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 2001 Bonds, including without limitation, any conditions relating to the obtaining of an

insurance policy to enhance the security of the Series 2001 Bonds, the obtaining of which insurance the officers executing the Series 2001 Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in its Bond Service Charges on the Series 2001 Bonds. The Series 2001 Bond Purchase Agreement shall be substantially in the form of the Series 1998 Bond Purchase Agreement, with such changes therein or thereto not inconsistent with the Indenture, this Bond Legislation or the Series 2001 Certificate of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 2001 Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 2001 Bonds in accordance with the terms of the Indenture, this Bond Legislation, the Series 2001 Certificate of Award and the Series 2001 Bond Purchase Agreement.

The Director of Public Utilities and the Director of Finance are also delegated the authority to enter into agreements on behalf of the Issuer with respect to the issuance, sale of and security for the Series 2001 Bonds, including tax regulatory agreements, reimbursement agreements or similar agreements in connection with credit facilities, including, but not necessarily limited to, letters of credit or policies of bond insurance, remarketing agreements, standby bond purchase agreements, agreements for the purpose of moderating interest rate fluctuations, including any master agreement entered into for such purpose, and any other necessary or appropriate agreements, which agreements the Director of Public Utilities and the Director of Finance determine to be in the best interest of the Issuer.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 2001 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 2001 Bonds shall be prepared and executed by the Director of Finance and the Director of Public Utilities or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Series 2001 Original Purchaser's use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Series 2001 Bond Purchase Agreement is hereby authorized and approved.

The Series 2001 Bonds shall be executed by the Mayor and the Director of Finance, provided that either or both of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

Notwithstanding anything herein to the contrary, the Mayor, the Director of Public Utilities and the

Director of Finance may all decline to execute and deliver the Series 2001 Bond Purchase Agreement on behalf of the Issuer in the event that the Series 2001 Original Purchaser fails to offer to purchase the Series 2001 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Mayor, the Director of Public Utilities and the Director of Finance mutually determine that the terms offered by the Series 2001 Original Purchaser are otherwise unacceptable to the Issuer, but the execution of the Series 2001 Bond Purchase Agreement by either the Mayor, the Director of Public Utilities and the Director of Finance, or any two of them, shall conclusively evidence the absence of any such mutual determination.

Section 14. Allocation of Purchase Price for the Series 2001 Bonds. The net proceeds from the sale of Series 2001 Bonds (consisting of the Purchase Price less bond insurance premiums and other credit enhancement costs) shall be received and receipted for by the Director of Finance or by the Trustee on the Issuer's behalf and shall be allocated, deposited and credited as follows: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 2001 Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 1991 Escrow Fund, the amount necessary to provide for the current refunding of a portion of the Series 1991 Bonds; and (e) to the Construction Fund, the balance of the net proceeds. Upon issuance of the Series 2001 Bonds and receipt by the Trustee of the verification report required by Section 9.02 of the Indenture, the Series 1991 Bonds shall be called for redemption on such date or dates, at such redemption price or prices (plus accrued interest to the respective redemption dates), as shall be specified in the Series 2001 Certificate of Award. The foregoing determination to effect such redemption is irrevocable, and the Trustee is hereby instructed to give notice of such redemption to the holders of the Series 1991 Bonds to be redeemed at the times and in the manner required under the Indenture. The Issuer shall not modify, revoke or rescind the foregoing call for redemption and the instructions to the Trustee set forth in this paragraph.

Section 15. Fifth Supplemental Indenture. In order to secure the payment of Bond Service Charges as and when due and payable, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, a good and sufficient Fifth Supplemental Indenture, approved as to form and correctness by the Director of Law, substantially in the form of the Fourth Supplemental Indenture with such addi-

tions deletions, and substitutions and changes therein, not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such additions, deletions, substitutions and changes by such officers and the determination by such officers that no such additions, deletions, substitutions and changes are substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Fifth Supplemental Indenture by such officers. This Bond Legislation shall constitute a part of the Fifth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Bond Legislation of the provisions of the Fifth Supplemental Indenture relating to amendment, modification, supplementation and severability.

Section 16. Authorization for Interest Rate Swap Transaction. The Director of Public Utilities and the Director of Finance are hereby authorized to enter into an interest rate swap transaction with Merrill Lynch & Co., or such affiliate thereof, or such other counterparty as shall be determined by the Director of Finance upon the advise of the City's Financial Advisor, in order to further reduce the cost of borrowing on the Issuer's outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the Series 2001 Bonds. Such interest rate swap may be entered into in conjunction with an issuance of a series of Public Power System Revenue Bonds or on a stand-alone basis without such issuance of Public Power System Revenue Bonds. The notional amount for such interest rate swap transaction shall not exceed \$60,000,000.

Section 17. Consulting Engineer and Financial Advisor. The Director of Public Utilities and the Director of Finance of the City, should they so determine, are hereby authorized to select a consulting engineer in connection with the issuance of the Series 1998 Bonds and the issuance of the Series 2001 Bonds on terms agreed upon by the Director of Public Utilities and Director of Finance, and to pay the cost of such services from the proceeds of the Series 1998 Bonds and the Series 2001 Bonds, as applicable.

The Director of Public Utilities and Director of Finance of the City are hereby authorized to retain the services of Carmona Motley Hoffmann, Inc. as the City's Financial Advisor in connection with the issuance of the Series 1998 Bonds and the Series 2001 Bonds on the terms agreed upon by the Director of Public Utilities and Director of Finance and to pay the cost of such services from the proceeds of the Series 1998 Bonds and the Series 2001 Bonds, as applicable.

Section 18. Series 1991 Escrow Agreement. In order to cause the proceeds deposited into the Series 1991 Escrow Fund pursuant to Section 14 hereof to be invested as

required under the Indenture for the portion of the Series 1991 Bonds to be redeemed to be deemed paid and discharged and in order to cause the amount so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the for the portion of the Series 1991 Bonds to be redeemed as and when due, to and including the respective redemption dates for the for the portion of the Series 1991 Bonds to be redeemed, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the City, to make, execute, acknowledge and deliver the Series 1991 Escrow Agreement between the Issuer and the Series 1991 Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series 1991 Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the payment to the Escrow Agent of fees and expenses for its performance of its fiduciary duties as Escrow Agent. The officers executing the Series 1991 Escrow Agreement on behalf of the City shall determine that such Series 1991 Escrow Agreement satisfies the requirements of this Section 18, which determination shall be conclusively evidenced by the execution of the Series 1991 Escrow Agreement by such officers.

Section 19. Secondary Market Disclosure Pursuant to Federal Securities Laws. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby authorized and directed to take all steps necessary to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, as the same may be amended from time to time, including the execution of agreements relating to continuing disclosure.

Section 20. Open Meeting Determination. It is found and determined that all formal actions of this Legislative Authority concerning and relating to the adoption of this Bond Legislation were adopted in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

Section 21. Separability. Each section of this Bond Legislation and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Bond Legislation.

Section 22. Recitals. It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 1998 Bonds and

Series 2001 Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 1998 Bonds and Series 2001 Bonds.

Section 23. Emergency. This ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 817-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain combination cleaners and their appurtenances, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder which shall not exceed \$70,000, 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 23024)

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 824-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities and to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year XXIV, from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year XXIV Community Development Block Grant Plan as set forth in File No. 195-98-A, pursuant to Ordinance No. 195-98, passed March 23, 1998; and

Whereas, in prior Block Grant years, the Council has approved Block Grant Plans; and

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; 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 Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social services agencies, community development or local development corporations and private for profit entities for activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter

into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for the operation of programs administered by the Department of Community Development, including all related services, and to enter into contract under those programs.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$6,300,000 and shall be paid from Fund Nos. 14 SF 024.

Section 6. That the Director of Community Development is authorized to accept program income and to deposit that program income in Fund No. 14 to be used as a revolving fund to finance the eligible NDA programs that generated the program income.

Section 7. That the Director of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated the program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income, all to be paid from the revolving fund in Fund 14.

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 863-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for maintenance and support of computer hardware, software, peripherals and wiring, for the Police Record Management System project, for the Division of Police, Department of Public Safety, for a five year period.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of five years for the necessary items of labor and materials necessary for maintenance and support of various computer hardware, software, peripherals and wiring, for the Police Record Management System project, in the estimated sum of \$508,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than five 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. That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereof 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 22760)

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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 909-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modifications in Contract No. 50009 for the Spring Road relief sewer project with Vallejo/Terrace, a joint venture, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 50009 with Vallejo/Terrace, a joint venture, for the Spring Road relief sewer project, for the Division of Water Pollution Control, Department of Public Utilities:

Spring Road Relief Sewer**City Contract No. 50009****Subsidiary Agreement - Schedule of Items****Additions**

1. Open cut construction of 195' of 24" pipe instead of previously recommended boring installation.	\$55,681.31
2. Abandon existing 24" overflow sewer.	5,205.00
3. Relocation of 10" water main.	3,937.36
4. Modified manhole location.	1,272.58
5. Additional costs associated with stabilization of subgrade below the 54" pipe.	1,206.40
6. Removal of concrete cradle around the existing 72" pipe.	1,541.34
7. Additional cost associated with 24" storm sewer connection.	2,380.92
8. Replace #57 slag with #57 limestone around the NEORS'D's chamber.	5,201.92
9. Temporary access road.	6,317.88
10. 36" connection at different location.	1,690.54
11. Replace existing catch basin at STA 26+58	563.37
12. Coring 3' of concrete wall instead of 9" as previously estimated.	8,714.67
13. Installation of manhole chambers at 4 locations	2,210.32
14. Relocation of water line on Broadview Road	11,982.42
15. Additional pavement and site restoration in relation to waterline connections on the north side of Spring Road.	132,371.30
16. Non-performed type 6 curbing on southside of Spring Road	(4,704.30)
17. Additional site restoration on Spring Road	2,811.27
18. Modification to the NEORS'D vault.	6,451.78
19. 76" ft. of 18" Vitrified Clay Pipe.	2,397.63
20. Substitute slag with limestone for bedding material.	1,965.43
21. Relocate water main on West 12th.	2,120.87
22. Relocate water main on West 14th.	1,672.33
23. Relocate water main on South Hill	336.52
24. Repair water main at Broadale	713.04
25. Supplying of 286' of vitrified clay pipe.	<u>1,917.60</u>
Subtotal	\$ 255,419.50
Less Amount Remaining in Contract	(13,755.12)
TOTAL SUBSIDIARY ADDITIONS	\$ 241,664.38
Original Contract Amount	\$ 970,524.50
Total Subsidiary Additions	<u>241,664.38</u>
REVISED CONTRACT AMOUNT	\$1,212,188.88

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$241,664.38, to be paid from Fund No. 54 SF 001.

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 924-98.

By Councilmen White and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Titles II and III of the Job Training Partnership Act; to appropriate such funds to provide for administration of the JTPA program by the Department of Personnel and Human Resources; authorize funds for food and beverages for meetings of the Private Industry Council of Cleveland and for the annual Fortitude Award Ceremony; and enter into various contracts for training services for the disadvantaged and employment and training assistance for dislocated workers.

Whereas, the Job Training Partnership Act of 1982, Public Law 97-300, as amended by the Job Training Reform Amendments of 1992, Public Law 102-367, ("JTPA"), is a New Federalism program, the purpose of which is to "... establish programs to prepare youth and adults facing serious barriers to employment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the workforce and enhancing the productivity and competitiveness of the Nation"; and

Whereas, in accordance with the JTPA, the Governor of the State of Ohio has designated service delivery and substate areas for the JTPA throughout Ohio and the Governor has designated the geographic boundaries of the City of Cleveland ("City") as a Service Delivery Area ("SDA") and Substate Area ("SSA") No. 20; and

Whereas, in accordance with the agreement required by the JTPA and approved by the Governor, for the JTPA Program Years ("PY") '98 and '99, for the period July 1, 1998 through June 30, 2000, between the Chairman of the Private Industry Council of Cleveland ("PICC") and the City, the City has been designated the JTPA grant recipient and administrative entity; and, substate grantee in SDA/SSA No. 20; and

Whereas, the Secretary of the United States Department of Labor has issued allotments of the JTPA funds to the Ohio Bureau of Employment Services which has issued allocations under the JTPA Titles II and III to the City for PY '98, subject to approval of the comprehensive job training and substate plan; 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 Personnel and Human Resources is hereby authorized to accept the following allocations of grants from the State of Ohio Bureau of Employment Services under the JTPA, Title II-Training Services For The Disadvantaged, and Title III - Employment and Training Assistance for Dislocated Workers, for the delivery of allowable program services to eligible individuals, and to credit said grants to the fund and subfunds designated herein:

<u>GRANT NAME</u>	<u>FUND</u>	<u>AMOUNT</u>
Title II Part A 77% Adult Training Program	15 SF 081	\$ 3,839,827.00
Title II Part A 5% Services For Older Individuals	15 SF 082	250,632.00
Title II Part C 8% State Education Coordination and Grants	15 SF 086	366,663.00
Title II Part C 82% Youth Training Program	15 SF 085	542,764.00
Title II Part B Summer Youth Employment and Training Program	15 SF 084	4,409,734.00
Title III Employment and Training Assistance for Dislocated Workers	15 SF 083	\$ <u>1,291,597.00</u>
	TOTAL	\$10,701,217.00

The Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grant.

Section 2. That the following sums from each grant specified in Section 1 herein are hereby appropriated as follows to provide for administration of the JTPA program:

A. <u>Adult Training Program</u>		
Personnel and Related Expenses	.....	\$ 1,400,000.00
Other Expenses	.....	\$ <u>2,439,827.00</u>
Total	.....	\$ 3,839,827.00
B. <u>Services for Older Individuals</u>		
Personnel and Related Expenses	.....	\$ 65,064.00
Other Expenses	.....	\$ <u>185,568.00</u>
Total	.....	\$ 250,632.00
C. <u>State Education Coordination and Grants</u>		
Personnel and Related Expenses	.....	\$ 69,996.00
Other Expenses	.....	\$ <u>296,667.00</u>
Total	.....	\$ 366,663.00
D. <u>Youth Training Program</u>		
Personnel and Related Expenses	.....	\$ 114,276.00
Other Expenses	.....	\$ <u>428,488.00</u>
Total	.....	\$ 542,764.00
E. <u>Summer Youth Employment and Training Program</u>		
Personnel and Related Expenses	.....	\$ 522,067.00
Other Expenses	.....	\$ <u>3,887,667.00</u>
Total	.....	\$ 4,409,734.00
F. <u>Employment and Training Assistance For Dislocated Workers</u>		
Personnel and Related Expenses	.....	\$ 337,639.00
Other Expenses	.....	\$ <u>953,958.00</u>
Total	.....	\$ 1,291,597.00

Section 3. That the Director of Personnel and the Human is hereby authorized to expend funds to provide food and beverages during meetings of the Private Industry Council of Cleveland and during the annual Fortitude Award Ceremony, in an amount not to exceed Six Thousand Dollars (\$6,000.00) during the period July 1, 1998 to June 30, 1999.

Section 4. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts for Training Services for the Disadvantaged, pursuant to JTPA Title II and Employment and Training Assistance for Dislocated Workers, pursuant to JTPA Title III for Central Services with the following service deliverers:

Basic Readjustment and Retraining Services:
United Labor Agency, Inc.

Professional Legal Services:
David G. Hill and Associates, Co., L.P.A.
Millisor & Nobil Co., L.P.A.

Supportive Services:
Towards Employment, Inc.

That the cost of the contracts authorized in this section shall not exceed an aggregate amount of One Million Five Hundred Ninety Four Thousand Nine Hundred Fifty Eight Dollars (\$1,594,958.00).

Section 5. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following educational institutions: American Red Cross, Board of Education of the Cleveland City School District, Borman Enterprises Inc. dba Cleveland Industrial Training Center, Breakwall Corporation dba Total Technical Institute, Inc., The Brentley Institute, Inc., Bryant & Stratton Business Institute, Cleveland Institute of Dental-Medical Assistants, Cuyahoga Community College, King College of Business, Inc. dba Sawyer College of Business, Meadowmark Computer Training, Inc., Modern Secretary, Inc. dba Sawyer College of Business, and West Side Institute of Technology. That the cost of the contracts in this section shall not exceed an aggregate amount of One Million One Hundred One Thousand One Hundred Ninety One Dollars (\$1,101,191.00).

Section 6. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers for delivery of the activities listed below:

(A) for Basic Education Skills, Remedial Education, and GED Preparation Training Activities:
The Merrick House
MetroHeath Medical Center

(B) for Customized Occupational Skills Training Activities:
The Bridge Foundation
Center For Employment Training-Cleveland
M.B.M. Equipment
PREP, Inc.

(C) for Job Search Assistance:
West Side Ecumenical Ministry

That the cost of the contracts authorized in this section shall not exceed an aggregate amount of Seven Hundred Thirty Thousand Dollars (\$730,000.00).

Section 7. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the Board of Education of the Cleveland City School District and Youth Opportunities Unlimited for delivery of State Education Coordination School-To-Work Transition Assistance activities. That the cost of the contracts authorized in this section shall not exceed an aggregate amount of Two Hundred Ninety Six Thousand Six Hundred Sixty Seven Dollars (\$296,667.00).

Section 8. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers for the delivery of the Summer Youth Employment and Training Program, Title II Part B:

(A) for Central Services:
Board of Education of the Cleveland City School District

(B) for Educational and Work Experience Services:
Board of Education of the Cleveland City School District
Cleveland Initiative For Education
Cleveland Public Theatre
The Phillis Wheatley Association
Urban League of Greater Cleveland
Youth Opportunities Unlimited

That the cost of the contracts in this section shall not exceed an aggregate amount of Three Million Eighty Seven Thousand Six Hundred Sixty Seven Dollars (\$3,087,667.00).

If any supplemental allocation of grant funds are allocated to the City and are accepted by ordinance, the Director of Personnel and Human Resources is authorized to increase the amounts to be paid to the service providers identified in this Section 8 as necessary to effectively operate the program. The Director is authorized to amend any contracts entered into pursuant to this Section 8 in order to obtain additional services and to increase the amounts of such contracts as a result of such supplemental allocations.

Section 9. That the cost of the contracts and amendments authorized above will be paid from Fund Nos. 15 SF 081, 15 SF 082, 15 SF 086, 15 SF 085, 15 SF 084 and 15 SF 083.

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

Passed June 8, 1998.
Effective June 16, 1998.

Ord. No. 978-98.**By Mayor White.**

An emergency ordinance approving and ratifying an agreement with Norfolk Southern Corporation and Norfolk Southern Railway Company to ameliorate adverse environmental impacts due to changes in rail traffic resulting from the railroads' acquisition of certain Conrail assets.

Whereas, on June 23, 1997, Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS") and CSX Corporation and CSX Transportation, Inc. ("CSX") filed a joint application with the Surface Transportation Board ("Board") seeking authority for NS and CSX to acquire and divide certain assets of Conrail; and

Whereas, on September 22, 1997, this Council approved Resolution No. 1799-97, wherein the Council, inter alia strongly urged the Board to review the proposed acquisition and distribution of the assets of Conrail with consideration of the negative impacts such transaction would have on the citizens of the City of Cleveland and the Greater Cleveland area, including safety issues such as increase in injuries to citizens and the increase in delays in emergency equipment response, and environmental issues related to air and noise pollution and the shipment of hazardous cargo; and

Whereas, Cleveland intervened in the proceeding before the Board in order to avoid significant adverse environmental impacts resulting from anticipated increases in rail traffic in Cleveland's neighborhoods should the Board approve the joint application; and

Whereas, on May 22, 1998, the Mayor executed a Memorandum of Agreement with NS which, subject to ratification and approval by this Council, would commit NS to make changes to its Operating Plan, capital investments in Cleveland and financial contributions to Cleveland in order to ameliorate and mitigate the adverse environmental impacts in Cleveland resulting from increases in rail traffic by NS and would result in significant benefits to the City and its residents; and

Whereas, this Council hereby ratifies and approves the agreement made by the Mayor and NS; and

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

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

Section 1. That, notwithstanding any ordinance to the contrary, this Council hereby ratifies and approves the Memorandum of Agreement with Norfolk Southern Corporation and Norfolk Southern Railway Company to ameliorate certain adverse environmental impacts due to changes in rail traffic resulting from the railroads' acquisition of certain Conrail assets, which was executed by the Mayor and NS on May 22, 1998 and reads as follows:

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement is entered into this 22nd day of May, 1998 by and between the City of Cleveland, Ohio, by and through its Mayor and subject to the approval of the City Council, and Norfolk Southern Corporation and Norfolk Southern Railway Company, by their undersigned Chairman/President/Chief Executive Officer.

Whereas, Norfolk Southern Corporation and Norfolk Southern Railway Company (collectively, "NS") are among the Applicants in the railroad control proceeding currently pending before the United States Surface Transportation Board (the "STB") under Finance Docket No. 33388 (the "Conrail Application"), in which NS and CSX Corporation and CSX Transportation, Inc. (collectively, "CSX") are seeking authority to jointly acquire Conrail, Inc. and Consolidated Rail Corporation (collectively, "Conrail") and to thereafter separately operate parts of the rail lines, facilities and other assets of Conrail; and

Whereas, NS submitted to the STB an Operating Plan and Environmental Report as part of the Conrail Application, which submissions describe certain changes in rail traffic and operations that are projected to result from the Conrail Transaction (the "Transaction"); and

Whereas, the City of Cleveland, Ohio ("Cleveland" or the "City") has participated as a party in the proceedings at the STB regarding the Conrail Application and has in filings and comments submitted to the STB requested that the STB order NS and CSX to take certain actions to avoid what the City has described as significant adverse environmental impacts of the Transaction upon the City and its residents, or alternatively, that the STB condition any approval of the Conrail Application on the imposition of various conditions designed to mitigate such impacts; and

Whereas, the STB's Section of Environmental Analysis ("SEA") issued a Draft Environmental Impact Statement ("DEIS") with respect to the Conrail Application in December 1997 which included a characterization of the City as a community with "unique circumstances" and directed NS to consult with government agencies, elected officials and interested parties in Cleveland regarding certain projected train traffic increases on certain lines to be operated by NS post-Transaction in Cleveland; and

Whereas, NS and the City have engaged in such consultations with the goal of reaching agreement on mitigation measures to ameliorate the adverse environmental impacts in Cleveland of the projected changes in rail traffic and operations on rail lines and facilities to be operated by NS post-Transaction resulting from the Transaction; and

Whereas, the City recognizes the concerns of its neighboring communities, particularly the City of Berea, Ohio, regarding potential adverse impacts of the Transaction, and has sought to reach an agreement with NS that does not harm the interests of those communities while preserving the right and ability of those communities to pursue their own agreements to protect the interests of residents and businesses located therein; and

Whereas, NS and the City have reached agreement on such mitigation measures and have made certain other commitments to each other as described hereinafter, including but not limited to certain commitments by NS to make certain changes to its Operating Plan, certain capital investments and certain financial contributions for mitigation of Transaction impacts and for the benefit of the City; and

Whereas, the Mayor has agreed to recommend to the Council of the

City of Cleveland that it approve this Agreement and authorize the Mayor and the appropriate Directors of the City to take such further actions as are necessary to effectuate the terms hereof;

NOW THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

I. Modifications to Operating Plan. In consideration of the concerns of Cleveland and other communities in the Greater Cleveland area about increases in train frequencies projected for certain of the lines that NS will operate following approval by the Surface Transportation Board of the Conrail Application, NS agrees to modify its original Operating Plan. The modifications to the Operating Plan are summarized herein and are described more fully in NS' Mitigation Proposal for Train Frequencies in Greater Cleveland and Vicinity, which was submitted to the STB on April 16, 1998 (hereinafter, the "Mitigation Proposal").

A. Cloggsville Connection Construction: NS agrees to construct what is termed the "Cloggsville Connection," which construction is comprised of two main elements: upgrading the rail lines and facilities between the NS Nickel Plate line at Cloggsville and the Conrail Lakefront line at CP-190 to double-track main line standards through changes and improvements to tracks, bridges, connections, signals and other appurtenant rail facilities, as described more fully in the Mitigation Proposal; and building approximately 7,950 feet of new rail line to connect two parallel rail lines that are approximately 2,100 feet apart, thereby creating a double connection at Vermilion between NS' Nickel Plate line and the Conrail Chicago line to be operated by NS post-Transaction, instead of the single connection described in NS' original Operating Plan, as described more fully in the Mitigation Proposal.

1. Funding: The cost of the construction and improvements to the rail lines and facilities between Cloggsville and CP-190 is currently estimated at \$24,350,000. The cost of constructing a double connection at Vermilion is currently estimated at \$3,000,000 more than constructing the single connection originally proposed in the Operating Plan. NS hereby commits to fund up to the full cost of these Cloggsville Connection projects. (NS previously committed in its Operating Plan to spend the approximately \$2,587,000 needed to construct a single connection at Vermilion.) NS' commitment to fund up to the full cost of these projects is not limited to the current cost estimates contained herein.

2. Schedule: NS estimates that construction of the double connection at Vermilion will take three to five months to complete, and that construction of the improvements to the rail lines and facilities between Cloggsville and CP-190 will take 18 to 24 months to complete, and NS hereby agrees to use its best efforts to complete these construction projects within these time frames. NS will commence implementation of both elements of the Cloggsville Connection projects within ten days of the date on which the approval by the STB of the Conrail Application has become effective, and NS will advance completion thereof with reasonable expedition in view

of operating, engineering and other construction-related constraints, and any need to obtain additional governmental approvals.

3. Government Approvals. NS commitment to construct the Cloggsville Connection project and to do so in accordance with the schedule detailed above is subject to the acquisition of any necessary federal, state and local regulatory, governmental, environmental and other permits, approvals and authorizations for the projects specified herein, including but not limited to any necessary and applicable STB approvals. NS shall make all necessary efforts to obtain such approvals within a time frame that will permit completion of the projects within the estimated time frames described in Section I. A. 2. hereof.

4. Removal/Relocation of Utility Facilities. If the Cloggsville Connection construction requires the removal and/or relocation of any electric utility poles or facilities, the allocation of cost of such removal and/or relocation shall be determined in accordance with existing easements, licenses and other agreements applicable to such utility poles or facilities; and NS specifically agrees that no order of the STB approving the Conrail Application or any part thereof shall be interpreted to preempt the application of the terms of any such existing easements, licenses or other agreements to any such removal or relocation. NS will cooperate with the applicable utility company to minimize or avoid interruption of service to utility customers.

B. Rerouting of Trains from Nickel Plate to Conrail Lines: NS agrees to further modify its Operating Plan as follows. Within twenty (20) days after completion of construction of the double connection at Vermilion, NS will reroute approximately 10.6 trains per day from a Rochester, PA — Youngstown, OH — Ashtabula, OH — Cleveland (Cloggsville) — Vermilion routing through Cleveland via the NS Nickel Plate line (as provided in the original Operating Plan), to a Rochester, PA — Alliance, OH — White, OH — Cleveland (CP 181) — Berea, OH — Vermilion routing through Cleveland via Conrail lines to be operated by NS post-Transaction. Once this rerouting is accomplished, NS projects that average daily freight train traffic on the Nickel Plate line will be approximately 26.0 trains between Ashtabula and Cleveland (Cloggsville) and approximately 23.5 trains between Cleveland (Cloggsville) and Vermilion.

C. Rerouting of Trains from Nickel Plate to Cloggsville Connection Route: NS agrees to further modify its Operating Plan as follows. Within twenty (20) days after completion of the construction and improvements to the lines and facilities between Cloggsville and CP-190, NS will reroute approximately 9.6 trains per day from a Cleveland (Cloggsville) to Vermilion routing via the NS Nickel Plate line (as provided in the original Operating Plan) to the Cleveland (Cloggsville) — CP-190 — Berea — Vermilion routing created by virtue of the aforesaid construction and improvements. Once this rerouting is accomplished, NS projects that average daily freight train traffic on the following line segments will be: Cleveland (Cloggsville) to CP-190 — 13.8; CP-190 to Berea — 63.1; Berea to Vermilion — 55.1.

D. Revisions to Traffic Projections: Table 1, attached hereto, contains the average daily freight train traffic projections from NS' original Operating Plan for the lines to be operated by NS in Cleveland and the Greater Cleveland area post-Transaction. NS agrees to modify its Operating Plan by substituting the average daily freight train traffic projections contained in Table 2, attached hereto, for these lines. Once the rerouting associated with completion of the full Cloggsville Connection is accomplished, the projections contained in Table 2 hereto will be in effect, including the following projections of average daily freight train traffic: 26.0 trains on the Nickel Plate line between Ashtabula and Cleveland (Cloggsville); 13.9 trains on the Nickel Plate line between Cleveland (Cloggsville) and Vermilion; 40.3 trains on the Pittsburgh line (currently operated by Conrail) between White, OH and Cleveland (CP-181); 53.5 trains on the Lakefront line (currently operated by Conrail) between CP-181 and CP-190, 13.8 trains on the "Cloggsville Connection" line between Cleveland (Cloggsville) and CP-190; and 63.1 trains on the Lakefront line between CP-190 and Berea, OH.

II. Grade Separation Projects. Subject to the approval of the projects by the appropriate state authorities and the availability and commitment of funding from federal, state and other public sources necessary to complete the projects, NS agrees to contribute up to \$1,500,000 in the aggregate toward two grade separation projects, one at Dille Road and one at London Road. The total cost of the Dille Road and London Road grade separation projects is estimated to be \$13,500,000. It is expected that amounts exceeding NS' contribution will come from public sources, including but not limited to funds provided by the federal government and/or the Ohio Rail Development Commission. NS shall pay its portion of the cost of each of these projects in accordance with such schedule(s) as may be established by the appropriate government agency or agencies with jurisdiction over the projects.

III. Community Impacts Fund. In consideration of Cleveland's concerns about adverse environmental impacts from the Transaction, and in order to assist Cleveland with mitigation thereof, NS will provide a total amount of \$10,000,000 (ten million dollars) to Cleveland over a period of five years for a Community Impacts Fund ("CIF") to be established by the City.

A. Schedule of NS Payments. NS will make payments to Cleveland to fund the CIF as follows: An initial payment of \$2,000,000 (two million dollars) will be made no later than 30 days after the date on which the STB's approval of the Transaction has become effective; the balance of \$8,000,000 (eight million dollars) will be paid in four equal annual installments, each installment of \$2,000,000 (two million dollars) to be paid no later than 12 months after the prior payment.

B. Purpose and Use of CIF. Cleveland will utilize the CIF at its sole discretion for mitigation projects designed to mitigate what the City deems to be adverse environmental impacts resulting from the Transaction and associated with the rail lines and facilities that will be oper-

ated in Cleveland by NS post-Transaction. Such impacts may include, but are not limited to, those in the areas of noise and vibration, emergency response and vehicular delay, hazardous materials transport and response, pedestrian and vehicular safety, grade crossing maintenance, and cultural preservation. CIF funds may be used for purposes determined by the City to be related to protection of the City's neighborhoods from the adverse impacts of the Transaction, which may include but are not limited to projects designed to mitigate some or all of these impacts, including but not limited to noise mitigation projects, hazardous materials training and equipment, grade crossing maintenance projects, home value guarantees, fencing projects adjacent to parks and other pedestrian safety projects, landscaping, a maintenance endowment fund and other projects that, in the sole discretion of the City, are reasonably related to the impacts of the Transaction and are associated with the lines and facilities to be operated by NS post-Transaction. It is also understood that the City may expend up to \$250,000 of CIF monies as "seed money" for the furtherance of proposals to preserve and enhance the Mill Creek Waterfall and to better incorporate the Mill Creek Waterfall into the Cleveland Metroparks in the event and to the extent that the City determines that such proposals merit such expenditures.

C. Establishment and Administration of CIF. The CIF shall be established and administered solely by the City or its duly appointed designee(s). NS agrees to participate as a consultant to the City and/or its designee(s) with respect to CIF matters affecting or relating to NS operations or property. Cleveland shall have sole responsibility for selecting, managing and maintaining CIF mitigation projects, except as stated hereinafter.

D. Construction/Installation of Noise Mitigation Structures and Landscaping. The City may, in its discretion, utilize CIF funds for noise walls, noise barriers and/or other structures, improvements, equipment or appurtenances designed to mitigate noise (hereinafter, collectively, "noise mitigation structures") as well as for landscaping designed to mitigate noise or visual impacts (hereinafter "landscaping"). To the extent that any such projects are to be constructed or installed on NS' right of way or other NS property, the City shall be required to consult with NS and to obtain NS' concurrence with respect to the design, schedule for construction and/or installation, and, to the extent permitted by law, the identity of individuals or entities performing the construction and/or installation. NS agrees not to unreasonably withhold such concurrence. The City understands that all noise mitigation structures or landscaping constructed and/or installed on NS' right of way and/or property must be in compliance with any applicable federal law or regulations governing railroads, including but not limited to the regulations of the Federal Railroad Administration, and must conform with any applicable engineering and other standards of NS. NS shall grant the City such easements or licenses as may be necessary for construction and/or installation of such noise mitigation structures and landscaping.

E. Ownership and Maintenance of Noise Mitigation Structures and Landscaping.

1. Any noise mitigation structures constructed or installed on NS right of way or NS property by the City shall become the property of NS, subject to the following agreements regarding maintenance of such noise mitigation structures. NS shall be solely responsible for maintaining the structural integrity of such noise mitigation structures in accordance with applicable law and regulations, including all necessary preventive maintenance, ongoing maintenance and repairs; provided, however, that the City shall bear responsibility for keeping the walls free from graffiti or other visual defacement of such structures.

2. Any landscaping constructed or installed on NS right of way or NS property by the City shall be owned by the City, and the City shall have sole responsibility for the maintenance of such landscaping. NS shall grant the City such rights of access as may be necessary for the City to perform such maintenance of the landscaping.

F. Maintenance Endowment Fund. As stated in subsection B of this section, CIF funds may be used for, among other things, a Maintenance Endowment Fund. Such Maintenance Endowment Fund would be used for maintenance of landscaping constructed or installed by the City pursuant to subsections D and E of this Section and for other maintenance projects related to or associated with impacts from the rail lines and facilities to be operated by NS post-Transaction which impacts are not ordinarily the responsibility of the railroad under applicable laws and regulations. The parties agree that prior to the expiration of a period of five years from the date on which the STB's approval of the Transaction has become effective, NS and the City will engage in discussions regarding the question of whether the Maintenance Endowment Fund should be continued beyond the five-year period of the CIF and, if so, for what period of time and with what level of additional NS commitment of funds. It is understood that NS' agreement to participate in such discussions regarding the Maintenance Endowment Fund does not commit NS to entering into an agreement with the City at that time regarding continuation of the Maintenance Endowment Fund. It is also understood that the establishment of the Maintenance Endowment Fund does not alter NS' maintenance obligations under applicable laws, regulations or agreements, except as otherwise provided in this Agreement.

G. Liability. In providing funds to the CIF, NS does not in any way acknowledge that the mitigation projects to be implemented through the CIF are required as a matter of law. Nor does NS acknowledge or warrant that the projects to be implemented through the CIF will necessarily achieve any mitigation or any particular level or degree of mitigation of the adverse impacts they are intended to remedy. To the extent permitted by law, Cleveland agrees to bear full legal responsibility for any and all damages, claims or injury arising out of the administration of the CIF by the

City, the selection, construction and installation of projects undertaken with CIF funds by the City, the maintenance of any landscaping constructed or installed by the City pursuant to subsections D and E of this section, and the maintenance of other projects undertaken with CIF funds by the City where such other projects are not constructed on NS property. NS agrees to indemnify and hold harmless the City against any and all damages, claims or injury arising out of the maintenance of noise mitigation structures by NS pursuant to subsection E of this section. Further, Cleveland agrees to include in any contract related to the CIF for projects undertaken with CIF funds which requires the contractor to enter onto any property owned by NS a requirement that the contractor indemnify and hold harmless NS against any claims related to the construction, installation or maintenance of such projects.

IV. Modification of Commitments in the Event of Operating Changes. Given the fluctuating nature of rail freight traffic over time, and the possibility that a change in circumstances could have a significant effect on the assumptions and projections of the NS Operating Plan, the parties recognize that deviations from the projected average train frequencies set forth in NS' Operating Plan as revised by Table 2 hereto may be necessary. To preserve NS' operating flexibility while affording a mechanism for addressing certain future impacts of any substantial increases in NS train traffic over the projections contained in Table 2, the parties agree as follows:

A. Nickel Plate Line Noise Mitigation. Except as provided hereinafter, if during the eight-year period beginning on the date on which construction of the Cloggsville Connection has been fully completed, there is any period of twelve consecutive months in which the average daily number of trains on the Nickel Plate line between Cloggsville and Vermilion equals or exceeds 26 trains per day on an annualized basis, NS shall contribute \$2,600,000 in additional funds to the CIF for noise mitigation projects along this rail segment. Such payment shall be made within 90 days after the end of such twelve-month period. The provisions of this subsection shall not apply to train movements prior to the date on which construction of the Cloggsville Connection has been fully completed, and none of the twelve-month periods of traffic increases referred to in this subsection shall include any period prior to such Cloggsville Connection project completion date.

B. W. 117th Street Grade Crossing Mitigation. If during the five-year period beginning on the date on which construction of the Cloggsville Connection has been fully completed, there is any period of twelve consecutive months in which the average daily number of trains on the Nickel Plate line between Cloggsville and Vermilion equals or exceeds 19 trains per day on an annualized basis, NS shall work cooperatively with Cleveland in seeking the support of and funding from the applicable state authorities for a grade separation project for

the W. 117th Street grade crossing, and NS shall contribute up to 10 percent of the cost of funding such project. NS shall pay its portion of the cost of such project in accordance with such schedule as may be established by the appropriate government agency or agencies with jurisdiction over the project.

C. Aetna and Bessemer Streets Grade Crossing Mitigation. If during the five-year period beginning on the date on which construction of the Vermilion double connection has been fully completed, there is any period of twelve consecutive months in which the average daily number of trains on the existing Conrail line to be operated by NS post-Transaction between White, OH and Cleveland (CP-181) equals or exceeds 45 trains per day on an annualized basis, NS shall: (1) work cooperatively with Cleveland in seeking the support of and funding from the applicable state authorities for grade separation projects for the Aetna Street and Bessemer Street grade crossings, and NS shall contribute up to 10 percent of the cost of funding such project and NS shall pay its portion of the cost of such project in accordance with such schedule as may be established by the appropriate government agency or agencies with jurisdiction over the project; and (2) in the event that it is not advisable or possible to construct a grade separation at Aetna Street and Bessemer Street, or at either of them, NS will cooperate with the City on developing an alternative capital improvement or improvements, to be negotiated by NS and the City, designed to improve access to emergency and other public safety responders for the neighborhoods surrounding such grade crossing(s), with NS' funding commitment for such capital improvement(s) to be up to 10 percent of the cost of a grade separation at such grade crossing(s) but not to exceed the total cost of such capital improvement(s).

D. Mitigation for Capacity Increases. Except as provided hereinafter, if during the ten-year period beginning on the date on which the STB's approval of the Transaction has become effective, NS decides to increase capacity through the construction of an additional main rail line in Cleveland or of a rail siding in excess of three miles in length in Cleveland, NS agrees to provide prior notice of such project(s) to the City and to enter into good faith discussions with the City regarding the question of whether there are any significant environmental impacts resulting from such project(s) and regarding the possible mitigation of any such impacts. As used herein, the terms "construction of an additional main rail line" and "construction . . . of a rail siding in excess of three miles in length" do not include the construction of industrial tracks or spurs, nor do they include other rehabilitation, improvement or upgrading of any existing track or the signals or structures appurtenant thereto, nor do they include the addition of any main line track by or on behalf of any other railroad on the right of way of NS unless NS has the ability to use such main line track. It is understood that NS' agreement to participate in good faith discussions regarding the environmental im-

pacts of and possible mitigation of such impacts of those projects contemplated by this subsection of the Agreement, does not constitute an acknowledgement that such projects will have significant environmental impacts or commit NS to entering into an agreement with the City at that time regarding mitigation of such impacts. It is further agreed and understood that the provisions of this subsection shall not apply to the capacity increases to be constructed as part of the Cloggsville Connection project.

E. NS Reports to Cleveland.

1. In furtherance of this Section IV, NS agrees to provide the City on a monthly basis with an accurate written report on the average daily number of freight trains that operated over each NS line in the City. Each such report shall be provided to the City by NS within 30 days of the end of the applicable month, and shall be contemporaneously submitted by NS to the STB. NS shall provide such monthly reports for a period of ten years from the date on which the STB's approval of the Transaction has become effective.

2. In furtherance of this Section IV, NS also agrees to notify the City in writing of the date on which construction of the Vermilion double connection has been fully completed and the date on which construction of the remainder of the Cloggsville Connection project has been fully completed, with each such written notification to be provided within 15 days of each such completion date.

3. In furtherance of this Section IV, NS also agrees to provide timely advance written notification to the City of any planned capacity increases to which the terms of subsection D hereof would apply.

V. Agreements Regarding Berea Interlocking and Other Train Frequency Issues.

The City desires to reduce the frequency of train operations through residential neighborhoods and to minimize the adverse environmental impacts of the Transaction on the City of Cleveland and the surrounding communities, including but not limited to the City of Berea. NS believes that the integrity of its Operating Plan for train operations in and around Cleveland would be compromised if too many trains had to be crossed at the Berea interlocking between the Lakefront line to be operated by NS post-Transaction and the Short line to be operated by CSX post-Transaction. NS has determined after extensive study that a maximum of 15 trains per day can be crossed at the Berea interlocking without causing undue congestion or unduly disrupting NS operations; and the City acknowledges and accepts the validity of this determination by NS. NS agrees that as many as 15 CSX trains can and will be accommodated to operate via trackage rights on the Lakefront line to be operated by NS post-Transaction for as long as NS controls operations on said Lakefront line.

VI. Community/Railroad Committee. The parties hereby acknowledge their intent to continue the working relationship that has developed between them and to work

together to strengthen that relationship over time as long as NS conducts operations in the City. NS and the City agree to jointly establish a Community/Railroad Committee (the "Committee") comprised of twelve (12) persons: Three members appointed by NS, three members appointed by the Mayor, three members appointed by the City Council President, and three members of the community appointed by the Mayor. The purpose of the Committee shall be to provide a forum for ongoing discussion and dialogue between NS and the City regarding issues of mutual concern. The Committee shall meet quarterly, beginning in the first quarter after the effective date of the STB's approval of the Conrail Application, and continuing thereafter according to a schedule established by the Committee itself. Issues to be discussed by the Committee may include, but are not limited to, matters discussed in this Section VI, as well as consideration of citizen complaints relating to NS' operations, potential joint economic and job training initiatives, and general monitoring of the mutual obligations set forth in this Agreement. The Committee will prioritize these issues, and will develop for each issue an appropriate process and time schedule. It is understood that with respect to each of the issues of concern identified in this Section VI, the parties' agreement to discuss the issue at the Committee does not commit either NS or the City to enter into any agreements regarding the issue following such discussions, but the City and NS agree to make efforts to resolve issues brought to the Committee.

A. Asset Management. In consideration of concerns expressed by the City regarding ongoing maintenance, condition and appearance of existing NS railroad facilities in Cleveland and of railroad facilities to be operated by NS in Cleveland post-Transaction, including railroad bridges, rights of way and rail yards, NS agrees that within twelve months of the date on which the STB's approval of the Transaction shall have become effective, NS and the City shall conduct joint inspections of such facilities and NS shall, upon completion of such twelve month period, submit to the City an asset management plan for its rail facilities in Cleveland. The scope and content of such asset management plan shall be determined by discussions between NS and the City at the Committee. NS also agrees that within 180 days after the date on which the STB's approval of the Transaction shall have become effective, NS will provide the City with an inventory of all NS bridges, rights of way, rail yards and railroad operating properties located in Cleveland. NS agrees to maintain the structural integrity of its bridges in Cleveland and to maintain its rail facilities in Cleveland in accordance with all applicable laws, regulations and existing agreements to which NS is a party or for which NS is or will be legally responsible. NS agrees to complete any unfinished components of the program of railroad bridge painting/repair agreed to by Conrail and the City in 1993 with respect to those Conrail bridges on the lines to be operated by NS post-Transaction. The parties agree that they will

attempt to resolve any disputes or issues with regard to asset management through discussions at the Committee.

B. Surplus Properties. NS agrees to provide the City with an inventory of all surplus real properties in Cleveland owned or controlled by NS post-Transaction. Such an inventory shall be provided within 90 days of the date on which the STB's approval of the Transaction shall have become effective. NS agrees to discuss with the City's Economic Development Director and the Committee possible dispositions of such surplus real property, including but not limited to possible dispositions that would result in the use of such property for City-supported economic or community development. For purposes of this Agreement, the term "surplus real properties" means those properties located in the City that, as of the effective date of the Transaction, are owned or controlled by NS and are either not then in use by NS in connection with its rail operations or are not believed by NS to have the potential to be used in the future in connection with its rail operations.

C. Billboards. NS will provide the City with an inventory of all billboard leases for billboards on NS' post-Transaction rights of way, bridges and other property in Cleveland, within 90 days of the date on which the STB's decision approving the Transaction shall have become effective. Such inventory shall indicate, to the extent that the information is available to NS, the locations of the billboards covered by the leases and the terms of such leases. Where such information is not available to NS, NS shall provide the City with pertinent information about the lease or prior parties in interest to the lease that is reasonably available to NS. NS agrees not to enter into any lease that would have the effect of adding a billboard to a location where there is no billboard or increasing the number of billboards at a location where there is already one or more billboards, as of the effective date of the Transaction. NS further agrees to take the following actions to eliminate the advertising of tobacco and alcohol products on the billboards on its property in Cleveland: (1) If a current billboard lease permits NS to do so, NS will instruct the lessee that the billboard cannot be used for such advertisements; (2) when each current billboard lease term expires, NS will incorporate a prohibition on tobacco and alcohol advertisements into the terms of any renewal or replacement lease; and (3) if any billboard lease shall not have expired by the end of five years from the date on which the STB's decision approving the Transaction shall have become effective, NS shall otherwise take all legal and practicable steps to eliminate tobacco and alcohol advertisements from any billboard covered by such lease. NS also agrees to ongoing discussions with the City at the Committee regarding the City's desire to eliminate all billboards from railroad property.

D. Capacity Increases. If during the ten-year period beginning ten years after the date on which the STB's approval of the Transaction has become effective, NS decides to increase capacity through the con-

struction in Cleveland of an additional main rail line or of a rail siding in excess of three miles in length (as such terms are defined in Section IV. D. hereof), NS will provide timely written advance notice to the Community/Railroad Committee, and NS agrees to enter into good faith discussions with the Committee regarding the question of whether there are any significant environmental impacts resulting from such project(s) and regarding the possible mitigation of any such impacts. Prior to the expiration of the ten-year period beginning ten years after the date on which the STB's approval of the Transaction has become effective, NS agrees to discuss with the Committee the question of whether there should be any continuation of NS' commitment to discuss such capacity increases with the Committee.

E. Lakefront Track Realignment. NS agrees to discuss with the City at the Committee the issue of potentially realigning railroad tracks along a portion of the Lakefront so as to consolidate NS and CSX tracks into a single rail corridor there.

F. Mill Creek Waterfall. NS agrees to discuss with the City at the Committee questions with respect to proposals to preserve and enhance the Mill Creek Waterfall and to better incorporate the Mill Creek Waterfall into the Cleveland Metroparks.

G. Business Development. The parties agree to enter into discussions with the City's Economic Development Director and the Committee with the goal of developing an intermodal business development alliance between NS and Cleveland. The parties may also discuss business development along the NS rights of way.

H. Old River Channel. The parties agree to discuss at the Committee proposals for development of the Old River Channel and the pedestrian tunnels on the Lakefront line.

I. [Intentionally omitted.]

J. Permitting Generally. The City agrees to discuss with NS at the Committee any issues, concerns or problems that NS is or may experience in obtaining permits or other types of approvals from City or other local governmental organizations for any of NS' business operations and activities in Cleveland for which such permits or approvals are required.

K. Other Topics. Other topics of discussion at the Committee may include, but are not limited to, the following: the I-480/I-71 Junction and Rockport Yard improvements; the Cloggsville construction and improvements; redevelopment of the southeast quadrant of East 93rd and Quincy; issues relating to the Flats Industrial Railroad; the East 9th/Ontario Intermodal Yard; public transit; and issues relating to hazmat.

VII. Other Understandings and Undertakings.

A. NS acknowledges that it is bound by any system-wide mitigation measures mandated by the STB for hazardous materials transport and intends to apply NS' own system-wide program for the safe transportation of hazardous materials (as further described in Attachment A hereto) to the lines and

facilities it will operate in Cleveland post-Transaction. In addition to the program described in Attachment A, NS agrees to provide the City with four OREIS (Operation Respond) software packages, to install such software for the City and to train the City's personnel in the use of such software; to provide, upon request, periodic training in railroad/hazmat issues, including classroom, tabletop and full-scale drills; to provide the City with annual reports of the number of car loads of hazardous materials that have moved through the City (including a breakdown by four (4) digit STCC code of the types of materials transported); and to coordinate with the City's personnel or authorized agents the latter's periodic access to NS yards, lines and facilities for the purpose of hazardous materials incident preparedness and planning. It is expressly understood that nothing in this Agreement would absolve NS of its legal, regulatory or business responsibilities associated with hazmat transportation or incidents in Cleveland.

B. With respect to the Cloggsville Connection projects, Cleveland agrees to cooperate with NS, if such cooperation is requested, in obtaining any applicable City or local governmental permits or approvals for the projects, and agrees to use its good offices to assist in resolving any issues that may arise with respect to these projects between NS and any utility companies or other interested third parties.

C. Cleveland agrees that through NS' consultations with the officials and elected representatives of the City of Cleveland, which consultations have culminated in this Agreement, NS has complied with the directives in the DEIS regarding consultations with the City of Cleveland with respect to potentially significant impacts resulting from the Transaction.

D. The City agrees not to seek at the STB, in any court, or in any other forum, any conditions or mitigation with respect to NS in connection with the STB's approval of the Conrail Application that would be contrary to or otherwise inconsistent with this Agreement, the terms hereof or the acknowledgements made herein. NS agrees not to seek at the STB, in any court, or in any other forum, any conditions or mitigation in connection with the STB's approval of the Conrail Application that would be contrary to or otherwise inconsistent with this Agreement, the terms hereof or the acknowledgements made herein.

E. NS and the City agree that neither of them will enter into any agreement with any other individual or entity, seek any decision or order of the STB or of any court, or take any other actions that would be contrary to or would otherwise be inconsistent with this Agreement, the terms hereof or the acknowledgements made herein; provided, however, that nothing in this subsection E shall prevent the City from protecting its rights or pursuing all available remedies with respect to CSX in connection with the Conrail Application as long as the City does not seek the imposition of a remedy that is con-

trary to or otherwise inconsistent with this Agreement, the terms hereof, or the acknowledgements made herein.

F. Notwithstanding any other terms of this Agreement, this Agreement shall not constrain the City from pursuing efforts to obtain reductions in the numbers of trains projected to be operated by CSX post-Transaction on the Short line, through negotiations with CSX and/or requests for conditions at the STB. Notwithstanding any other terms of this Agreement, this Agreement shall not constrain the City from pursuing efforts to obtain other mitigation with respect to CSX, through negotiations with CSX and/or requests for conditions at the STB, provided that such mitigation does not relate to NS.

G. The parties agree that as long as the City shall have complied with the terms of this Agreement, including particularly the terms of subsections D and E of this Section, the imposition by the STB of conditions on the Transaction that would have the effect of requiring more than 15 trains per day to cross at the Berea interlocking shall not itself void this Agreement pursuant to Section X. A. hereof.

H. The parties acknowledge and agree that NS' commitment to build the Cloggsville Connection and NS' commitment to accommodate as many as 15 CSX trains per day on the Lakefront line to be operated by NS post-Transaction are unique commitments that are essential to the purpose of this Agreement. Accordingly, in the event that NS notifies the City or the City otherwise determines that NS has not or cannot fulfill either of these commitments (or both of them), the parties agree that: (a) if such notification or determination occurs during the term of any STB oversight proceeding with respect to the Transaction, the City shall have the right to petition the STB for an order compelling specific performance by NS of such commitment(s); and (b) if such notification or determination occurs after the term of any STB oversight proceeding with respect to the Transaction, NS shall consent to the reopening of the Conrail Application by the STB for the purpose of the STB considering a petition by the City for an order compelling specific performance by NS of such commitment(s); and (c) in either event, if the STB determines that specific performance of such commitment(s) shall not be ordered, the parties agree that the STB's approval of the Conrail Application shall be reopened for the limited purpose of reconsideration of the adverse environmental impacts of the Transaction upon the City and of the conditions imposed by the STB for mitigation of such adverse environmental impacts. The parties' agreement to this subsection H does not constitute a waiver by either party of any other remedies that may be available to it with respect to the rights and obligations set forth in this Agreement.

VIII. Submission to City Council. Upon execution of this Agreement, the City's Mayor and appropriate Director(s) shall immediately take

all actions necessary to place this Agreement before the Council of the City of Cleveland for its earliest consideration. The Mayor and such Director(s) shall recommend to the City Council that it approve this Agreement, and shall take all other necessary and appropriate actions to ensure the most expeditious consideration of the Agreement by the City Council.

IX. STB Notification. Promptly upon execution of this Agreement and its approval by the City Council:

A. NS and Cleveland will notify the STB in writing that they have entered into this Agreement and will advise the STB of the terms of this Agreement. NS and Cleveland will further request at that time that the STB adopt the terms of this Agreement as a condition of the STB's approval of the Conrail Application; and

B. The City will advise the STB in writing that, in consideration of this Agreement, it is withdrawing its opposition to, and its request for conditions upon, so much of the Conrail Application as relates to NS' acquisition of control of Conrail and NS' proposed post-Transaction rail operations.

X. Conditions. The commitments set forth above are conditioned on:

A. The STB's approval of the Conrail Application, provided that such approval (1) adopts the terms of this Agreement as a condition of such approval, and (2) includes the STB's approval of NS' Operating Plan, as modified by the NS Mitigation Proposal and the commitments made herein; and

B. The acceptance by NS of any other conditions imposed by the STB upon the approval of the Conrail Application; and

C. The approval of the Conrail Application by the STB having become effective.

IN WITNESS WHEREOF, the undersigned have duly executed this Agreement, all as of the day and year first above written.

THE CITY OF CLEVELAND, OHIO

By: _____
Hon. Michael R. White, Mayor

NORFOLK SOUTHERN CORPORATION AND
NORFOLK SOUTHERN RAILWAY COMPANY

By: _____
David R. Goode
Chairman, President and
Chief Executive Officer

TABLES AND ATTACHMENT

- Table 1 NS Original Operating Plan
- Table 2 NS Revised Cloggsville Connection Mitigation Proposal
- Attachment A Norfolk Southern's Commitment to Safe Transportation of Hazardous Materials

A copy of the tables and attachment is contained in File No. 978-98-A.

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

Passed June 8, 1998.
Effective June 16, 1998.

Ord. No. 985-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to enter into contract without competitive bidding with National Underground Storage, Inc. for lease of space for the storage of records, and the purchase of services related to the storage of records.

Whereas, this ordinance constitutes an emergency measure providing for 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 provisions of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized to enter into a rental agreement with National Underground Storage, Inc. ("NUS") for a period of one year on the basis of its proposal dated April 24, 1998, and shall additionally provide for two one-year options, exercisable by the Director of Finance on behalf of the Cleveland Municipal Court, to extend the agreement for a second and third successive year, based upon the terms proposed in NUS's proposal dated April 24, 1998, for the lease of approximately 8,000 cubic feet of space for the storage of the records of the Cleveland Municipal Court. The rental agreement authorized herein shall be prepared by the Director of Law and its cost shall be payable from Fund No. 01-01-16-0360, Request No. 22651.

Section 2. That it is hereby determined that the within commodities are non-competitive and incidental to the lease of space authorized by Section 1 of this ordinance, and cannot be secured from any source other than NUS. Therefore, the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized and directed to make a written requirement contract with said NUS upon the basis of its proposal dated April 24, 1998, with two (2) options exercisable by the Director of Finance, to renew for additional one-year consecutive terms, and cancellable upon thirty days written notice by said director, for miscellaneous reference and retrieval services, such as filing, file delivery, faxing, photocopying, entry and destruction of records, for a period of one year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Cleveland Municipal Court.

Section 3. That the cost of the contract hereby authorized shall be paid from Fund No. 01-01-16-0360, Request No. 22651.

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 986-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of a criminal and civil filing system, including materials necessary to file and retrieve cases, for the Department of Finance, on behalf of the Cleveland Municipal Court.

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

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

Section 1. That the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the 1999 criminal and civil filing system, including folders, labels, tabs, envelopes, shelving, and other materials necessary to file and retrieve cases 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 Department of Finance, on behalf of the Cleveland Municipal Court. 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 22650)

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 June 8, 1998.
Effective June 16, 1998.

Ord. No. 987-98.**By Councilman Johnson (by departmental request).****An emergency ordinance authorizing and directing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.**

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

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

Section 1. That the Director of Finance is hereby authorized and directed to pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

Claimant	Claim No.	Amount	Division	Fund
Carol & Robert Gray	10439	\$289.57	Water Pollution Control	54 SF 001
Ivan & Connie Allen	10446	1,500.00	Water Pollution Control	54 SF 001
Alan Kovach	10451	65.00	Water Pollution Control	54 SF 001
George Smedley	10460	1,500.00	Water Pollution Control	54 SF 001
Robert Thomas	10475	139.57	Water Pollution Control	54 SF 001
Lee & Willie Curry	10477	1,500.00	Water Pollution Control	54 SF 001
Patrick J. Daley	10478	1,500.00	Water Pollution Control	54 SF 001
Lenny Zemon	10487	47.28	Water Pollution Control	54 SF 001
Marilyn Gonzalez	10507	39.59	Water Pollution Control	54 SF 001
Jason & Lisa Kabay	10509	150.00	Water Pollution Control	54 SF 001
Reginald Lathan as parent of Sharnae & Reginald Lathan, Jr	10320	500.00	Police	01-60-02-0720
C.P. Towing	10358	1,542.51	Police	01-60-02-0720
Keynan Williams	10429	419.95	Police	01-60-02-0720
Geraldine Nigro	10454	250.00	Police	01-60-02-0720
Jon Murchinson & Patrick Garrett	10457	1,163.56	Police	01-60-02-0720
Terry Mountcastle	10458	550.00	Police	01-60-02-0720
Eleanor Billips	10462	500.00	Police	01-60-02-0720
Jesus & Oneida Lozada	10463A	1,000.00	Police	01-60-02-0720
Elizabeth Borowske	10463B	292.60	Police	01-60-02-0720
Enterprise Rent-A-Car	10465	1,927.14	Police	01-60-02-0720
Annie R. Carter	10469	250.00	Police	01-60-02-0720
Brett Portaro	10474	250.00	Police	01-60-02-0720
Eric Balawender	10485	199.99	Police	01-60-02-0720
Kim Barnard	10493	176.34	Police	01-60-02-0720
Catherine Givhan	10500	500.00	Police	01-60-02-0720
Nadia Ahmetovic	10516	500.00	Police	01-60-02-0720
David Van Buren	10517	1,113.21	Police	01-60-02-0720
Crystal Davis	10524	98.00	Police	01-60-02-0720
Mark E. Crawford	10464	1,184.22	Fire	01-60-03-0720
Alfred J. Morris	10490	1,350.00	Fire	01-60-03-0720
Rhonda McJunkins	10496	35.00	Fire	01-60-03-0720
Steven C. Rock	10497	225.00	Fire	01-60-03-0720
Susan Holderness	10505	100.00	Emergency Medical Service	01-60-04-0720
Morris and Imogene Vowell	10442	100.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Ronald Knapp	10450	774.25	Park Maintenance (Urban Forestry)	01-70-02-0720
Walter Lou Rodgers	10461	342.05	Park Maintenance (Urban Forestry)	01-70-02-0720
Joseph Nahra	10455	1,400.00	Property Management	01-70-11-0720
Neil T. Clough	10432	600.00	Park Maintenance and Properties	01-70-10-0720
Rosetta Young	10467	250.00	Park Maintenance and Properties	01-70-10-0720
Earl N. Lewis	10468	311.00	Park Maintenance and Properties	01-70-10-0720
William & Edna Myers	10511	200.63	Park Maintenance and Properties	01-70-10-0720
Linda Lascu	10472	60.00	Municipal Clerk of Courts	01-01-16-0720
Dart Trucking Inc.	10510	3,750.00	Waste Collection	01-40-03-0720
Eugene Rochon & Sherry Guddy	10513	288.37	Waste Collection	01-40-03-0720

Section 2. That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance. In addition, the Commission awarded certain services to be rendered by the Division of Building and Housing with regard to the demolition of the property located at 951 East 144th Street for claimant Dwight Yancy, Claim No. 10361.**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 June 8, 1998.

Effective June 16, 1998.

Ord. No. 1002-98.
By Councilmen Sweeney, Rybka and Johnson (by departmental request).

An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement for a period of one year and to extend Contract No. 51520 with Kenmore Construction Co.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of grinding pavement, for the Division of Streets, Department of Public Service, by a public improvement requirement contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

Section 2. That, the Director of Public Service is hereby authorized and directed to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the period of not to exceed one year. 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 Director of Public Service until provision is made for the requirements for the entire year.

Section 3. That the Director of Public Service is hereby authorized to extend Contract No. 51520 with Kenmore Construction Company, Inc., with the same terms and conditions, until such time as the City enters into a new contract for pavement grinding or November 30, 1998, whichever is earlier, to provide for additional pavement grinding services.

Section 4. That the cost of said extension shall be paid from Fund No. 10 SF 401, Request No. 21350.

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

Passed June 8, 1998.
 Effective June 16, 1998.

Ord. No. 1041-98.
By Mayor White.
An emergency ordinance approving and ratifying an agreement with CSX Corporation to ameliorate adverse environmental impacts due to changes in rail traffic resulting from the railroad's acquisition of certain Conrail assets.

Whereas, on June 23, 1997, Norfolk Southern Corporation and Norfolk Southern Railway Company ("NS") and CSX Corporation and CSX Transportation, Inc. ("CSX") filed a joint application with the Surface Transportation Board ("Board") seeking authority for NS and CSX to acquire and divide certain assets of Conrail; and

Whereas, on September 22, 1997, this Council approved Resolution No. 1799-97, wherein the Council, *inter alia*, strongly urged the Board to review the proposed acquisition and distribution of the assets of Conrail with consideration of the negative impacts such transaction would have on the citizens of the City of Cleveland and the Greater Cleveland area, including safety issues such as increase in injuries to citizens and the increase in delays in emergency equipment response, and environmental issues related to air and noise pollution and the shipment of hazardous cargo; and

Whereas, Cleveland intervened in the proceeding before the Board in order to avoid significant adverse environmental impacts resulting from anticipated increases in rail traffic in Cleveland's neighborhoods should the Board approve the joint application; and

Whereas, on June 4, 1998, the Mayor executed a Settlement Agreement with CSX which, subject to ratification and approval by this Council, would commit CSX to make capital investments in Cleveland and financial contributions to Cleveland in order to ameliorate and mitigate the adverse environmental impacts in Cleveland resulting from increases in rail traffic by CSX and would result in significant benefits to the City and its residents, including job opportunities at local CSX facilities; and

Whereas, this Council hereby ratifies and approves the agreement made by the Mayor and CSX; and

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

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

Section 1. That, notwithstanding any ordinance to the contrary, this Council hereby ratifies and approves the Settlement Agreement with CSX Corporation and its railroad subsidiaries to ameliorate certain adverse environmental impacts due to changes in rail traffic resulting from the railroad's acquisition of certain Conrail assets, which was executed by the Mayor and CSX on June 4, 1998. A copy of the Settlement Agreement is contained in File No 1041-98-A.

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

Passed June 8, 1998.
 Effective June 16, 1998.

Ord. No. 1042-98.
By Councilman Cimperman.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cleveland Irish Cultural Festival to hang two (2) Banners on Cleveland Public Power utility poles (by separate permission) on Euclid Avenue and East 9th Street for the period of June 26, 1998 to July 26, 1998 inclusive to publicize their festival.

Whereas, this ordinance constitutes an emergency measure providing for 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 the Cleveland Irish Cultural Festival, 2364 Queenston Road, Cleveland Heights, Ohio 44118; to install, maintain and remove two (2) Banners on Cleveland Public Power Poles (by separate permission), being: the 3rd pole East of East 9th Street and Euclid Avenue, on the Southerly side of the street, Pole No. B61-10; and the 4th pole East of East 9th Street and Euclid Avenue, on the Northerly side of the street, Pole No. B60-10; for the period from June 26, 1998 to July 26, 1998, inclusive. Said Banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed June 8, 1998.
 Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1043-98.**By Councilman Cintron.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to Lutheran Hospital to encroach into the public right-of-way at various locations on Vestry Avenue, West 25th Street, West 28th Street and Franklin Boulevard with nineteen (19) banners, in conjunction with their on-going banner 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 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 Lutheran Hospital (Cleveland Clinic Health System), 1730 West 25th Street, Cleveland, Ohio 44113; its successors and assigns; for the construction, use and maintenance of nineteen (19) banners to be attached to the Cleveland Electric Illuminating Company (C.E.I.) and Cleveland Public Power (C.P.P.) utility poles (by separate permission), and which banners are in conjunction with Lutheran Hospital's on-going banner program, and will encroach into various locations of Vestry Avenue, West 25th Street, West 28th Street and Franklin Boulevard as more fully described herein:

LUTHERAN HOSPITAL PROPOSED BANNER ENCROACHMENT AREA:

LOCATION:	POLE NUMBER:	OWNER:
9-Poles-Variou-E. side of W. 25th & both sides of Vestry	No #'s	C.P.P.
1-Pole-W. of the S.W. corner of W. 25th & Franklin	1140	C.E.I.
1-Pole-S. side of Franklin, at the Cinecraft driveway	44028	C.P.P.
1-Pole-N. side of Franklin, E. of Hospital parking lot	No #	C.P.P.
1-Pole-N. side of Franklin	527805	C.E.I.
1-Pole-S. side of Franklin	44029	C.P.P.
1-Pole-N. side of Franklin	44030	C.E.I.
1-Pole-S. side of Franklin	A0344	C.P.P.
1-Pole-N.E. corner of Franklin & W. 25th	No #	C.P.P.
1-Pole-E. side of W. 28, N. of Franklin	No #	C.P.P.
1-Pole-N. side of Franklin, W. of W. 28th	No #	C.E.I.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners are to be placed in the public right-of-way at the location as aforesaid in Section 1 and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 1044-98.
By Councilman Cintron.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Lutheran Hospital to encroach into portions of the public right-of-way of Vestry Avenue and West 25th Street to construct, use and maintain a directional sign, a portion of a brick retaining wall and a portion of a wrought iron and brick pier ornamental fence.

Whereas, this ordinance constitutes an emergency measure providing for 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 Lutheran Hospital (Cleveland Clinic Health System) 1730 West 25th Street, Cleveland, Ohio 44113 its successors and assigns; for the construction, use and maintenance of a directional sign, a portion of a brick retaining wall and a portion of a wrought iron and brick pier ornamental fence, which will encroach into the public right-of-way of Vestry Avenue and West 25th Street at the locations more fully described herein:

LEGAL DESCRIPTION OF SIGN ENCROACHMENT INTO VESTRY AVENUE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence South 58°-43'-36" West along the Northerly line of Vestry Avenue, as aforesaid, 118.43 feet to a point; thence South 31°-16'-24" East, 7.49 feet to a point and the principal place of beginning; thence continuing South 31°-16'-24" East, 5.33 feet to a point; thence South 58°-43'-36" West, 3.33 feet to a point; thence North 31°-16'-24" West, 5.33 feet to a point; thence North 58°-43'-36" East, 3.33 feet to a point and the principal place of beginning and containing 18 square feet of land, be the same more or less but subject to all legal highways.

LEGAL DESCRIPTION OF WALL ENCROACHMENT INTO VESTRY AVENUE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence South 58°-43'-36" West, along the Northerly line of Vestry Avenue, as aforesaid, 113.83 feet to a point and the principal place of beginning; thence South 31°-30'-41" East, 2.64 feet to a point; thence South 58°-29'-19" West, 26.42 feet to a point and P.C. of a curve; thence by the arc of a curve bearing to the right; Radius = 40.33 feet, Delta = 21°-31'-53", Arc = 15.16 feet, Chord = 15.07 feet and Chord Bearing South 69°-15'-15" West to a

point on the Northerly line of Vestry Avenue as aforesaid; thence North 58°-43'-36" East, along the Northerly line of Vestry Avenue, as aforesaid, 41.22 feet to a point and the principal place of beginning, and containing 0.002 acres of land, be the same more or less but subject to all legal highways.

LEGAL DESCRIPTION OF ENCROACHMENT INTO WEST 25TH STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Brooklyn Township Lot No. 70 and more fully described as follows:

Beginning at a point at the intersection of the Westerly line of West 25th Street (94 feet wide) and the Northerly line of Vestry Avenue (60 feet wide); thence North 31°-05'-14" West along the Westerly line of West 25th Street, as aforesaid, 159.60 feet to a point and the principal place of beginning; thence continuing North 31°-05'-14" West, along the Westerly line of West 25th Street, as aforesaid, 51.58 feet to an angle point; thence North 12°-46'-10" West along the Westerly line of West 25th Street, as aforesaid, 30.04 feet to a point; thence South 24°-21'-50" East, 80.65 feet to a point and the principal place of beginning and containing 0.0056 acres of land, be the same more or less but subject to all legal highways.

Section 2. That said directional sign, portion of brick retaining wall and portion of wrought iron and brick pier ornamental fence as aforesaid in Section 1 shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 1045-98.
By Councilman Melena.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Sagrada Familia Church to stretch banners at 7750 Detroit Avenue and 7775 Detroit Ave., for the period from June 5, 1998 to June 22, 1998, inclusive, publicizing the Church Festival.

Whereas, this ordinance constitutes an emergency measure providing for 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 Sagrada

Familia Church to install, maintain and remove banners at 7750 Detroit Ave., (pole Nos. E 6 43 and E 5 4 dark brown light poles) and 7775 Detroit Ave., (pole Nos. E 6 42 and E 5 5 dark brown light poles) for the period from June 5, 1998 to June 22, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 1046-98.
By Councilman Patmon.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Glenville Health Center to stretch banners across St. Clair Ave. near E. 107th St., for the period from June 8, 1998 to July 10, 1998, inclusive, publicizing the reopening of their Health Center.

Whereas, this ordinance constitutes an emergency measure providing for 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 Glenville Health Center to install, maintain and remove banner across St. Clair Ave. near E. 107th St., (pole No. NE695 and 509670) for the period from June 8, 1998 to July 10, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed June 8, 1998.

Effective June 17, 1998.

Ord. No. 1047-98.**By Councilman Polensek.**

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Nottingham Civic Club to encroach into various locations of the public right-of-way in the areas of St. Clair Avenue and Nottingham Road, with a total of both (approximately) thirty-one (31) banners and American flags to publicize the "Nottingham Village Neighborhood Banner 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 The Nottingham Civic Club, 18316 St. Clair Avenue, Cleveland, Ohio 44110; its successors and assigns; for the construction, use and maintenance for a total of (approximately) thirty-one (31) Banners and American Flags, to be attached to Cleveland Public Power and Cleveland Electric Illuminating Company utility poles (by separate permission), to publicize the "Nottingham Village Neighborhood Banner Project", and which Banners and American Flags will encroach into the public right-of-way at various locations on St. Clair Avenue and Nottingham Road and are more fully described as follows:

PROPOSED ENCROACHMENT AREA FOR BANNERS AND AMERICAN FLAGS:

LOCATION:	POLE NO.:	SIGNAGE:
Starting with the corner at Nottingham Road and St. Clair Avenue heading west:	nh127sw/corner	Banner
	516571	American Flag
	NH 28 - (Nottingham Hardware)	Banner
	NH 29 - (E. 187th St.)	Banner
	NH1-30	American Flag
	515859	Banner
	NH1-31	American Flag
	NH1-32	Banner
	NH1-33	American Flag
	NH1-34	Banner
	NH1-35	Banner
Starting from the northwest corner of Nottingham Road and St. Clair Avenue and heading west	5005197	Banner
	NH27A	American Flag
	505196	Banner
	A7212	American Flag
	no number (#18633 St. Clair)	Banner
	A7214	American Flag
	504801	Banner
	no number (#18611 St. Clair)	American Flag
	no number (#18607 St. Clair)	Banner
	509350	American Flag
	no number (#18523)	Banner
	no number (#18509)	American Flag
	no number (corner cafe)	Banner
	3288878	American Flag
	no number (#18421)	Banner
A7231	American Flag	
Banner		
Starting at the northeast corner of Nottingham Road and St. Clair Avenue heading east	A8110	Banner
	693439	Banner
Starting at the southwest corner of Nottingham Road and St. Clair heading east	NH121A	Banner
	NG1303	Banner

Section 2. That said Support Columns, Protective Bollards and Aerial Encroachments will be constructed within the public right-of-way at the locations aforesaid in Section 1, and with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That nothing in this Ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1, of this ordinance.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 8, 1998.
Effective June 16, 1998.

Ord. No. 1048-98.
By Councilman Willis.
An emergency ordinance authorizing the Director of Public Service to issue a permit to Case Western Reserve University to encroach into the public right-of-way of Juniper Road N.E. with decorative Pillars, Walls, Fence and Pavers for a Pedestrian Portal Entryway to the North Campus Village Dormitory.

Whereas, this ordinance constitutes an emergency measure providing for 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 Case Western Reserve University, 10900 Euclid Avenue, Cleveland, Ohio 44117, its successors and assigns; for the construction, use and maintenance of decorative Pillars, Walls, Fence and Pavers for a Pedestrian Portal Entryway to the North Campus Village Dormitory, which will encroach into the public right-of-way of Juniper Road N.E. at the locations more fully described herein.

**PROPOSED ENCROACHMENT
 AREA WITHIN JUNIPER
 ROAD N.E.:**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a parcel within the bounds of Juniper Road N.E., 60 and 70 feet in width, as renamed by Ordinance Number 1822-75, passed by the Council of the City of Cleveland, Ohio July 21, 1975, being also a part of Original One Hundred Acre Lot No. 395, bounded and described as follows:

Beginning on the northeasterly curved line of Juniper Road N.E., 70 feet in width, as now renamed, at the southeasterly corner of Sublot No. 71 in the Reallotment and Resubdivision of a part of Wade Park Allotment, of part of Original One Hundred Acre Lot Nos. 386, 387, 394, 395, 402 and 403, as shown by the recorded plat in Volume 33 of Maps, Pages 29 and 30 of Cuyahoga County Records, being also the southwesterly corner of the southerly

terminus of Magnolia Drive N.E., 70 feet in width, as shown by the Vacation Plat recorded in Volume 186 of Maps, Page 21 of Cuyahoga County Records; Course No. 1: thence South 51°-59'-50" East, along said southerly terminus of Magnolia Drive N.E., 70.00 feet to a point in a southeasterly curved line of said renamed Juniper Road N.E.; Course No. 2: thence southwesterly along said southeasterly curved line of renamed Juniper Road N.E., being along the arc of a circle deflecting to the right, 24.12 feet to a point of reverse curvature therein, said curved line having a radius of 547.25 feet and a chord which bears South 39°-05'-06" West a distance of 24.12 feet, being also the northerly end of a curved turnout connecting said southeasterly line of renamed Juniper Road N.E., 70 feet in width, with the northerly curved line of Juniper Road N.E., 60 feet in width; Course No. 3: thence southeasterly along said curved turnout, being along the arc of a circle deflecting to the left, 23.53 feet to a point of reverse curvature in said northerly curved line of Juniper Road N.E., 60 feet in width, said curved line having a radius of 12.54 feet and a chord which bears South 33°-20'-34" East a distance of 20.23 feet; Course No. 4: thence easterly along said northerly curved line of Juniper Road N.E., being along the arc of a circle deflecting to the right, 20.00 feet to a point, said curved line having a radius of 635.80 feet and a chord which bears South 82°-14'-15" East a distance of 20.00 feet; Course No. 5: thence South 8°-39'-09" West along a radial line of said northerly curved line of Juniper Road N.E., 15.70 feet to a point on the southerly face of the curved north curblin of Juniper Road N.E.; Course No. 6: thence northwesterly along said southerly face of a curved north curblin on Juniper Road N.E., being along the arc of a circle deflecting to the left and a westerly prolongation thereof, 33.64 feet to a point of tangency, said curved line having a radius of 620.10 feet and a chord which bears North 82°-54'-04" West a distance of 33.63 feet; Course No. 7: thence North 84°-58'-52" West, 13.42 feet to a point of curvature; Course No. 8: thence southwesterly along the arc of a circle deflecting to the left, 131.38 feet to a point in the easterly face of a northwesterly curved

curblin on renamed Juniper Road N.E., as aforementioned, said curved line having a radius of 153.16 feet and a chord which bears South 70°-26'-41" West a distance of 127.39 feet; Course No. 9: thence North 44°-07'-40" West along a radial line of the southerly curved line of renamed Juniper Road N.E., 19.57 feet to a point in a northeasterly curved line thereof; Course No. 10: thence northeasterly along said northeasterly curved line of renamed Juniper Road N.E., being along the arc of a circle deflecting to the left, 135.62 feet to a point of compound curvature therein, said curved line having a radius of 1598.63 feet and a chord which bears North 43°-40'-19" East a distance of 135.58 feet; Course No. 11: thence continuing northeasterly along a northeasterly curved line of renamed Juniper Road N.E., being along the arc of circle deflecting to the left, 28.70 feet to the place of beginning, said curved line having a radius of 477.25 feet and a chord which bears North 39°-31'-08" East a distance of 28.70 feet, containing 8,877 square feet of land (0.2038 acres), according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in May, 1998, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

Section 2. That said decorative Pillars, Walls, Fence and Pavers will be located within the public right-of-way of Juniper Road N.E. and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed June 8, 1998.
 Effective June 16, 1998.

Ord. No. 1049-98.

By Councilman Westbrook.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Our Father's House Church to encroach into the public right-of-way on Detroit Avenue between West 112th and West 114th Streets with seven (7) banners to be hung on Cleveland Public Power utility poles (by separate permission) from the period of July 1, 1998 to September 30, 1998 inclusive.

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

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

Section 1. That 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 Our Father's House Church, 11228 Detroit Avenue, Cleveland, Ohio 44102, its successors and assigns; for the construction, use and maintenance of seven (7) banners to be attached to Cleveland Public Power utility poles (by separate permission), for the period of July 1, 1998 to September 30, 1998, and which banners will encroach into Detroit Avenue between West 112th and West 114th Streets to publicize the celebration of the church's tenth year of serving the Community, at the locations more fully described herein.

OUR FATHER'S HOUSE CHURCH / ENCROACHMENT AREA:

LOCATION:	POLE NUMBER:	OWNER:
Detroit Avenue between West 112th and West 114th Streets	E-7-25	C.P.P.
	E-7-26	C.P.P.
	E-7-15	C.P.P.
	E-7-16	C.P.P.
	E-7-27	C.P.P.
	E-8-11	C.P.P.
	E-8-10	C.P.P.

Section 2. That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 3. That said banners will be placed in the public right-of-way at the location as aforesaid in Section 1 and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 4. That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 1050-98.

By Councilman Cintron.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Deborah James at West 45th Street and Detroit Avenue and West 28th Street and Church Avenue).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 14; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 14, at the locations specified: Deborah James at West 28th Street and Church Avenue and also at West 45th and Detroit Avenue.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1051-98.

By Councilman Cintron.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (John White).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: John White.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1052-98.

By Councilman Sweeney.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 20. (Marcella Fallest).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 20; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 20: Marcella Fallest.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1053-98.**By Councilman Sweeney.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 20. (Adam Wilson).**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 20; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 20: Adam Wilson.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1054-98.**By Councilman Zone.****An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Marcella Fallest).**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council, expressed by ordinance, is a prerequisite to peddle upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage

in peddling in the public rights of way of Ward 19: Marcella Fallest.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

Ord. No. 1063-98.**By Councilman Melena.****An emergency ordinance consenting and approving the issuance of a permit for the American Lung Associations bike-a-thon, a short run and a walk on June 14, 1998, sponsored by the American Lung Association.**

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a bike-a-thon, a short run and a walk, sponsored by the American Lung Association on June 14, 1998, the route for the bike tour and the walk will start in the Edgewater State Park. The bike-a-thon will exit Edgewater Park onto Edgewater Drive to Cove Rd. The same route will be followed when they re-enter Cleveland on the return portion of the tour. The route for the short run and walk are as follows: start lower Edgewater Park trail south east side of loop. Head west/clockwise around lower loop one full lap, then up hill on trail to entrance/exit to upper park. Right/west on Cliff Dr. to Edgewater Dr., right/west on Edgewater Dr., to easterly Harborview Dr., turn right on to Harborview Dr around to Edgewater Dr. to 117th Street. Turn back/around on Edgewater Dr., east on Edgewater Dr. to West Blvd. Left on West Blvd. to entrance road into park. Take entrance road around to last parking area, just before this area to your right is a sidewalk, turn right onto this sidewalk. Stay on this sidewalk/trail which goes behind upper pavilion to main trail going down hill. Go down hill on main trail, at bottom of hill bare left and go pass lower pavilion to finishline, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from

any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed June 8, 1998.

Effective June 16, 1998.

Ord. No. 1071-98.**By Councilmen Patmon and Westbrook.****An emergency ordinance to amend Section 111.072 of the Codified Ordinances of Cleveland, Ohio 1976, relating to the hiring of Utility Consultants by City Council.**

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

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

Section 1. That Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976, is hereby amended to read as follows:

Section 111.072 Hiring of Professional Utility Consultants by City Council.

(a) On behalf of City Council, the President of Council is hereby authorized to enter into contract with professional consultants to provide assistance to the members of Council in the investigation of utility related matters pertaining to the Divisions of Cleveland Public Power, Water, and Water Pollution Control, including but not limited to, utility rate increases, service efficiency issues, capital project performance, deregulation, and operational and financial assessments. The cost of said contracts shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 58 SF 001 and such other funds deemed appropriate by the Director of Finance.

(b) That the Director of Public Utilities shall provide notice of future water and sewer rate increases by publishing such rate increases in the City Record at least six (6) months prior to the introduction of legislation approving said rate increases and, at the same time, by providing written notice of the proposed increases to all members of Council.

Section 2. That existing Section 111.072 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No. 565-96, passed April 1, 1996, is hereby repealed.

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

Passed June 8, 1998.

Effective June 16, 1998 without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, June 8, 1998

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

Public Utilities Committee (joint with Finance Committee): 1:00 P.M. — Present: Patmon, Chairman; Coats, Vice Chairman; Britt, Cintron, Dolan, Jones, Lewis, Polensek. Excused: Moran.

Finance Committee (joint with Public Utilities Committee): 1:00

P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone.

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

Tuesday, June 9, 1998

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

Wednesday, June 10, 1998

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

City Planning Committee (Zoning): 1:00 P.M. — Present: Rybka, Chairman; Robinson, Vice Chairman; Cimperman, Jackson, White, Willis, Zone.

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

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Village of Highland Hills

Authorizing - Mayor - Directors of Parks, Recreation and Properties and Economic Development - enter into Purchase Agreement - Metropolitan Savings Bank of Cleveland - City- owned property located in the Village of Highland Hills (O 477-98) 984

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Water Mains

Water mains — cleaning and cement motor lining — public improvement — Utilities
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 (O 756-98) 986
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 Division (O 757-98) 986
 Westchester Avenue — replace sewers—public improvement — Water Pollution Control
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Water Pollution Control Loan Fund

Sewer system evaluation survey (City-wide) — apply — Water Pollution Control Loan Fund
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Boilers — install two— purchase labor and materials — West Side Market
 (O 762-98) 986
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 East 200th Street, westerly side from Mohican Avenue, N. E., north to City Line (Ward 11)
 — change use and area districts. (O 161-98) 993
 East 78th Street (westerly) between Aetna Road, S.E. and Osage Avenue, S.E. — change use
 area of lands — amend Section 1 of Ord. No. 2107-97 (O 623-98) 993
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 11) — change use district. (O 160-98) 993
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 Waterloo Road, N. E. (Lands south of) and the New York/Central Railroad and between Neff
 Road, N. E. and East 200th Street — change use and height districts of lands
 — amend Section 1 of Ord. No. 2106-97. (O 622-98) 993
 West 117th Street / Berea Road — Establish Business Revitalization District
 (O 1118-98) 970
 West 117th Street / Berea Road — establish as a Business Revitalization District.
 (O 333-98) 993