

The City Record

Official Publication of the City of Cleveland

February the Seventeenth, Nineteen Hundred and Ninety-Nine

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, FEBRUARY 17, 1999

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CITY COUNCIL

MONDAY, FEBRUARY 15, 1999

The City Record

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CECELIA R. HUFFMAN
Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

February 10, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 10, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Absent: Director Jackson.
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. 70-99.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of American National Fleet Service, Inc. for an estimated quantity of interior and exterior vehicle body repair, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on November 19, 1998, pursuant to the authority of Ordinance No. 1066-98, passed July 29, 1998 on the basis of the estimated quantity would amount to One Hundred Fifty Thousand no/100 Dollars (\$150,000.00), (5%-30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 21531 which shall be certified against such contract in the sum of Ten Thousand no/100 Dollars (\$10,000.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by American National Fleet Service, Inc., for Interior and Exterior Vehicle Body Repair, for the above-mentioned requirement contract is hereby approved:

| SUBCONTRACTOR | MBE/FBE |
|----------------------------|-------------|
| Independent Brokers | 2.14% (MBE) |
| Lake Industrial Supply Co. | 4.29% (FBE) |

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 71-99.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 23, 1998 for Various equipment and appurtenances for combination sewer and catch basin cleaners for the Division of Water Pollution Control, Department of Public Utilities pursuant to the authority of Ordinance No. 817-98 passed by the Council of the City of Cleveland on June 8, 1998 are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 72-99.

By Director Balraj.
Resolved by the Board of Control of the City of Cleveland that the bid of Dicar Corporation for the following: Protective Clothing (Items No. 1, 2, 3, 4A, 5 & 6B) for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on the 28th day of August, 1998, pursuant to the authority of Ordinance No. 1272-97, passed September 22, 1997, which on the basis of order quantity would amount to \$20,631.00 Dollars, is hereby

approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 73-99.

By Director Balraj.
Resolved by the Board of Control of the City of Cleveland that all bids received on July 9, 1998 for labor and materials necessary for painting roadways, runways and other paved areas for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 2149-97, passed by the Council of the City of Cleveland on February 2, 1998, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 74-99.

By Director Ricchiuto.
Whereas, pursuant to the authority of Ordinance No. 1786-97, passed by the Council of the City of Cleveland September 22, 1997, and Resolution No. 357-98, adopted by this Board of Control on May 13, 1998, the City, through its Director of Public Service, entered into an agreement with R. E. Warner & Associates ("Consultant"), Contract No. 53024, to supplement the regularly employed staff of the several departments of the City to obtain professional engineering services necessary for the public improvement of Grayton Road Access to Cleveland Business Park; and

Whereas, the City desires to modify the original scope of services to include additional design work involving Waterline Alternate No. 2, West 202nd Street Extension and Additional Traffic Impact Study; and

Whereas, Consultant has proposed by its November 24, 1998 letter to provide the additional engineering services mentioned above for an amount not to exceed \$26,972.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service hereby is authorized to enter into a first modification to Contract No. 53024 with R. E. Warner & Associates for the additional engineering services required for the public improvement of Grayton Road Access to Cleveland Business Park in accordance with Consultant's November 24, 1998 proposal letter. The compensation for the additional services shall not exceed a total of \$26,972.00, thereby increasing the total fee under the Agreement as modified from \$212,088.00 to \$239,060.00. The modification authorized hereby shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest.

Be it further resolved that all other terms and provisions of Contract No. 53024 not expressly modified herein shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 75-99.

By Director Jackson.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Choice Construction Co., Inc. for the public improvement of Music Hall handicap restroom installation, for the Division of Cleveland Convention Center, Department of Parks, Recreation and Properties, received on December 24, 1998, pursuant to the authority of Ordinance No. 761-98, passed May 18, 1998, for a gross price for the improvement in the aggregate amount of Sixty Seven Thousand Nine Hundred Sixty Three Dollars and 47/100 (\$67,963.47), 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 Choice Construction Co., Inc. for the above mentioned public improvement be and the same hereby is approved.

SUBCONTRACTOR

Bumgarner Mechanical Corp.

Plumbing
HVAC

Yeas: Mayor White, Directors Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 76-99.

By Director Hudecek and Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Precision Design & Construction, Inc. for the public improvement of Forest Hills Park Court Improvements, for Base Bid Items A1-A6, Add Alternate Item #1AA and Add Alternate Item #2AA, including the adjusted 5% contingency line item, for the Division of Research, Planning & Development, Departments of Community Development and Parks, Recreation & Properties, received on December 23, 1998, pursuant to the authority of Ordinance No. 619-98, passed June 15, 1998, upon a unit basis for the improvement in the aggregate amount of Twenty Six Thousand, Seven Hundred Twenty Three and 81/100 Dollars (\$26,723.81), is hereby affirmed and approved as the lowest responsible bid; and the Directors of Departments of Community Development and Parks, Recreation & Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control that the following subcontractor for Precision Design & Construction, Inc. on the public improvement of Forest Hills Park Court Improvements are hereby approved:

SUBCONTRACTOR

RESPONSIBILITY

Barrow Sign
(FBE)

Signage

Yeas: Mayor White, Directors Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 77-99.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 133-28-083 located at 8707 Cannon Avenue in Ward 2; 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, Carole Zucco, 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 2 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 Carole Zucco for the sale and development of Permanent Parcel No. 133-28-083 located at 8707 Cannon 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 Carter, Carmody, Konecek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 78-99.

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

Whereas, under said Program, the City has acquired Permanent Parcel

No. 002-01-045 located at 1363 West 80th Street in Ward 17; 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, Terry Rea, 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 17 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 Terry Rea for the sale and development of Permanent Parcel No. 002-01-045 located at 1363 West 80th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 79-99.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 119-14-066 under said Land Reutilization Program; and

Whereas, Ordinance No. 1261-98 passed October 12, 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, J.T. Bailey Company, Incorporated has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1261-98 passed October 12, 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 J.T. Bailey Company, Incorporated for the sale and development of Permanent Parcel No. 119-14-066, 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 \$840.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Acting Directors Whitlow, Shepard, Directors Hudecek, Patterson, Warren and Axelrod.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 1, 1999

9:30 A.M.

Calendar No. 99-18: 3414 Brookpark Road

3M Parkway, owner, and Michael McKnight, agent, appeal to install a 20' x 60' V-shaped double faced sign billboard on a 42" diagonal steel pole with an access ladder and (8) high output lamps with an overall height of 70' above grade, all situated on a 441' x 211' parcel at the northeast corner of State Road and Brookpark Road at 3414 Brookpark Road; said installation being contrary to Section 350.03 where the definition of a billboard is a sign directing attention to a specific business conducted elsewhere than upon the lot on which the sign is located, and Section 350.06(d) where a moving, revolving or flashing sign is prohibited, and contrary to Section 350.14 where signs for Retail Districts shall not exceed 50 sq. ft. and 25' in height and 1,200 sq. ft. and 70' in height are pro-

posed, and Section 350.08(c) where a sign shall be placed within a curbed, planted island or a minimum of 100 sq. ft. and 0' is proposed, and contrary to Section 350.10(a) where a billboard is not permitted in a Local Retail District, and Section 350.10(c) where the billboard panel shall not exceed 802 sq. ft. and 1,200 sq. ft. are proposed, and Section 350.10(d) where the maximum height permitted is 50' and 70' is proposed, and Section 350.10(g) where the billboard must be set back 1,200' from the highway edge and approximately 300' is proposed, and an automatic changeable copy is not permitted on billboards as stated in Section 350.10(I) of the Codified Ordinances.

Calendar No. 99-19: 10201 Elk Avenue

J. C. Green, owner, and Eller Media Company c/o Scott Rowland, and Anthony Calabrese, attorney, appeal to install a 48' x 14' (672 sq. ft.) billboard sign on a single steel pole in a Semi-Industry District located on the north side of Elk Avenue at 10201 Elk Avenue; said installation being contrary to Section 350.10(d)(e) where the distance between billboards shall be 2,000 ft. and requires a statement from a registered surveyor certifying a lack of billboards within 2,000 ft. of the proposed billboard, and contrary to Section 350.10(g) where a billboard must be set back 342' from a residential district and business retail district lines and 150' is proposed from the residential district, and the proposed setback from the existing freeway is less than 200' contrary to the required setback of 672' as stated in Section 350.10(h) of the Codified Ordinances.

Calendar No. 99-27: 11633 Clifton Boulevard

John C. Katsaros, d.b.a. Nola, Inc., owner, appeals to expand the use of an existing building described as a nightclub and located in a Local Retail District on the southwest corner of Clifton Boulevard at 11633 Clifton Boulevard, said expansion of use to provide entertainment and dancing being contrary to Section 343.01(b)(1)(F) and not permitted in a Local Retail District but first permitted in a General Retail District as stated in Section 359.01 of the Codified Ordinances.

Calendar No. 99-29: 802-806 Eddy Road

Northeastern Neighborhood Development Corporation c/o Bruce Jackson, agent, appeal to construct four attached townhouses on a 94' x 112' corner parcel located in a One and Two-Family District on the northwesterly side of Eddy Road at 802-806 Eddy Road; said construction being contrary to the Interior Side Yard Regulations with 0' and 5.17' being proposed where the required interior side yards shall not be less than 8' as stated in Section 357.09(2)(c) of the Codified Ordinances.

Calendar No. 99-30: 725-735 East 128th Street

Northeastern Neighborhood Development Corporation c/o Bruce Jackson, agent, appeal to construct five attached townhouses on a 124' x 154' corner parcel located in a Two-Family and Multi-Family District on the northeast corner of Brackland Avenue and East 128th Street at 725-735 East 128th Street; said construction being contrary to Section 337.03

where a multi-family dwelling is not permitted in a Two-Family District but first permitted in a Multi-Family District as stated in Section 337.08 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 16, 1999

At the Meeting of the Board of Zoning Appeals on Tuesday, February 16, 1999, the following appeals were heard by the Board:

The following appeal was **Approved**:

Calendar No. 99-1: 10507 Buckeye Road
Morning Star Baptist Church, owner, and AT&T Wireless Inc. c/o Ron Russo, appealed to install a 164' tall monopole antenna tower and a prefabricated radio equipment building and approximately 100 linear feet of 8' fencing on a 152' x 50' parcel in a General Retail Business District.

The following appeals were **Denied**:

Calendar No. 99-10: 9816 Gambier Avenue, N.W.

Tom Pallas, owner, appealed to change use of an existing two unit dwelling into a 3 unit dwelling and maintain one dwelling unit on the second floor and two dwelling units on the first floor in a Two-Family District.

Calendar No. 99-14: 4617 West 130th Street

John Cossu, owner, appealed to change use of an existing one-story masonry produce market building into a used car lot for the purpose of auto sales and repairs in a General Retail Business District.

The following appeals were **Postponed**:

Calendar No. 98-256: 12013 Ashbury Avenue postponed to March 15, 1999.

Calendar No. 99-11: 5703 Broadway postponed to March 8, 1999.

Calendar No. 99-12: 10711-10717 Detroit Avenue, a.k.a. 1420 West 107th Street postponed to March 8, 1999.

On Tuesday, February 16, 1999, in Executive Session:

The following appeal was heard on Monday, February 8, 1999, and said decision to **GRANT** was approved and adopted by the Board on Tuesday, February 16, 1999:

Calendar No. 98-266: 4280 West 150th Street

Super America L.L.C., owner c/o David L. Thomas, appealed to erect a one-story "motorist service" convenience store fuel center and a "T" shaped canopy on a vacant parcel in a Residence Office District.

The following appeal was heard on Monday, February 8, 1999, and said decision to **DENY** was approved and adopted by the Board on Tuesday, February 16, 1999:

Calendar No. 99-9: 10411-13 Prince Avenue

Virginia and Timothy Edwards, owners, appealed under Sections 329.01(e) and 329.02(d) from refusal

to approve a lot split for a 40' x 173' parcel in a Two-Family District.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, FEBRUARY 24, 1999

Check Signing, Folding and Sealing Equipment, for the Department of Finance, as authorized by Ordinance No. 1744-97, passed by the Council of the City of Cleveland, October 20, 1998.

Maplewood Ball Diamond Complex Fence Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1605-98, passed by the Council of the City of Cleveland, October 19, 1998.
A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

North Coast Harbor Improvements — Eric Side Avenue Rotary Plaza Project, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 184-99.
A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

February 10, 1999 and February 17, 1999

WEDNESDAY, MARCH 3, 1999

Rental of Digital, Multi-Functional Copier/Printers and Analog Copiers, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1065-98, passed by the Council of the City of Cleveland, July 29, 1998.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, FEBRUARY 19, 1999, 2:30 P.M. IN ROOM 514, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 10, 1999 and February 17, 1999

THURSDAY, MARCH 4, 1999

Messenger Services, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1812-98, passed by the Council of the City of Cleveland, November 16, 1998.

Painting Roadways, Runways and Other Paved Areas, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 2149-97, passed by the Council of the City of Cleveland, February 2, 1998.

Installation of Siding on the Tactical Training House, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1855-98, passed by the Council of the City of Cleveland, November 23, 1998.

Ammunition, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of the City of Cleveland, 1976.

February 10, 1999 and February 17, 1999

WEDNESDAY, MARCH 17, 1999

North Royalton Pump Station and Tank, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1239-92, passed by the Council of the City of Cleveland, June 15, 1992.

A DEPOSIT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A MANDATORY PRE-BID MEETING WILL BE HELD ON FRIDAY, FEBRUARY 24, 1999, 10:00 A.M., AT THE DIVISION OF WATER, ENGINEERING CONFERENCE ROOM, 75 ERIEVIEW PLAZA, CLEVELAND, OHIO.

February 10, 1999 and February 17, 1999

WEDNESDAY, MARCH 3, 1999

Rebuilt Allison Transmission, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2099-98, passed by the Council of the City of Cleveland, February 1, 1999.

February 17, 1999 and February 24, 1999

THURSDAY, MARCH 4, 1999

West 49th Street Sewer Replacement, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 757-98, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

February 17, 1999 and February 24, 1999

THURSDAY, MARCH 11, 1999

Gym Floor Renovations, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1727-98, passed by the Council of the City of Cleveland, October 19, 1998.

February 17, 1999 and February 24, 1999

WEDNESDAY, MARCH 17, 1999

Ductile Iron Pipe and Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified of the City of Cleveland, 1976.

February 17, 1999 and February 24, 1999

FRIDAY, MARCH 19, 1999

One (1) Endloader, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

One (1) Triplex Mower, One (1) Utility Truck with Sprayer and Two (2) Utility Vehicles, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1690-98, passed by the Council of the City of Cleveland, November 23, 1998.

February 17, 1999 and February 24, 1999

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 152-99.**

By Councilmen Willis and Cintron. An emergency resolution urging the Regional Transit Authority to continue usage of buses fueled by compressed natural gas and to conduct further studies prior to purchasing diesel powered vehicles.

Whereas, the Regional Transit Authority (RTA) buses provide service to thousands of passengers in and around the City of Cleveland; and

Whereas, in a progressive effort to ensure a cleaner environment, RTA became a leader in the transit industry by purchasing and using buses powered by natural gas, as opposed to diesel buses; and

Whereas, diesel powered buses release a greater number of carcinogenic particulates than buses powered by CNG; and

Whereas, RTA currently has 166 buses, or 22 percent of its fleet, which are powered by compressed natural gas (CNG); and

Whereas, RTA is considering the suspension of purchase and use of CNG powered buses in favor of increased use of diesel buses; and

Whereas, discontinuance of buses fueled by CNG would adversely impact the air quality of the City of Cleveland and could negatively impair the health of the residents of our neighborhoods; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges RTA to continue its progressive efforts to purchase and utilize buses powered by compressed natural gas and requests that RTA be mindful of the impact that diesel fuel has on the environment and health of the residents of the City of Cleveland.

Section 2. That the Council of the City of Cleveland requests that RTA conduct further studies of the costs and benefits of use of buses fueled by compressed natural gas before purchasing additional diesel powered buses.

Section 3. That the Clerk of Council is requested to transmit a copy of this Resolution to Ronald Tober, President of the Regional Transit Authority and U.S. Congress Representatives Kucinich and Jones.

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 February 1, 1999.
Effective February 10, 1999.

Res. No. 153-99.

By Councilmen Cimperman, Westbrook, Sweeney and Cintron.

An emergency resolution urging Giant Eagle to continue the surplus food donation policy established by Riser Foods and Stop-N-Shop Supermarkets.

Whereas, Riser Foods and Stop-N-Shop Supermarkets established a surplus food donation policy in 1992, whereby surplus food that is appropriate for distribution is made available to agencies that feed the hungry in Cleveland and Northeast Ohio; and

Whereas, food that would otherwise be wasted is provided to hungry men, women and children; and

Whereas, the Council of the City of Cleveland strongly encourages Giant Eagle, successor to Riser Foods and Stop-N-Shop Supermarkets, to continue this humanitarian policy; now, therefore,

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

Section 1. That the Council of the City of Cleveland strongly encourages Giant Eagle to continue the surplus food donation policy of Riser Foods and Stop-N-Shop Supermarkets, in order to alleviate hunger of numerous men, women and children in Cleveland and Northeast Ohio.

Section 2. That the Clerk of Council is requested to transmit a copy of this Resolution to Mark Packer, Vice President of Giant Eagle.

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

Adopted February 1, 1999.
Effective February 10, 1999.

Res. No. 198-99.

By Councilman Rybka. An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., and repealing Res. No. 1508-98, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., by Res. No. 1508-98, adopted August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a C1 and C2 Liquor Permit to 4464 Warner Rd., be and the same is hereby withdrawn and Res. No. 1508-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 199-99.

By Councilman Lewis.

An emergency resolution urging the utility companies to discontinue certain collection practices in regard to HEAP participants.

Whereas, as the Home Energy Assistance Program (HEAP) is a federally funded program administered by the State of Ohio designed to help eligible low-income Ohioans meet the high costs of home heating; and

Whereas, the members of Cleveland City Council have received a number of complaints from HEAP participants regarding the utility companies referral of them to collection agencies, threat of foreclosure and other aggressive practices, and

Whereas, HEAP was not intended to cause such results and it being in the best interest of the City that these issues be addressed and resolved; and

Whereas, a meeting between representative(s) of the utility companies and members of Cleveland City Council to discuss these issues would help to resolve these issues for the benefit of the general public; now therefore

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

Section 1. That this Council urges the local utility companies to appear and meet with members of Cleveland City Council to resolve these issues.

Section 2. That the Clerk of Council is requested to transmit a copy of this resolution to the East Ohio Gas Co. and the Cleveland Electric Illuminating Co.

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

Adopted February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Res. No. 200-99.

By Councilman Willis.

An emergency resolution urging the Mayor and his staff to join with other governmental entities for the purpose of purchasing natural gas at a decreased rate.

Whereas, the City of Cleveland, through the Department of Finance, purchases natural gas and contracts for the purchase of natural gas transportation from East Ohio Gas Company on an annual or biannual basis; and

Whereas, East Ohio Gas is the sole provider of natural gas for Cleveland; and

Whereas, since 1997, the City of Cleveland has utilized the services of a broker in order to purchase natural gas at a decreased rate, rather than purchasing natural gas directly from East Ohio Gas; and

Whereas, it may be possible for the City of Cleveland to realize a greater cost savings if other governmental entities in and around the City would work in a collaborative manner with the City to purchase natural gas; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges the Directors of Finance and Public Utilities to examine the possibility of the City of Cleveland entering into or forming a consortium with other governmental entities in and around the City of Cleveland for the purpose of purchasing natural gas from East Ohio Gas Company at a decreased rate.

Section 2. That the Clerk of Council is requested to transmit a copy of this Resolution to Mayor Michael White and Directors Carmody and Konicek, Cuyahoga County Commissioners, President of the Cuyahoga County Mayors and Managers Association, General Manager of the Regional Transit Authority.

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

Adopted February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1883-98.

By Councilman Coats.

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

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio, Revised Code and Section 183.621 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 111-11-011, as more fully described in Section 2 below, to Roscoe, Incorporated.

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

P. P. No. 111-11-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 72 and part of Sublot No. 71 in the Schatzinger Consolidated Realty Company's Maple Leaf Subdivision of part of Original One Hundred Acre Lot No. 365, as shown by the recorded plat in Volume 39 of Maps, Page 2 of Cuyahoga County Records and bounded and described as follows:

Beginning at the most Easterly corner of said Sublot No. 72; thence Northwesterly along the Southwesterly line of Vashti Avenue, N.E., 120 feet to the Southeasterly line of Denman Court; thence Southwesterly along the Southeasterly line of Denman Court 42 feet; thence Southeasterly 120.27 feet to a point in the Northwesterly line of St. Clair Avenue, N.E., 10 feet Southwesterly from the most Easterly corner of said Sublot No. 71; thence Northeasterly along the Northwesterly line of St. Clair Avenue, N.E., 50 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Restrictions recorded in Volume 1336, Page 388 of Cuyahoga County Records.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1957-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3709 East 57th Street to Broadway Area Housing Coalition or designee.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722

of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 131-37-087, as more fully described in Section 2 below, to Broadway Area Housing Coalition or designee.

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

P.P. No. 131-37-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 187 in Hubbard Cooke, Trustee's Allotment of part of Original One Hundred Acre Lots Nos. 317 and 321, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 21 of Cuyahoga County Records, said Sublot No. 187 has a frontage of 40 feet on the Easterly side of East 57th Street (formerly Vergennes Street) and extends back of equal width 140 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1958-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8303 Goodman Avenue to Eric J. Stopar.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 134-14-070, as more fully described in Section 2 below, to Eric J. Stopar.

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

P.P. No. 134-14-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in the Goodman Subdivision of part of Original One Hundred Acre Lots Nos. 463 and 464 as shown by the recorded plat in Volume 24 of Maps, Page 3 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Goodman Avenue, S.E., and extending back of equal width 121.60 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

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

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2009-98.

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

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

Whereas, by Ordinance No. 1270-98, passed _____, this Council designated the Lee-Harvard Area Urban Redevelopment Area ("Area") and approved the Lee-Harvard Area Urban Redevelopment ("Plan"); and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, improvements to real property within the Area and consistent with the Plan, may be declared to be a public purpose where fee title to such real property was, at one time, held by the City of Cleveland; and

Whereas, pursuant to the authority of Ordinance No. 1267-98, passed August 19, 1998, the City acquired fee title to certain real property within the Area, which is more particularly described in the documents set forth in the file described in Section 1 of this ordinance (the "Real Property"), prior to adoption of this Ordinance; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, such improvements so declared to be a public purpose may be exempt from real property taxation; and

Whereas, pursuant to Section 5709.42 of the Ohio Revised Code, the owners of such improvements may be required to make annual service payments in lieu of taxes that would have been paid had such improvements not been exempt; and

Whereas, pursuant to Section 5709.41 of the Ohio Revised Code, said exemption may exceed 75% of such improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvements not been exempt; and

Whereas, the Cleveland City School District has been notified of the intent to enter into the agreement authorized herein, in compliance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code; and

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

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

Section 1. That the improvements to be constructed in the Area by LH

Development LLC ("Redeveloper"), as more fully described in the plans contained in File No. 2009-98-A ("Improvements"), on the Real Property, are hereby declared to be a public purpose, for purposes of Section 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are hereby declared exempt from real property taxation for a period of fifteen years; and that in no event shall the exemption period extend beyond December 31, 2015.

Section 3. That, pursuant to Section 5709.42 of the Ohio Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of fifteen years in lieu of said exempt taxes to the Cuyahoga County Treasurer; said payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected pursuant to Section 3 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the district had the Improvements not been exempt from taxation.

Section 5. That the Director of Economic Development is hereby authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described herein, including agreements securing the payments described in Section 3 of this Ordinance, which agreement or agreements shall contain those terms set forth in the Executive Summary contained in the file referenced in Section 1 of this Ordinance and such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest, which agreement(s) shall contain those terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 6. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2048-98.
By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the purchase by contract of not to exceed twenty-two shields and appurtenances, for the Division of Water, Department or Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed twenty-two (22) hydraulic shoring shields and appurtenances, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24036.

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

Passed February 1, 1999.

Effective February 10, 1999.

Ord. No. 2058-98.
By Councilmen Jones, Jackson, Rybka and Johnson (by departmental request).

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

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

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate

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

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

Section 1. That this Council hereby approves the application of West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA for enterprise zone incentives on the basis that West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with West 25th Street Partners and Western Reserve Specialties, Inc., dba Euro-USA to provide for a ten (10) year abatement for certain inventory and certain tangible personal property and real estate taxes as an incentive for the acquisition of a building, expansion, and the purchase of machinery and equipment for its facility located at Cleveland Industrial Park, Block A — Johnston Parkway in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 2058-98-A. The terms of said file notwithstanding, the terms of the tax abatement shall not be amended, nor shall the tax abatement be assignable or transferrable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2094-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of maintenance of Digital Equipment Corporation computer equipment, for the Division of Financial Reporting and Control, Department of Finance.

Whereas, this ordinance constitutes an emergency measure providing for 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 make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance of Digital Equipment Corporation computer equipment, for a period of one year with an option exercisable by the Director of Finance for an additional one (1) year term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Financial Reporting and Control, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-15-10-0610, Request No. 23256.

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2096-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of exterminating services in the estimated sum of \$70,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and

the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22998)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2097-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to install and repair fencing at various locations, for the Division of Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make 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 install and repair fencing at various locations in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23035)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2099-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of rebuilt or remanufactured automatic Allison transmissions, including installation if necessary, recalibration of valve bodies, and oil and filter changes, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of rebuilt or remanufactured automatic Allison transmissions, including installation if necessary, recalibration of valve bodies, and oil and filter changes, 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 Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 24154)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2102-98.
By Councilmen Gordon and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Health is hereby authorized to accept a grant in the approximate amount of \$126,000, and any other

funds as they become available during the grant term, from the Ohio Department of Health, to conduct the STD - Diagnostic and Treatment Services Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

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

Section 3. That the application for said grant, File No. 2102-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2106-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to replace the air conditioning chiller at the First District Police Station, including removal and disposal of existing chiller, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to replace the air conditioning chiller at the First District Police Station, including removal and disposal of existing chiller, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 20 SF 351, Request No. 21707.

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

Passed February 1, 1999.

Effective February 10, 1999.

Ord. No. 2107-98.

By Councilmen Willis and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair or replace fencing for baseball diamond fields, parks and playgrounds, shall not exceed \$60,000 for the term of the contract, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22466)

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 2108-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept grants from the Cuyahoga Metropolitan Housing Authority for the Midnight Basketball Grant.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept grants from the Cuyahoga Metropolitan Housing Authority, each year for a period of five (5) years, in the approximate amount of \$25,000 for the first project year, to conduct the Midnight Basketball Grant, for the purposes set forth in the program description and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the program description for said grant.

Section 2. That the program description for said grant, File No. 2108-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed February 1, 1999.

Effective February 10, 1999.

Ord. No. 2109-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to replace exterior and interior doors, frames, including hardware and miscellaneous materials, and installation if necessary, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to replace exterior and interior doors, frames, including hardware and miscellaneous materials, and installation if necessary, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Property Management, Department of Parks, Recreation and Properties.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 20 SF 354, Request No. 21708.

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

Passed February 1, 1999.

Effective February 10, 1999.

Ord. No. 2110-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair or replace damaged safety surfaces in playgrounds, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, 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 Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair or replace damaged safety surfaces in playgrounds in the estimated sum of \$25,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22468)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2164-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to fabricate ring and pinion gears, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of

Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to fabricate ring and pinion gears in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24040)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2168-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the procurement by requirement contract of the rental of one concrete saw, for the Division of Water, Department of Public Utilities.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which pro-

urement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24041)

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2169-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of labor and materials necessary to replace the generator at the Pearl Road Pumping Station, including installation, if necessary, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to replace the generator at the Pearl Road Pumping Station, including installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 229, Request No. 24042.

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

Passed February 1, 1999.
 Effective February 10, 1999.

Ord. No. 2170-98.
By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with International Business Machines for the purchase of maintenance and support of an IBM computer system and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than International Business Machines

("IBM"). Therefore, the Director of Public Utilities is hereby authorized to make a written contract with said IBM for maintenance and support of an IBM computer system and appurtenances, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 24044.

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

Passed February 1, 1999.
Effective February 10, 1999.

Ord. No. 28-99.

By Councilmen Coats and Johnson (by departmental request).

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

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Dictaphone Corporation. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said Dictaphone Corporation upon the basis of its proposal dated July 21, 1998, for maintenance services for Dictaphone equipment, including logging and playback recorders, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20681.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 29-99.

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

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

Whereas, the Council of the City of Cleveland, by Resolution No. 39-99, adopted January 11, 1999, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of expanding Brookside Park; and

Whereas, notice of adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

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

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

Section 1. That for the public purpose of expanding Brookside Park, the following described fee simple interests be and the same hereby are appropriated: Sublot Number 1 through 8 in the Municipal Realty Company's Memphis Avenue Subdivision as recorded in Volume 84, Page 12 of the Cuyahoga County Map Records.

Section 2. That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests hereinbefore described.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 93-99.

By Councilman Johnson (by departmental request).

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

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

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

Section 1. That it is hereby determined that natural gas transportation services are non-competitive and cannot be secured from any source other than the East Ohio Gas Company. Therefore, the Director of Finance is hereby authorized to make a written requirement contract with said East Ohio Gas Company for a period of one year, for natural gas transportation services, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government.

Section 2. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the

purchase of natural gas to be transported by the East Ohio Gas Company in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made or all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. Prior to the presentation of a resolution to the Board of Control for the selection of a contractor or contractors under this Section, the Director of Finance shall report to this Council, through its Clerk, as to the identity of the contractor or contractors recommended by the Director and the contract amount to be paid under each such contract.

Section 3. That the cost of said contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchases thereunder, which purchases, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contracts duly certified by the Director of Finance. (RL 23266)

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 139-99.

By Councilman Westbrook.

An emergency ordinance to amend Section 455.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 552-90, passed June 18, 1990 parking spaces at Willard Park Garage.

Whereas, this ordinance constitutes an emergency measure providing for 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 455.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 552-90, passed June 18, 1990 is hereby amended to read as follows:

Section 455.061 Reserved Parking Spaces at Willard Park Garage

The Commissioner of Parking Facilities shall designate parking spaces in the Willard Park Garage to be reserved at no charge for members of Council and such members of Council staff as the President shall designate, the Clerk of Council, the Mayor and such members of his staff as the Mayor shall designate, the directors of the departments, and the Chiefs of Police and Fire. When signs are posted giving notice of such reserved parking

spaces, no other person shall park in such reserved parking spaces on Mondays from 8:00 a.m. to 10:00 p.m., and on other weekdays and Saturdays from 8:00 a.m. to 6:00 p.m.

Section 2. That existing Section 455.061 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 552-90, 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.

Passed February 1, 1999.
Effective February 10, 1999.

Ord. No. 194-99.

By Councilman Cimperman.

An emergency ordinance consenting to and approving the issuance of a permit for the Walk for Hunger on May 8, 1999, sponsored by the Hunger Network of Greater Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 8, 1999, beginning at Burke Lakefront Airport and progresses to E. 9th St., south on E. 9th St. to Lakeside, west on Lakeside to W. 3rd St., south on W. 3rd to St. Clair, west on St. Clair to W. 9th St., south on W. 9th to Superior, east on Superior to Ontario, south on Ontario to Huron, east on Huron to Erie, east on Erie to E. 9th St., north on E. 9th St. to Huron, east on Huron to Euclid, west on Euclid back to E. 9th St., north on E. 9th to Superior, west on Superior to Mall, cross through Mall to Lakeside, east on Lakeside to E. 9th, north on E. 9th St. to North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 195-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1815 and 1817 East 79th Street to Paula Gist Shivers.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-01-004 and 119-01-005, as more fully described in Section 2 below, to Paula Gist Shivers.

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

P.P. No. 119-01-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Sublots 1 and 2 in L.M. Holt's Re-Subdivision of part of Original 100 Acre Lots 391 and 392, as shown by the recorded plat of said Re-Subdivision in Volume 5 of Maps, Page 29 of Cuyahoga County Records, and more particularly bounded and described as follows:

Beginning in the Westerly line of said Sublot No. 1, at a point distant 114-1/2 feet Southerly, (measured along said Westerly line), from the Northwesterly corner thereof, said Westerly line of said Sublot No. 1, being also the centerline of East 79th Street (50 feet wide), formerly known as East Madison Avenue and the Northerly line of said Sublots 1 and 2 being also the Southerly line of Hough Avenue, N.E.; thence Easterly parallel with the Southerly line of Hough Avenue, N.E., 150 feet to a point; thence Southerly parallel with the Westerly line of said Sublot No. 1, which is also the centerline of East 79th Street, a distance of 32-1/2 feet to a point in the Southerly line of said Sublot No. 2; thence Westerly along the Southerly line of said Sublots Nos. 2 and 1 to the Southwesterly corner of said Sublot No. 1, which is in the centerline of East 79th Street; thence Northerly along the centerline of East 79th Street, a distance of 32-1/2 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Right-of-way from R. E. Burdick and Mary H. Burdick to Elizabeth Odbert, dated March 29, 1895, filed for record April 6, 1895 and recorded in Volume 597, Page 366 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

P.P. No. 119-01-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the easterly 207 feet of Sublot No. 4 in L.M. and A.J. Holt's Re-subdivision of part of Original 100 Acre Lot Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records, and being 50 feet front on the easterly side of East 79th Street, and extending back between parallel lines 207 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 196-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1893, 1895, 1899 East 51st Street to Rhonda Bowman.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 119-01-069, 119-01-070 and 119-01-071, as more fully described in Section 2 below, to Rhonda Bowman.

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

P.P. No. 119-01-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 399, and bounded and described as follows:

Beginning on the Easterly line of East 81st Street (formerly Princeton Street) 45 feet wide, at its intersection with the Northerly line of land conveyed to Thomas Larter, by deed dated June 30, 1892, and recorded in Volume 517, Page 519 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Thomas Larter and parallel with the Northerly line of said Original Lot No. 399 about 87.36 feet to the Westerly line of land conveyed to Maria O. Barkwill by deed dated January 26, 1895, and recorded in Volume 589, Page 474 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Maria O. Barkwill, 25 feet; thence Westerly and parallel with the Northerly line of said Original Lot No. 399, about 87.36 feet to the Easterly line of East 81st Street; thence Southerly along the Easterly line of East 81st Street, 25 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-01-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot 399, bounded and described as follows: Beginning on the Easterly line of East 81st Street (45 feet wide) at the Southwesterly corner of a parcel of land conveyed to Gilbert P. Deering by deed dated December 4, 1939, and recorded in Volume 5043, Page 349 of Cuyahoga County Records; said place of beginning being also distant Southerly measured along the Easterly line of said East 81st Street, 923.04 feet from the Southerly line of Hough Avenue N.E. (66 feet wide); thence Southerly along the Easterly line of said East 81st Street 40 feet; thence Easterly parallel with the Southerly line of said parcel so conveyed to Gilbert P. Deering and the Easterly prolongation thereof, about 97 feet to the Westerly line of a parcel of land conveyed to the Bayer Goodman Company by deed dated March 1, 1933 and recorded in Volume 4292, Page 51 of Cuyahoga County Records; thence Northerly along the Westerly line of said parcel so conveyed to the Bayer Goodman Company and along the Westerly line of a parcel of land conveyed to Robert Larter Nelson by deed dated November 1, 1928 and recorded in Volume

3735, Page 391 of Cuyahoga County Records 40 feet to the Northwesterly corner of said parcel and the Easterly prolongation of the Southerly line of the parcel conveyed to Gilbert P. Deering as aforesaid; thence Westerly along said Easterly prolongation and along the Southerly line of said parcel so conveyed to Gilbert P. Deering about 97.36 feet to the place of beginning be the same more or less, but subject to all legal highways.

P.P. No. 119-01-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 399, and bounded and described as follows: Beginning on the Easterly side of East 81st Street at the Northwesterly corner of land conveyed to Thomas J. McMurdie by Deed dated January 23, 1920, and recorded in Volume 2371, Page 50 of Cuyahoga County Records; thence Northerly along the Easterly line of East 81st Street, about 40 feet to the Southwesterly corner of land conveyed to Ida Isaacs by Deed dated October 27, 1941, and recorded in Volume 5419, Page 436 of Cuyahoga County Records; thence Easterly along the Southerly line of land so conveyed to Ida Isaacs, about 97 feet to the Westerly line of land conveyed to The Mac Seiber Realty Co. by Deed dated August 15, 1936, and recorded in Volume 4653, Page 691 of Cuyahoga County Records; thence Southerly along the Westerly line of land conveyed to The Mac Seiber Realty Co., about 40 feet to the Northerly line of land conveyed to Henry S. Johnson by Deed dated December 22, 1905, and recorded in Volume 1009, Page 576 of Cuyahoga County Records; thence Westerly along the Northerly line of land so conveyed to Henry S. Johnson and along the Northerly line of land conveyed to Thomas J. McMurdie, as aforesaid, about 96.75 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain

such provisions as may be necessary to protect and benefit the public interest.

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 197-99.

By Councilmen White, Britt and Cimperman.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2468 West 7th Street, 2478 West 5th Street, 10518 Grandview Avenue, 10512 Grandview Avenue and Gay Avenue to Cleveland Housing Network Limited Partnership XVI.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-17-026 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 004-17-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northwesterly one-half of the Sublot No. 163 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87, as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Southwesterly side of West 7th Street (formerly University Street) and extending back of equal width 226 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 004-19-101 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 004-19-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 125 feet of Sublot No. 713 in S.S. Ston's College Tract Subdivision of the Original Brooklyn Township Lot No. 87. Said Sublot has a frontage of 33 feet on the Westerly side of West 5th Street and extends back of equal width 125 feet deep, and as found recorded in Volume 2 of Maps, Pages 31 and 32 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-01-075 as more fully described in Section 6 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 128-01-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as described as follows:

Namely being part of Original One Hundred Acre Lot No. 418 bounded and described as follows:

Beginning on the Southerly line of a proposed Street 40 feet wide to be called Grandview Avenue; the Southerly line of which is parallel with and distant 105 feet Northerly from the Southerly line of land set off to Clara Burroughs in the partition of lands belonging to the estate of Rudolph Edwards, as recorded in Cuyahoga County Common Pleas Records in Volume 40, Page 440, at a point on the Southerly line of proposed Grandview Avenue, 1058-91/100 feet Westerly from its intersection with the Easterly line of said Original Lot No. 418; thence Westerly, along the Southerly line of said proposed street 40 feet; thence Southerly, at right angles with the last described line 105 feet to the Southerly line of lands set off to Clara Burroughs as aforesaid; thence Easterly, along said line 40 feet; thence Northerly 105 feet to the place of beginning and being further known as Sublot No. 17 in Charles A. Bingham's proposed Luna Subdivision of part of Original One Hundred Acre Lots No. 417

and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records; be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 128-02-111 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 128-02-111

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Charles L. Bingham's Luna Heights Subdivision of part of Original One Hundred Acre Lots Nos. 417 and 418, as shown by the recorded plat in Volume 42 of Maps, Page 19 of Cuyahoga County Records and being 40 feet front on the Southerly side of Grandview Avenue, S.E., and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 135-18-036 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XVI.

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

P.P. No. 135-18-036

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 110, 111 and 112 in A. Harris Subdivision of part of Original One Hundred Acre Lots Nos. 449 and 450, as shown by the recorded plat in Volume 4 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land 150 feet front on the Southerly side of Gay Avenue, S.E., and extending back of equal width 100 feet, the Westerly side of said premises, being the Easterly side of East 100 Street, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 135-18-037 as more fully described in Section 12 below, to Cleveland Housing Network Limited Partnership XVI.

Section 12. That the real property to be sold pursuant to Section 11 of

this Ordinance is more fully described as follows:

P.P. No. 135-18-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 113, 114 and 115 in Ariel Harris Allotment of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat in Volume 4 of Maps, Page 16 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 150 feet on the Southerly side of Gay Avenue, S.E., and extending back of equal width 100 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed February 8, 1999.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Tuesday, February 16, 1999

Community and Economic Development Committee (Block Grant Hearings): 9:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

Wednesday, February 17, 1999

Community and Economic Development Committee (Block Grant Hearings): 9:00 A.M. — Present: Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

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