

The City Record

Official Publication of the City of Cleveland

March the Eighteenth, Nineteen Hundred and Ninety-Eight

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson.....	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	William W. Patmon.....	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Edward W. Rybka.....	6832 Indiana Avenue	44105
13	Joe Cimperman.....	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1813 Tampa Avenue	44109
16	Larry Moran.....	3584 West 46th Street	44102
17	Timothy J. Melena.....	6109 West Clinton Avenue	44102
18	Jay Westbrook.....	10513 Clifton Boulevard	44102
19	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111
	Clerk of Council—Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk—Sandra Franklin.		
MAYOR—Michael R. White			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
DEPT. OF LAW – Sylvester Summers, Jr., Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch – Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
DEPT. OF FINANCE – Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
DIVISIONS – Accounts – Gayle Goodwin Smith, Commissioner, Room 19 City Treasury – Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses – Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies – William A. Moon, Commissioner, Room 128			
Printing and Reproduction – James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control – _____, Contoller, Room 18			
Information Systems Services – Hamid Manteghi, Commissioner, 1404 E. 9th St.			
DEPT. OF PUBLIC UTILITIES – Michael Konicek, Director, 1201 Lakeside Avenue			
DIVISIONS – 1201 Lakeside Avenue			
Water – Julius Ciaccia, Jr., Commissioner			
Water Pollution Control – Darnell Brown, Commissioner			
Utilities Fiscal Control – Morry Blech, Commissioner			
Cleveland Public Power – James F. Majer, Commissioner			
Street Lighting Bureau – Frank Schilling, Acting Chief.			
DEPT. OF PORT CONTROL – LaVonne Sheffield-McClain, Acting Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE – Henry Guzmán, Director, Room 113			
DIVISIONS – Waste Collection and Disposal – Larry Hines, Commissioner, 5600 Carnegie Avenue.			
Streets – Randell T. Scott, Commissioner, Room 25			
Engineering and Construction – JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture – Kenneth Nobilio, Commissioner, Room 517			
DEPT. OF PUBLIC HEALTH – Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
DIVISIONS – Health – Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment – Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
DEPT. OF PUBLIC SAFETY – William M. Denihan, Director, Room 230.			
DIVISIONS – Police – Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire – Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service – Bruce Shade, Commissioner, 1708 South Pointe Drive			
DEPT. OF PARKS, RECREATION & PROPERTIES – Oliver B. Spellman, Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
DIVISIONS – Convention Center & Stadium – James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management – Vernon Robinson, Commissioner, E. 49th & Harvard			

Parking Facilities – Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.

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

Recreation – Michael Cox, Acting Commissioner, Room 8

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

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

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

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

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

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

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Sylvester
Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary;
Council President Jay Westbrook.

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

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

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

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

MORAL CLAIMS COMMISSION – Law Director Sylvester Summers, Jr.;
Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay
Westbrook.

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, MARCH 18, 1998

No. 4397

CITY COUNCIL

MONDAY, MARCH 16, 1998

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio March 16, 1998.

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

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

Also present were Mayor White and Directors Summers, Carmody, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Morrison and Acting Directors Sheffield-McClain, Carter, Jackson, Terry and Alexander.

Absent: Directors Konicek, Denihan and Axelrod.

Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by Father Brendan McNulty of Saints Phillip and James Catholic Church, located in Ward 19. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 417-98.

Received, letters from various entities apprising the Council that each said entity will be a partner in a residential development project located in various wards, with any development dependent upon various funding programs and tax credits, some through the Ohio Housing Finance Agency, and allowing for public comment regarding each project's impact. The following entity sent letter for the development listed with project type and number of units:

Broadway Area Housing Coalition for Harvard School Senior Apartments (Maximum 60 Apartments). Received.

File No. 459-98.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 004-98. Received.

File No. 460-98.

From the Department of Public Safety re: The Jewish Community Federation of Cleveland donated \$500.00, for the purchase of equipment for use in the gym of the Division of Police. Received.

File No. 461-98.

From the Division of Purchases and Supplies re: Requirement Contract/ Monthly Report March, 1998. Received.

File No. 462-98.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-01769). Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 463-98.

Re: New Application - 9154910 - Union Discount Inc. dba Union Discount, 11703 Union Avenue. (Ward 3). Received.

File No. 464-98.

Re: New Application - 07710350005 - BD of Park Commissioners Cleveland Metro Park District dba Final Round Cafe Little Met, 18599 Old Lorain Road. (Ward 21). Received.

File No. 465-98.

Re: New Application - 0771035 - BD of Parks Commissioners Cleveland Metro Park District dba Mastick Woods Riverview Cafe, 19900 Puritas Road. (Ward 21). Received.

File No. 466-98.

Re: Stock Transfer Application - 3664846 - Hattons Inc. dba Arena Bar, 3604-12 Euclid Avenue, first floor. (Ward 5). Received.

CONDOLENCE RESOLUTION

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

Res. No. 483-98. Henry Jontony.

CONGRATULATORY RESOLUTIONS

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

Res. No. 484-98. Thomas J. Gibbons.

Res. No. 485-98. Cleveland Human Rights Campaign.

Res. No. 486-98. Walter P. Dever.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 467-98.

By Councilman Johnson (by departmental request).

An emergency ordinance to authorize the Director of Finance to obtain a substitute credit enhancement or liquidity facility for the City's Subordinated Income Tax Variable Rate Refundable Bonds, Series 1994 and to execute agreements in connection therein.

Whereas, pursuant to Ordinance No. 367-94 passed on March 14, 1994 (the Bond Legislation), the City of Cleveland, Ohio (the Issuer) issued its Subordinated Income Tax Variable Rate Refunding Bonds, Series 1994, dated June 2, 1994 (the Bonds) which are currently outstanding in the aggregate principal amount of \$72,800,000; and

Whereas, pursuant to the Bond Legislation, the Director of Finance obtained a credit facility from Union Bank of Switzerland, New York Branch and Credit Suisse, New York Branch to enhance the credit and liquidity of the Bonds and, in connection therewith, entered into a letter of credit and reimbursement agreement; and

Whereas, the credit facility has a stated expiration date which precedes the final maturity of the Bonds, and it is therefore necessary to extend or replace the credit facility from time to time in order to continue to provide the necessary liquidity and credit enhancement of the Bonds; and

Whereas, from time to time the cost of maintaining a credit or liquidity facility may be reduced by obtaining a substitute credit or liquidity facility from a different credit facility provider; and

Whereas, it is necessary to authorize the Director of Finance to obtain a substitute credit facility as soon as possible in order to provide for the delivery of such substitute credit facility not less than five business days prior to the expiration date of the current credit facility and to enable the Issuer to achieve the desired debt service savings on the Bonds, and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual and daily operation of a municipal department;

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

Section 1. Substitute Credit or Liquidity Facilities.

If the Director of Finance, based upon the written advice and recommendation of the Issuer's financial advisor, determines from time to time that it is in the best interest of the Issuer to obtain a substitute credit or liquidity facility for the Bonds, then the Director of Finance is authorized to obtain one or more substitute credit enhancement or liquidity facilities for the Bonds in accordance with such recommendation and to execute, deliver and perform any items or agreements in connection therewith, after the same shall have been approved as to form and correctness by the Director of Law, which agreements may provide for the payment of the cost of obtaining each such substitute credit or liquidity facility, and the reimbursement of the provider thereof for amounts drawn thereunder, from the Pledged Revenues, as defined in the Bond Legislation, and the Mayor

and the Director of Finance are authorized to sign and deliver such amendments to the Indenture of Trust between the Issuer and Star Bank, National Association, as Trustee, dated as of May 15, 1994 (the Indenture) as may be necessary to accommodate the requirements of the provider of any such substitute credit facility, after the same shall have been approved as to form and correctness by the Director of Law, provided that no such agreement or amendment may purport to entitle the credit or liquidity facility provider to payment or reimbursement from any source other than the Pledged Revenues, and provided further that no such agreement or amendment shall entitle the provider of any such credit or liquidity facility to be paid interest at a rate higher than the maximum rate on the Bonds permitted under the Bond Legislation or to have the principal amount of any Bonds for which such credit or liquidity facility provider has made payment retired more rapidly than would be called for by the Bond Legislation.

Section 2. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with law.

Section 3. Emergency Measure.

For the reasons set forth in the preamble hereto, which are made a part hereof, this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 468-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to clean and maintain sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to clean and maintain storm and sanitary sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials,

in the estimated sum of \$200,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22531)

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

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

Ord. No. 469-98.

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

An emergency ordinance determining the method of making the public improvement of implementing Phase II of the sound insulation program for homes in the vicinity of Cleveland Hopkins International Airport; authorizing the Director of Port Control to enter into contract for the making of such improvement; authorizing the Director to employ professional consultants necessary to make such improvement; and authorizing the Director to enter into related agreements.

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of implementing Phase II of the sound insulation improvement program for homes in the vicinity of Cleveland Hopkins International Airport, (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

Section 2. That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component

part of the Improvement may be treated as a separate improvement, and each, or any combination, or such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Port Control is hereby authorized and directed to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to make the Improvement, including, but not limited to, architectural, engineering, design, noise measurement, title and recording, construction inspection, program and construction management, environmental testing, hazardous materials removal and disposal, and administrative services.

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

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

Section 5. That the costs of the contracts authorized herein shall be paid from Fund No. 60 SF 122, 61 SF 097 and from any funds or subfunds to which are or may be credited any federal grants or federal passenger facilities charges authorized for the making of the above Improvement, and the proceeds from the sale of any airport revenue bonds issued for a purpose which would include the above Improvement, Request No. 22542.

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

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

Ord. No. 470-98.

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1998 Federal AIDS Prevention Program; and to enter into contract with various entities to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the approximate amount of \$881,054, and such other funds as may become available during the grant year, from the Ohio Department of Health, to conduct the 1998 Federal AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 470-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into contract with various entities, including the Free Clinic of Greater Cleveland, the AIDS Task Force of Greater Cleveland, MetroHealth Systems Center for Community Health, the Hispanic Urban Minority Alcohol & Drug Abuse Outreach Program, Murtis H. Taylor Multi-Purpose Center, Health Museum of Cleveland, the Cleveland Treatment Center and the Open House, to implement the Program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 471-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of reclamite asphalt rejuvenating agent in the estimated sum of \$500,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a peri-

od 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 21353)

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

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

Ord. No. 472-98.

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

An emergency ordinance to amend Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 91-96, passed March 18, 1996, relating to traffic code misdemeanor classifications and penalties.

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

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

Section 1. That Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 91-96, passed March 18, 1996, is hereby amended to read as follows:

Section 403.99 Traffic Code Misdemeanor Classifications and Penalties

(a) Misdemeanor Classifications.

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

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

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

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

B. If, within **six** years of the offense, the offender has been convicted of or pleaded guilty to one violation of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case

in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the offender is guilty of a misdemeanor of the first degree and the court shall sentence the offender to a term of imprisonment of ten consecutive days and may sentence the offender pursuant to division (b) of Section 403.99 to a longer term of imprisonment. In addition, the court shall impose upon the offender a fine of not less than three hundred dollars (\$300.00) and not more than one thousand five hundred dollars (\$1,500). In addition to any other sentence that it imposes upon the offender, the court may require the offender to attend a drivers' intervention program that is certified pursuant to RC 3793.10. If the officials of the drivers' intervention program determine that the offender is alcohol dependent, they shall notify the court, and the court shall order the offender to obtain treatment through an alcohol and drug addiction program authorized by RC 3793.02. The cost of the treatment shall be paid by the offender.

C. If, within **six** years of the offense, the offender has been convicted of or pleaded guilty to two violations of division (a) or (b) of Section 433.01, RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of thirty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition, the court shall impose upon the offender a fine of not less than five hundred dollars (\$500.00) and not more than two thousand five hundred dollars (\$2,500).

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

D. If, within five years of the offense, the offender has been convicted of or pleaded guilty to three or more violations of division (a) or (b) of Section 433.01 and RC 4511.19, a municipal ordinance relating to operating a vehicle while under the influence of alcohol, a drug of

abuse, or alcohol and a drug of abuse, a municipal ordinance relating to operating a vehicle with a prohibited concentration of alcohol in the blood, breath, or urine, RC 2903.04 in a case in which the offender was subject to the sanctions described in Division (D) of that section, or RC 2903.06, 2903.07, or 2903.08 or a municipal ordinance that is substantially similar to RC 2903.07 in a case in which the jury or judge found that the offender was under the influence of alcohol, a drug of abuse, or alcohol and a drug of abuse, the court shall sentence the offender to a term of imprisonment of sixty consecutive days and may sentence the offender to a longer definite term of imprisonment of not more than one year. In addition and notwithstanding division (b) of Section 403.99, the court shall impose upon the offender a fine of not less than seven hundred fifty dollars (\$750.00) nor more than ten thousand dollars (\$10,000).

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

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

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

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

Notwithstanding any section of the Revised Code or this Traffic Code that authorizes the suspension of the imposition or execution of a sentence or the placement of an offender in any treatment program in lieu of imprisonment, no court, except as specifically authorized by division (a) (2)A. of this section, shall suspend the three consecutive days of imprisonment required to be imposed by division (a) (2)A. of this section or place an offender who is sentenced pursuant to division (a) (2)A. of this section in any treatment program in lieu of imprisonment until after the offender has served the three consecutive days of imprisonment required to be imposed pursuant to division (a) (2)A. of this section.

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

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

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

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

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

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

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

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

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

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

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

(c) License Suspension.

(1) The trial judge of the Cleveland Municipal Court, in addition to or independent of all other penalties

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

A. Division (a) of Section 431.38:
B. Sections 435.01 to 435.07, inclusive;

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

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

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

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

Section 2. That existing Section 403.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 91-96, passed March 18, 1996, is hereby repealed.

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

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

Ord. No. 473-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 13713-15 McElhatten Avenue to Frances R. Carson.

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). 112-01-044, as more fully described in Section 2 below, to Frances R. Carson.

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. 112-01-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in Henry C. Wick Subdivision of part of Original 100 Acre Lot No. 351 as shown by the recorded plat in Volume 28 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Northerly side of McElhatten Avenue, N.E. and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 474-98.
By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development to conduct the State Home Weatherization Assistance Program and to enter into contract with various organizations, individual landlords, tenants and contractors for the purpose of providing weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

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

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

Section 1. That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of \$2,066,523.00 from the State of Ohio Department of Development, to conduct the State Home Weatherization Assistance Program and 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 Community Development is authorized to enter into contract with individual landlords, tenants, contractors, and various non-profit organizations for the provision of weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

Section 3. That the cost of said contracts shall not exceed, in the aggregate, \$2,066,523.00 and shall be paid from Fund Nos. 13 SF 868, 13 SF 869 and 13 SF 870.

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

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

Ord. No. 475-98.
By Councilmen Lewis, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1777 Crawford Road and 1790 East 86th Street to Albert L. Owens and Cynthia L. Owens.

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). 119-03-070 and 119-03-096, as more fully described in Section 2 below, to Albert L. Owens and Cynthia L. Owens.

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. 119-03-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in the Henrietta E. Weatherhead Subdivision of part of Original One Hundred Acre Lots Nos. 391, 392, 399 and 400, as shown by the recorded plat in Volume 33 of Maps, Page 13 of Cuyahoga County Records and being 55 feet front on the Southeastern line of Crawford Road, N.E., and extending back 114.32 feet deep on the Southwesterly line, 114.32 feet deep on the Northeasterly line, which is also the Southwesterly line of East 86th Street, and 55 feet wide and in the rear, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

P.P. No. 119-03-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 19 in the Henrietta E. Weatherhead Subdivision of part of Original One Hundred Acre Lots Nos. 391, 392, 399 and 400, as shown by the recorded plat in Volume 33 of Maps, Page 13 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southwest line of East 86th Street, 32 feet wide, at the most Easterly corner of Sublot No. 20; thence along the broken Southwesterly line of East 86th Street, 146.39 feet to a point in the Easterly line of Sublot No. 19; thence Westerly 65.29 feet to a point in the Westerly line of said Sublot; thence Northerly, along said Westerly line of Sublot No. 19 to the Northwesterly corner thereof; thence Northeasterly along the Northwesterly line of Sublot No. 19, 55 feet to a place of beginning, be the same more or less, but subject to all legal highways.

Subject to restrictions recited in Volume 111, Page 9 and Volume 111, Page 43 of Cuyahoga County Records filed April 6, 1965.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordi-

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

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

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

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

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

Ord. No. 476-98.
By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1437 West 58th Street to Cleveland Housing Network, Incorporated.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 002-15-018, as more fully described in Section 2 below, to Cleveland Housing Network, Incorporated.

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

P.P. No. 002-15-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 10 in Charles G. Summers and William B. Wintertons Subdivision of part of Original Brooklyn Township Lots Nos. 49 and 50, as shown by the recorded plat in Volume 2 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Easterly side of West 58th Street (formerly Waverly Street), and extending back of equal width 169 feet 1 inch, as appears by said plat.

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

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

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

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

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

Ord. No. 477-98.

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

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

Whereas, the City of Cleveland (the "City") desires to develop Cleveland Enterprise Park on approximately 80 acres of land (the "Zone") situated in the Village of Highland Hills (the "Village") along Harvard Road between Green and Northfield Roads (the "Property"), in accordance with a Master Plan for the commercial development of the Property; and

Whereas, the City, pursuant to the authority of Ordinance No. 1235-95, passed October 23, 1995, and the Village, pursuant to the authority of Ordinance Nos. 1995-20, passed

August 14, 1995, and Ordinance No. 1995-28, passed December 13, 1995, entered into a Joint Development Economic Zone Agreement ("J.D.A.") for the Zone; and

Whereas, Metropolitan Savings Bank of Cleveland ("Metropolitan") has proposed to purchase from the City 15.4 acres of land in order to construct a multi-story office building to serve as its corporate headquarters, which Metropolitan estimates will house 200 Metropolitan employees; and

Whereas, the J.D.A. requires the City and Village to share income tax revenue such that the City will receive seventy-five percent (75%) of net income taxes of employees relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and

Whereas, Metropolitan, in consideration for payment of \$43,500.00 annually, and other valuable consideration, will receive an option to purchase an additional 8.7 acres of land on which it may construct a second multi-story office building to serve a similar purpose; and

Whereas, Metropolitan projects a need for a second such building at this location, with the two buildings housing an estimated total of 400 Metropolitan employees; and

Whereas, the portions of the Property to be sold or optioned for sale to Metropolitan are no longer needed for public use; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor of the City of Cleveland and the Directors of Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the property referred to as "Light Industrial Site 2", the legal description of which is contained in File No. 477-98-A ("Sale Parcel") to Metropolitan for the development of an office building to serve as its corporate headquarters, which property is determined to be no longer needed for public use.

Section 2. That the Project Agreement shall provide that Metropolitan shall have an option to purchase the property referred to as "Light Industrial Site 1A", the legal description of which is contained in the File referenced in Section 1 hereof ("Option Parcel"), which option expires at the end of the "Option Period" which shall be the first 5 years from the date of the recording of conveyance of the Sale Parcel from the City to Metropolitan ("Conveyance Date"), which property is determined to be no longer needed for public use.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Property Parcel described in Section 1 of this ordinance at a price not less than One Hundred Thousand Dollars (\$100,000.00) per acre of the Sale Parcel taking into account all restrictions, and encumbrances placed by the City in the deed of conveyance.

Section 4. That by and at the direction of the Board of Control, the Commissioner of Purchases and

Supplies is authorized to sell the Option Parcel to Metropolitan during the Option Period at a price of not less than One Hundred Thousand Dollars (\$100,000.00) per acre, which this Council determines to be the fair market value of the Option Parcel during the Option Period, taking into account all restrictions and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 5. That the conveyances to Metropolitan shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland which quitclaim deed shall contain such provisions as deemed necessary by the Director of Law to protect the public interest.

Section 6. That all proceeds from the sale of the Sale Parcel and the Option Parcel shall be paid into Fund No. 17 SF 684, to be credited toward costs of certain infrastructure, roads and utilities to the Zone.

Section 7. That the Project Agreement shall be prepared by the Director of Law, and shall contain a provision requiring Metropolitan to complete construction of a multi-story office building to serve as its corporate headquarters on the Sale Parcel within five (5) years of the Conveyance Date, or the Sale Parcel shall revert to the City. The Project Agreement shall further contain a provision requiring Metropolitan to complete construction of a second multi-story office building to serve a similar purpose within five (5) years from the date of conveyance of the Option Parcel to Metropolitan, or the Option Parcel shall revert to the City.

Section 8. That the Project Agreement may also provide for the City to pay the cost of site preparation and the cost of installation of certain infrastructure, roads, and utilities, including relocation of utilities, within the Zone, which costs shall be paid out of Fund No. 17 SF 684, in an amount equal to or not to exceed the proceeds from the sale to Metropolitan of the Sale Parcel and Option Parcel.

Section 9. That the Project Agreement shall contain the following Equal Employment Opportunity, Affirmative Action, and MBE/FBE employment goals: Metropolitan shall use best efforts to ensure (i) construction contracts, service contracts, professional services contracts, and supplies and purchases orders let on the project by it, its developer or by its general contractor by 30% certified Minority Business Enterprises ("MBE") and 10% certified Female Business Enterprises ("FBE"); and (ii) construction jobs created by the project be provided to at least 22.6% minorities in each trade, and 6.9% females in each trade.

Section 10. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development are authorized to prepare and execute easements to Cleveland Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporations, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and assigns, to provide necessary services to the Zone, and a temporary easement for purposes of ingress and egress to the Sale Parcel to Metropolitan.

Section 11. That the Mayor, Director of Law, Parks, Recreation and Properties and Economic Development are authorized to execute such documents, instruments, and certificates and take such other actions as are necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance.

Section 12. That the Mayor, Director of Law, Parks, Recreation and Properties and Economic Development are authorized to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, engineering and architectural consultants, and other professional services necessary or appropriate to effectuate and carry out the terms of the Project Agreement authorized pursuant to this ordinance, and to effectuate site preparation and the installation of the infrastructure, roads and utilities, including utilities relocation, associated with the Zone. These fees shall be paid from Fund No. 17 SF 305.

Section 13. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 478-98.

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

An emergency ordinance authorizing the Mayor and the Directors of Parks, Recreation and Properties and Economic Development to enter into a Purchase Agreement with OfficeMax, Inc. for approximately 34.4 acres of City-owned property located in the Village of Highland Hills.

Whereas, the City of Cleveland (the "City") desires to develop Cleveland Enterprise Park on approximately 80 acres of land (the "Zone") situated in the Village of Highland Hills (the "Village") along Harvard Road between Green and Northfield Roads (the "Property"), in accordance with a Master Plan for the commercial development of the Property; and

Whereas, the City, pursuant to the authority of Ordinance No. 1235-95, passed October 23, 1995, and the Village, pursuant to the authority of Ordinance Nos. 1995-20, passed August 14, 1995, and Ordinance No. 1995-28, passed December 13, 1995, entered into a Joint Development Economic Zone Agreement ("J.D.A.") for the Zone; and

Whereas, OfficeMax, Inc. has proposed to purchase from the City 34.4 acres of land in order to construct a multi-story office building, which OfficeMax, Inc. estimates will house 400 - 600 OfficeMax, Inc. employees; and

Whereas, the J.D.A. requires the City and Village, share income tax revenue such that the City will receive seventy-five percent (75%) of net income taxes of employees

relocated to the Zone from the City and fifty percent (50%) of net income taxes of all other employees within the Zone; and

Whereas, the portions of the Property to be sold to OfficeMax, Inc. are no longer needed for public use; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Mayor of the City of Cleveland and the Directors of Parks, Recreation and Properties and Economic Development are authorized to enter into a Project Agreement to sell the following described property to OfficeMax, Inc. for the development of an office building, which property is determined to be no longer needed for public use:

[Insert Legal Description]

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the Sale Parcel described in Section 1 of this ordinance at a price of Two Million, Two Hundred Ninety-three Thousand, Seven Hundred and Twenty-two Dollars (\$2,293,722.00), taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 3. That the conveyances to OfficeMax, Inc. shall be made by official quitclaim deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland, which quitclaim deed shall contain such provisions as deemed necessary by the Director of Law to protect the public interest.

Section 4. That all proceeds from the sale of the Sale Parcel shall be paid into Fund No. 17 SF 684, to be credited toward costs of site preparation and certain infrastructure, roads and utilities, including relocation of utilities, within the Zone.

Section 5. That the Project Agreement shall be prepared by the Director of Law, and shall contain a provision requiring OfficeMax, Inc. to complete construction of a multi-story office building within five (5) years of the conveyance date or the Sale Parcel shall revert to the City.

Section 6. That the Project Agreement may also provide for the City to pay for site preparation and the installation of certain infrastructure, roads, and utilities, including relocation of utilities, within the Zone, which costs shall be paid out of Fund No. 17 SF 684.

Section 7. That the Project Agreement shall contain the following Equal Employment Opportunity, Affirmative Action, and MBE/FBE employment goals: OfficeMax, Inc. shall use best efforts to ensure (i) construction contracts, service contracts, professional services contracts, and supplies and purchases orders let on the project by it, its developer or by its general contractor by 30% certified Minority Business Enterprises ("MBE") and 10% certified Female Business Enterprises ("FBE"); and (ii) construction jobs created by the project be pro-

vided to at least 22.6% minorities in each trade, and 6.9% females in each trade.

Section 8. That the Mayor and Directors of Law, Parks, Recreation and Properties, and Economic Development are authorized to prepare and execute easements to Cleveland Electric Illuminating Company, East Ohio Gas Company, Ameritech Ohio Corporation, and Viacom Cablevision of Cleveland, or Village designated successor cable television franchisee, their successors and assigns, to provide necessary services to the Zone, and a temporary easement for purposes of ingress and egress to the Sale Parcel to OfficeMax, Inc.

Section 9. That it is hereby determined to make such public improvements to the property as are necessary and desirable to prepare the property for proposed development as contemplated in the Project Agreement with OfficeMax, Inc., which public improvements may include, without limitation, building demolition, environmental testing and materials disposal, construction and installation of paving, curbing, gutters, grading, excavation, drainage, walls, sewers, piping, manholes, catch basins, lighting, utilities, streetscaping, traffic signals, signage, sidewalks, erosion controls, subbases, bike paths, and spillways ("Improvements"), for the Department of Public Service Division of Engineering and Construction, and/or the Department of Economic Development, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvements.

Section 10. That the Director of Economic Development and/or Public Service are hereby authorized to enter into a contract or contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the Improvements, provided, however, that each separate trade and each distinct components part of the Improvements may be treated as a separate improvement, and each, or any combination of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That the Mayor, and/or the Directors of Economic Development and/or Public Service are hereby authorized to enter into an agreement with the Village of Highland Hills within which the City of Cleveland agrees to pay the local matching share commitment for any grants or loans received from the Ohio Public Works Commission for the financing of the Improvements to the Development Area, and in which the Village of Highland Hills and the City determine the administration of said grants or loans received from the Ohio Public Works Commission. Said agreement shall be prepared by the Director of Law of the City of Cleveland, and shall contain such terms and conditions as the Director of Law determines are necessary or appropriate to protect the interests of the City, including a provision whereby the City must approve all plans for the construction of the Improvements to be funded by Ohio Public Works Commission and local matching share commitment.

Section 12. That the Directors of Economic Development and/or Public Service are further authorized to employ by contract one or more pro-

professional engineering consultants, surveyors, architects, planners, designers, environmental consultants and/or construction managers, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, plan and implement the Improvements. The selection of an engineering consultant to design the Improvements to be funded by grants or loans from the Ohio Public Works Commission, the State of Ohio, and the local matching share commitment may be made by direct contract to the Registered Professional Engineer employed by the Village of Highland Hills. The selection of other consultant, consultants, or other professional or professionals for such services shall be made by the Board of Control upon the nomination of the Directors of Economic Development and/or Public Service from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Directors of Economic Development and/or Public Service for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Economic Development and/or Public Service, and certified by the Director of Finance.

Section 13. That the Mayor or his designee is authorized to enter into such agreements and to take such actions as may be necessary to accept grants, loans and gifts from the State of Ohio or other governmental entities for the purpose of funding the Improvements. Such grants, loans, and gifts shall be deposited into Fund No. 17 SF 684.

Section 14. That the Mayor is hereby authorized to execute a plat dedicating to public use the property upon which and under which certain of the Improvements shall be constructed, including but not limited to all roadways through the Zone.

Section 15. That the costs of the Improvements, services and agreements authorized herein shall be paid from Fund No. 17 SF 684. Prior legislation to the contrary notwithstanding, expenditures from Fund 17 SF 684 shall not exceed the total of all funds received by the City from the Ohio Public Works Commission and the State of Ohio for Improvements, services, and agreements contemplated in this Ordinance plus any proceeds from the sale of land within the Zone, deposited in Fund 17 SF 684. Any proceeds from the sale, lease, or other disposition of real property remaining in Fund No. 17 SF 684 after payment of Expenditures as authorized herein, shall be transferred into NDIF Fund No. 10 SF 501 to be used solely for economic development related property acquisitions.

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.

Referred to Directors of Parks, Recreation and Properties, Economic Development, City Planning Com-

mission, Finance, Law; Committees on Public Parks, Property and Recreation, Community and Economic Development, City Planning, Finance.

Ord. No. 480-98.

By Councilmen Dolan, Sweeney, Willis and Johnson.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Board of Education of the Cleveland City School District for the construction and maintenance of two ball diamonds at Clara Westropp Elementary School.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement with the Board of Education of the Cleveland City School District for the construction and maintenance of two ball diamonds at Clara Westropp Elementary School. Said agreement shall contain such additional terms and conditions as are acceptable to the Directors of Parks, Recreation and Properties and 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.

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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 479-98.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (John Nichols/Nation of Islam)

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: John Nichols/Nation of Islam.

Section 2. That all of the requirements of Chapter 675 of the Codified

Ordinances shall apply to the persons named in Section 1 of this ordinance.

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 481-98.

By Councilman Dolan.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., and repealing Res. No. 1521-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., by Res. No. 1521-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 15239 Triskett Ave., be and the same is hereby withdrawn and Res. No. 1521-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer ownership thereof.

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

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

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

Res. No. 482-98.

By Councilman Robinson.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 11703 Union Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit, to Permit No. 9154910, Union Discount Inc., DBA Union Discount, 11703 Union Ave., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit, to Permit No. 9154910, Union Discount Inc., DBA Union Discount, 11703 Union Ave., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 194-98.

By Councilman Johnson (by departmental request).

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

1998.

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

1. In Section 1, lines 6 and 7, strike "Fifty three million six hundred sixteen thousand eight hundred thirty one dollars (\$53,616,831)" and insert in lieu thereof "**Fifty three million four hundred sixteen thousand eight hundred thirty one dollars (\$53,416,831)**".

2. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Municipal Court", strike "21,607,163" and insert in lieu thereof "**21,657,163**".

3. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Department of Public Safety", strike "240,462,396" and insert in lieu thereof "**240,770,246**".

4. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Department of Public Service", strike "31,506,175" and insert in lieu thereof "**31,777,390**".

5. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Department of Parks, Recreation & Properties", strike "35,493,790" and insert in lieu thereof "**35,523,790**".

6. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Urban Planning & Development", strike "10,391,730" and insert in lieu thereof "**10,160,980**".

7. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Support Functions", strike "29,518,326" and insert in lieu thereof "**29,290,011**"; and at "Transfers to Other Funds" strike "24,924,478" and insert in lieu thereof "**24,724,478**".

8. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "Special Revenue Funds", strike "53,616,831" and insert in lieu thereof "**53,416,831**".

9. In Section 1, at Section entitled "APPROPRIATION FOR THE YEAR 1998", at "TOTAL APPROPRIATIONS FOR 1998", strike "979,767,314" and insert in lieu thereof "**979,567,314**".

10. In Section 1, at Section entitled "MUNICIPAL COURT", at "Municipal Court — Housing Division", strike "1,694,170" and insert in lieu thereof "**1,744,170**"; and at "I Personnel and Related Expenses", strike "\$1,610,300" and insert in lieu thereof "**\$1,660,300**".

11. In Section 1, at Section entitled "TOTAL MUNICIPAL COURT", strike "\$21,607,163" in both places, and insert "**\$21,657,163**", in both places.

12. In Section 1, at Section entitled "DEPARTMENT OF PUBLIC SAFETY", at "Public Safety Administration", strike "\$10,085,984" and insert in lieu thereof "**\$9,943,484**"; and at "I Personnel and Related Expenses", strike "\$9,268,767" and insert in lieu thereof "**\$9,126,267**".

13. In Section 1, at Section entitled "DEPARTMENT OF PUBLIC SAFETY", at "Division of Police", strike "\$145,599,571" and insert in lieu thereof "**\$145,974,571**"; and at "I Personnel and Related Expenses", strike "\$134,455,901" and insert in lieu thereof "**\$134,830,901**".

14. In Section 1, at Section entitled "DEPARTMENT OF PUBLIC SAFETY", at "Division of Traffic Engineering", strike "\$3,356,181" and insert in lieu thereof "**\$3,404,931**"; and at "I Personnel and Related Expenses", strike "\$2,589,237" and insert in lieu thereof "**\$2,637,987**".

15. In Section 1, at Section entitled "DEPARTMENT OF PUBLIC SAFETY", at "Division of Dog Pound", strike "\$665,816" and insert in lieu thereof "**\$692,416**"; and at "I Personnel and Related Expenses", strike "\$524,382" and insert in lieu thereof "**\$550,982**".

16. In Section 1, at Section entitled "TOTAL DEPARTMENT OF PUBLIC SAFETY", strike "\$240,462,396" in both places, and insert "**\$240,770,246**", in both places.

17. In Section 1, at Section entitled "DEPARTMENT OF PUBLIC SERVICE", at "Division of Waste Collection and Disposal", strike "\$25,987,826" and insert in lieu thereof "**\$26,259,041**"; and at "I Personnel and Related Expenses", strike "\$14,431,453" and insert in lieu thereof "**\$14,702,668**".

18. In Section 1, at Section entitled "TOTAL DEPARTMENT OF PUBLIC SERVICE", strike "\$31,506,175" in both places, and insert "**\$31,777,390**", in both places.

19. In Section 1, at Section entitled "DEPARTMENT OF PARKS, RECREATION AND PROPERTIES", at "Division of Recreation", strike "\$9,976,278" and insert in lieu thereof "**\$10,006,278**"; and at "I Personnel and Related Expenses", strike "\$2,792,864" and insert in lieu thereof "**\$2,822,864**".

20. In Section 1, at Section entitled "TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES", strike "\$35,493,790" in both places, and insert "**\$35,523,790**", in both places.

21. In Section 1, at Section entitled "DEPARTMENT OF COMMUNITY DEVELOPMENT", at "Division of Building and Housing", strike "\$5,994,327" and insert in lieu thereof "**\$5,859,327**"; and at "I Personnel and Related Expenses", strike "\$5,460,905" and insert in lieu thereof "**\$5,325,905**".

22. In Section 1, at Section entitled "DEPARTMENT OF COMMUNITY DEVELOPMENT", at "Division of Neighborhood Development", strike "\$404,267" and insert in lieu thereof "**\$321,767**"; and at "I Personnel and Related Expenses", strike "\$212,267" and insert in lieu thereof "**\$129,767**".

23. In Section 1, at Section entitled "TOTAL COMMUNITY DEVELOPMENT", strike "\$6,658,796" in both places, and insert "**\$6,441,296**", in both places.

24. In Section 1, at Section entitled "DEPARTMENT OF ECONOMIC DEVELOPMENT", at "Economic Development", strike "\$1,306,632" and insert in lieu thereof "**\$1,256,632**"; and at "II Other Expenses", strike "\$142,279" and insert in lieu thereof "**\$92,279**".

25. In Section 1, at Section entitled "TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT", strike "\$1,306,632" in both places, and insert "**\$1,256,632**", in both places.

26. In Section 1, at Section entitled "DEPARTMENT OF ECONOMIC DEVELOPMENT", at "City Planning Commission", strike "\$1,218,684" and insert in lieu thereof "**\$1,255,434**"; and at "I Personnel and Related Expenses", strike "\$1,155,593" and insert in lieu thereof "**\$1,192,343**".

27. In Section 1, at Section entitled "TOTAL URBAN PLANNING AND DEVELOPMENT", strike "\$10,391,730" in both places, and insert "**\$10,160,980**", in both places.

28. In Section 1, at Section entitled "FINANCIAL AND LEGAL ADMINISTRATION" at "DEPARTMENT OF FINANCE", at "Division of Accounts", strike "\$1,177,632" and

insert in lieu thereof "**\$1,136,817**"; and at "I Personnel and Related Expenses", strike "\$791,219" and insert in lieu thereof "**\$750,404**".

29. In Section 1, at Section entitled "FINANCIAL AND LEGAL ADMINISTRATION" at "TOTAL DEPARTMENT OF FINANCE", strike "\$5,020,746" in both places, and insert "**\$4,979,931**", in both places.

30. In Section 1, at Section entitled "FINANCIAL AND LEGAL ADMINISTRATION" at "Office of Budget & Management-Budget Admin.", strike "\$510,004" and insert in lieu thereof "**\$472,504**"; and at "I Personnel and Related Expenses", strike "\$449,819" and insert in lieu thereof "**\$412,319**".

31. In Section 1, at Section entitled "FINANCIAL AND LEGAL ADMINISTRATION" at "Department Law", strike "\$7,542,862" and insert in lieu thereof "**\$7,392,862**"; and at "II Other Expenses", strike "\$2,496,463" and insert in lieu thereof "**\$2,346,463**".

32. In Section 1, at Section entitled "FINANCIAL AND LEGAL ADMINISTRATION" at "TOTAL FINANCE AND LEGAL ADMINISTRATION", strike "\$13,073,612" in both places, and insert "**\$12,845,297**", in both places.

33. In Section 1, at Section entitled "TOTAL SUPPORT FUNCTIONS", strike "\$29,518,326" in both places, and insert in lieu thereof "**\$29,290,011**" in both places.

34. In Section 1, at Section entitled "TRANSFERS TO OTHER FUNDS", strike "\$24,924,478" and insert in lieu thereof "**\$24,724,478**"; and at "II Other Expenses", strike "\$24,924,478" and insert in lieu thereof "**\$24,724,478**".

35. In Section 1, at Section entitled "SPECIAL REVENUE FUND", at "Street Construction, Maintenance & Repair Fund", strike "\$22,928,389" and insert in lieu thereof "**\$22,728,389**"; and at "II Other Expenses", strike "\$9,880,000" and insert in lieu thereof "**\$9,680,000**".

36. In Section 1, at Section entitled "TOTAL SPECIAL REVENUE FUNDS", strike "\$53,616,831" in both places, and insert in lieu thereof "**\$53,416,831**", in both places.

Amendments agreed to.

Ord. No. 195-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXIV year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the 1998 Federal HOME Grant Program, and 1998 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

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

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

"This Council hereby approves the Projected Use of Funds detailed in said file, including the sum of One Million Dollars (\$1,000,000) to be used for HIV/AIDS prevention, education, and assistance programs."

Amendment agreed to.

Ord. No. 286-98.

By Councilman Johnson (by department request).

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

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

Ord. No. 287-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

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

Ord. No. 288-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of office supplies, for the various divisions of City government, for a period of one year, with one option to renew for two consecutive years.

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

1. In the title, line 7, strike "two consecutive years" and insert in lieu thereof "**one additional year**"; and in Section 1, lines 6 and 7, strike "an additional two-year consecutive term" and insert in lieu thereof "**one additional year**".

Amendment agreed to.

Ord. No. 289-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1996 Ohio income tax master file data.

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

Ord. No. 291-98.

By Councilman Johnson (by departmental request).

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

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

Ord. No. 292-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of type-writer maintenance and repair, for the various divisions of City government, for a period not to exceed two years.

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

Ord. No. 293-98.

By Councilman Johnson (by departmental request).

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 435-98.

By Councilmen Johnson and Zone. An emergency resolution urging the Ohio State legislature to adopt legislation that will permit judges in the Housing Court Division of Municipal Court to refer certain criminal cases to magistrates.

Relieved of Committees on Community and Economic Development, Legislation.

The rules were suspended. Yeas 21. Nays 0. Read third time. Adopted. Yeas 20. Nays 1.

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

**APPROPRIATION FOR THE YEAR 1998
(SECOND READING EMERGENCY ORDINANCE)
ORDINANCE NO. 194-98**

Ord. No. 194-98.**By Councilman Johnson (by departmental request).****An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1998.**

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 1998, the following sums be and they are hereby appropriated viz:

The sum of Four hundred eleven million six hundred thirty four thousand four hundred fifty five dollars (\$411,634,455) from the General Fund;

The sum of **Fifty three million four hundred sixteen thousand eight hundred thirty one dollars (\$53,416,831)** from the Special Revenue Funds;

The sum of Twenty three million four hundred three thousand four hundred seventy two dollars (\$23,403,472) from the Internal Service Funds;

The sum of Four hundred forty one million seven hundred thirteen thousand four hundred eighty three dollars (\$441,713,483) from the Enterprise Funds;

The sum of Six million four hundred sixty two thousand three hundred seventy four dollars (\$6,462,374) from the Trust and Agency Funds;

The sum of Forty two million nine hundred thirty six thousand six hundred ninety nine dollars (\$42,936,699) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 194-98-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1998

GENERAL FUND

Legislative Branch	\$4,134,046
Municipal Court	21,657,163
Executive Branch	
Office of the Mayor	1,536,065
Department of Public Safety	240,770,246
Community Relations Board	904,861
Department of Public Service	31,777,390
Department of Parks, Recreation & Properties	35,523,790
Boxing & Wrestling Commission	8,242
Urban Planning & Development	10,160,980
Department of Public Health	10,871,050
Department of Aging	276,133
Support Functions	29,290,011
Transfers to Other Funds	24,724,478
TOTAL EXECUTIVE BRANCH	\$385,893,246
TOTAL GENERAL FUND	\$411,634,455
Special Revenue Funds	\$53,416,831
Internal Service Funds	23,403,472
Enterprise Funds	441,713,483
Trust and Agency Funds	6,462,374
Debt Service Funds	42,936,699
TOTAL APPROPRIATIONS FOR 1998	\$979,567,314

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

Council and Clerk of Council		\$4,134,046
I. Personnel and Related Expenses	\$2,791,219	
II. Other Expenses	1,342,827	
TOTAL LEGISLATIVE BRANCH	\$4,134,046	\$4,134,046

MUNICIPAL COURT

Municipal Court - Judicial Division		\$12,730,744
I. Personnel and Related Expenses	\$11,156,356	
II. Other Expenses	1,574,388	
Municipal Court - Housing Division		\$1,744,170
I. Personnel and Related Expenses	\$1,660,300	
II. Other Expenses	83,870	

Municipal Court - Clerk's Division		\$7,182,249
I. Personnel and Related Expenses	\$ 5,260,921	
II. Other Expenses	1,921,328	
TOTAL MUNICIPAL COURT	\$21,657,163	\$21,657,163
EXECUTIVE BRANCH		
Office of the Mayor		\$1,536,065
I. Personnel and Related Expenses	\$1,260,706	
II. Other Expenses	275,359	
TOTAL EXECUTIVE BRANCH	\$1,536,065	\$1,536,065
DEPARTMENT OF PUBLIC SAFETY		
Public Safety Administration		\$9,943,484
I. Personnel and Related Expenses	\$9,126,267	
II. Other Expenses	817,217	
Division of Police		\$145,974,571
I. Personnel and Related Expenses	\$134,830,901	
II. Other Expenses	11,143,670	
Division of Fire		\$65,820,884
I. Personnel and Related Expenses	\$63,220,859	
II. Other Expenses	2,600,025	
Division of Emergency Medical Services		\$14,933,960
I. Personnel and Related Expenses	\$13,815,383	
II. Other Expenses	1,118,577	
Division of Traffic Engineering		\$3,404,931
I. Personnel and Related Expenses	\$2,637,987	
II. Other Expenses	766,944	
Division of Dog Pound		\$692,416
I. Personnel and Related Expenses	\$550,982	
II. Other Expenses	141,434	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$240,770,246	\$240,770,246
COMMUNITY RELATIONS BOARD		
Community Relations Board		\$904,861
I. Personnel and Related Expenses	\$799,940	
II. Other Expenses	104,921	
TOTAL COMMUNITY RELATIONS BOARD	\$904,861	\$904,861
DEPARTMENT OF PUBLIC SERVICE		
Public Service Administration		\$334,035
I. Personnel and Related Expenses	\$315,799	
II. Other Expenses	18,236	
Division of Architecture		\$557,287
I. Personnel and Related Expenses	\$521,073	
II. Other Expenses	36,214	
Division of Waste Collection and Disposal		\$26,259,041
I. Personnel and Related Expenses	\$14,702,668	
II. Other Expenses	11,556,373	
Division of Engineering and Construction		\$4,627,027
I. Personnel and Related Expenses	\$4,158,673	
II. Other Expenses	468,354	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$31,777,390	\$31,777,390
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
Parks, Recreation, and Properties Administration		\$764,323
I. Personnel and Related Expenses	\$578,415	
II. Other Expenses	185,908	

Division of Research, Planning, and Development		\$673,683
I. Personnel and Related Expenses	\$595,450	
II. Other Expenses	78,233	
Division of Recreation		\$10,006,278
I. Personnel and Related Expenses	\$7,183,414	
II. Other Expenses	2,822,864	
Division of Parking Facilities-On Street		\$881,054
I. Personnel and Related Expenses	\$838,790	
II. Other Expenses	42,264	
Division of Property Management		\$10,851,094
I. Personnel and Related Expenses	\$8,307,581	
II. Other Expenses	2,543,513	
Division of Park Maintenance and Properties		\$12,347,358
I. Personnel and Related Expenses	\$8,370,513	
II. Other Expenses	3,976,845	
TOTAL PARKS, RECREATION, AND PROPERTIES	\$35,523,790	\$35,523,790
BOXING AND WRESTLING COMMISSION		
Boxing and Wrestling Commission		\$8,242
I. Personnel and Related Expenses	\$8,242	
II. Other Expenses	0	
TOTAL BOXING AND WRESTLING COMMISSION	\$8,242	\$8,242
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
Division of Administrative Services		\$85,933
I. Personnel and Related Expenses	\$85,933	
Division of Building and Housing		\$5,859,327
I. Personnel and Related Expenses	\$5,325,905	
II. Other Expenses	533,422	
Director's Office		\$104,740
I. Personnel and Related Expenses	\$104,740	
Division of Neighborhood Development		\$321,767
I. Personnel and Related Expenses	\$129,767	
II. Other Expenses	192,000	
Division of Neighborhood Services		\$69,529
I. Personnel and Related Expenses	\$69,529	
TOTAL COMMUNITY DEVELOPMENT	\$6,441,296	\$6,441,296
REGULATORY BOARDS AND COMMISSIONS		
Landmarks Commission		\$90,936
I. Personnel and Related Expenses	\$81,920	
II. Other Expenses	9,016	
Board of Building Standards and Appeals		\$87,624
I. Personnel and Related Expenses	\$74,391	
II. Other Expenses	13,233	
Board of Zoning Appeals		\$246,194
I. Personnel and Related Expenses	\$225,210	
II. Other Expenses	20,984	
Board of Examiners of Plumbers and Electricians		\$89,709
I. Personnel and Related Expenses	\$85,541	
II. Other Expenses	4,168	
Fair Campaign Finance Commission		\$9,519
II. Other Expenses	9,519	
Total Regulatory Boards	\$523,982	\$523,982

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$1,256,632
I. Personnel and Related Expenses	\$1,164,353	
II. Other Expenses	92,279	
Total Department of Economic Development	\$1,256,632	\$1,256,632
Office of Equal Opportunity		\$624,490
I. Personnel and Related Expenses	\$542,464	
II. Other Expenses	82,026	
City Planning Commission		\$1,255,434
I. Personnel and Related Expenses	1,192,343	
II. Other Expenses	63,091	
Division of Harbors		\$59,146
I. Personnel and Related Expenses	59,146	
II. Other Expenses	0	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$10,160,980	\$10,160,980

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$257,520
I. Personnel and Related Expenses	\$148,687	
II. Other Expenses	108,833	
Division of Correction		\$5,249,769
I. Personnel and Related Expenses	\$4,256,886	
II. Other Expenses	992,883	
Division of Health		\$3,071,014
I. Personnel and Related Expenses	\$2,405,526	
II. Other Expenses	665,488	
Division of Environment		\$2,292,747
I. Personnel and Related Expenses	\$2,039,348	
II. Other Expenses	253,399	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$10,871,050	\$10,871,050

DEPARTMENT OF AGING

DEPARTMENT OF AGING		\$276,133
I. Personnel and Related Expenses	\$203,494	
II. Other Expenses	72,639	
TOTAL DEPARTMENT OF AGING	\$276,133	\$276,133

SUPPORT FUNCTIONS

FINANCIAL AND LEGAL ADMINISTRATION

DEPARTMENT OF FINANCE

Finance Administration		\$303,269
I. Personnel and Related Expenses	\$254,710	
II. Other Expenses	48,559	
Division of Accounts		\$1,136,817
I. Personnel and Related Expenses	\$750,404	
II. Other Expenses	386,413	
Division of Assessments and Licenses		\$1,001,796
I. Personnel and Related Expenses	\$846,880	
II. Other Expenses	154,916	
Division of Treasury		\$419,180
I. Personnel and Related Expenses	\$345,987	
II. Other Expenses	73,193	

Division of Purchases and Supplies		\$659,562
I. Personnel and Related Expenses	\$542,817	
II. Other Expenses	116,745	
Bureau of Internal Audit		\$515,588
I. Personnel and Related Expenses	\$182,466	
II. Other Expenses	333,122	
Division of Financial Reporting and Control		\$943,719
I. Personnel and Related Expenses	\$877,222	
II. Other Expenses	66,497	
TOTAL DEPARTMENT OF FINANCE	\$4,979,931	\$4,979,931
Office of Budget & Management-Budget Admin.		\$472,504
I. Personnel and Related Expenses	\$412,319	
II. Other Expenses	60,185	
Department Law		\$7,392,862
I. Personnel and Related Expenses	\$5,046,399	
II. Other Expenses	2,346,463	
TOTAL FINANCE AND LEGAL ADMINISTRATION	\$12,845,297	\$12,845,297
PERSONNEL ADMINISTRATION		
Office of Personnel		\$1,307,975
I. Personnel and Related Expenses	\$951,998	
II. Other Expenses	355,977	
Civil Service Commission		\$1,083,943
I. Personnel and Related Expenses	\$610,229	
II. Other Expenses	473,714	
TOTAL PERSONNEL ADMINISTRATION	\$2,391,918	\$2,391,918
NONDEPARTMENTAL		
County Auditor Deductions		\$906,000
II. Other Expenses	\$906,000	
OTHER ADMINISTRATIVE		\$13,146,796
II. Other Expenses	\$13,146,796	
TOTAL NONDEPARTMENTAL	\$14,052,796	\$14,052,796
TOTAL SUPPORT FUNCTIONS	\$29,290,011	\$29,290,011
TRANSFERS TO OTHER FUNDS		\$24,724,478
II. Other Expenses	\$24,724,478	
TOTAL GENERAL FUND	\$411,634,455	\$411,634,455
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$28,688,442
I. Capital	\$16,938,442	
II. Debt Service	11,750,000	
Street Construction, Maintenance & Repair Fund		\$22,728,389
I. Personnel and Related Expenses	\$13,048,389	
II. Other Expenses	9,680,000	
Schools Recreation & Cultural Activities Fund		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$53,416,831	\$53,416,831
INTERNAL SERVICE FUND		
Information Systems Services-Telephone Exchange		\$3,717,850
I. Personnel and Related Expenses	\$313,142	
II. Other Expenses	3,404,708	

Information Systems Services		\$2,619,342
I. Personnel and Related Expenses	\$1,365,704	
II. Other Expenses	1,253,638	
Division of Motor Vehicle Maintenance		\$15,204,870
I. Personnel and Related Expenses	\$4,381,216	
II. Other Expenses	10,823,654	
Division of Printing and Reproduction		\$1,073,837
I. Personnel and Related Expenses	\$541,942	
II. Other Expenses	531,895	
City Storeroom and Central Warehouse		\$787,573
I. Personnel and Related Expenses	\$49,228	
II. Other Expenses	738,345	
TOTAL INTERNAL SERVICE FUNDS	\$23,403,472	\$23,403,472

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,040,474
I. Personnel and Related Expenses	\$770,586	
II. Other Expenses	269,888	
Radio		\$1,709,491
I. Personnel and Related Expenses	\$87,795	
II. Other Expenses	1,621,696	
Division of Fiscal Control		\$1,722,900
I. Personnel and Related Expenses	\$1,601,446	
II. Other Expenses	121,454	
Division of Water		\$216,201,000
I. Personnel and Related Expenses	\$62,436,299	
II. Other Expenses	153,764,701	
Division of Water Pollution Control		\$19,803,522
I. Personnel and Related Expenses	\$7,272,063	
II. Other Expenses	12,531,459	
Division of Cleveland Public Power		\$112,991,900
I. Personnel and Related Expenses	\$23,026,017	
II. Other Expenses	89,965,883	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$353,469,287	\$353,469,287

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$68,769,909
I. Personnel and Related Expenses	19,013,553	
II. Other Expenses	\$49,756,356	
Airport Development Fund		\$60,000
II. Other Expenses	60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$68,829,909	\$68,829,909

DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

Division of Cemeteries		\$2,058,079
I. Personnel and Related Expenses	\$1,463,864	
II. Other Expenses	594,215	
Golf Course Fund		\$2,565,857
I. Personnel and Related Expenses	\$918,373	
II. Other Expenses	1,647,484	
Division of Parking Facilities-Off Street Parking		\$6,803,578
I. Personnel and Related Expenses	\$826,738	
II. Other Expenses	5,976,840	

Division of Convention Center & Stadium-Convention Center		\$6,583,398
I. Personnel and Related Expenses	\$1,953,059	
II. Other Expenses	4,630,339	
Division of Convention Center & Stadium-Market		\$1,185,876
I. Personnel and Related Expenses	\$330,558	
II. Other Expenses	855,318	
Division of Property Management - East Side Market		\$217,499
I. Personnel and Related Expenses	\$43,901	
II. Other Expenses	173,598	
TOTAL PARKS, RECREATION, & PROPERTIES	\$19,414,287	\$19,414,287
TOTAL ENTERPRISE FUNDS	\$441,713,483	\$441,713,483
AGENCY FUND		
Central Collection Agency		\$6,462,374
I. Personnel and Related Expenses	\$3,835,997	
II. Other Expenses	2,626,377	
TOTAL AGENCY FUND	\$6,462,374	\$6,462,374
DEBT SERVICE FUND		
Sinking Fund Commission		\$42,036,699
I. Personnel and Related Expenses	\$110,646	
II. Other Expenses	382,309	
III. Debt Service	41,543,744	
Stadium Bond Fund		\$900,000
III. Debt Service	\$900,000	
TOTAL DEBT SERVICE FUNDS	\$42,936,699	\$42,936,699

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 194-98-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1997 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1998 or prior years. The Mayor's Estimate File No. 194-98-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1998 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

Schedule of Items asked for in the Mayor's Estimate refused or changed by Council and the reason for such changes. (Published pursuant to Section 30 of the Charter.)

The following changes are made to provide for reductions in various departments and increases in other departments of City Government resulting from additional revenue sources in the amount of \$838,315 to correct the total of the 1998 Appropriation Ordinance No. 194-98.

1. Increase in request for		
Municipal Court-Housing Division		
By the Sum of	\$50,000	
By adding to:		
I. Personnel and Related Expenses		\$50,000
Division of Police		
By the Sum of	\$375,000	
By adding to:		
I. Personnel and Related Expenses		\$375,000

Division of Traffic Engineering		
By the Sum of	\$48,750	
By adding to:		
I. Personnel and Related Expenses		\$48,750
Division of Waste Collection		
By the Sum of	\$271,215	
By adding to:		
I. Personnel and Related Expenses		\$271,215
Division of City Planning		
By the Sum of	\$36,750	
By adding to:		
I. Personnel and Related Expenses		\$36,750
Division of Dog Pound		
By the Sum of	\$26,600	
By adding to:		
I. Personnel and Related Expenses		\$26,600
Division of Recreation		
By the Sum of	\$30,000	
By adding to:		
II. Other Expenses		\$30,000
2. Reduction in request for		
Division of Safety Administration		
By the Sum of	\$142,500	
By subtracting from:		
I. Personnel and Related Expenses		\$142,500
Office of Budget and Management		
By the Sum of	\$37,500	
By subtracting from:		
I. Personnel and Related Expenses		\$37,500
Division of Building and Housing		
By the Sum of	\$135,000	
By subtracting from:		
I. Personnel and Related Expenses		\$135,000
Division of Neighborhood Development		
By the Sum of	\$82,500	
By subtracting from:		
I. Personnel and Related Expenses		\$82,500
Division of Economic Development		
By the Sum of	\$50,000	
By subtracting from:		
II. Other Expenses		\$50,000
Department of Law		
By the Sum of	\$150,000	
By subtracting from:		
II. Other Expenses		\$150,000
Division of Accounts		
By the Sum of	\$40,815	
By subtracting from:		
I. Personnel and Related Expenses		\$40,815
Subsidies to Other Funds		
By the Sum of	\$200,000	
By subtracting from:		
II. Other Expenses		\$200,000
Division of Streets		
By the Sum of	\$200,000	
By subtracting from:		
II. Other Expenses		\$200,000

Ordinance No. 194-98 is herein published following the Public Hearings and before the third reading and final passage and reflects the necessary amendments required by this schedule.

RECORDING OF VOTE

Pursuant to Rule 22 of the Rules of Order Governing the Council of the City of Cleveland, Councilman Michael Dolan, having been absent at the Council meeting on March 9, 1998, records his vote as "Nay" on the passage of Ordinance No. 200-98. Ordinance No. 200-98 passed on third reading, Yeas 17. Nays 1.

MOTION

The Council adjourned at 7:55 p.m. to meet on Monday, March 23, 1998 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 195-98.

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXIV year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the 1998 Federal HOME Grant Program, and 1998 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.

Whereas, pursuant to Title I of the Housing and Community Development Act of 1974 (hereinafter referred to as the "Act"), the City of Cleveland may apply for and be granted approximately Thirty Million Two Hundred Forty Eight Thousand Dollars (\$30,248,000) from the United States Department of Housing and Urban Development (hereinafter referred to as "HUD"); and

Whereas, under the Act, the City of Cleveland is defined as the entitlement City; and

Whereas, in accordance with Section 104(a) of the Act, the City of Cleveland has held public hearings to inform the public concerning the nature of the Act to obtain the public's views on Community Development and housing needs; and

Whereas, the application requires that the Mayor and the Director of Law sign certain assurances that the City will comply with the Civil Rights Act of 1964 and 1968 and Executive Order 11063 on Equal Opportunity Housing, as well as assurances set forth in the Housing Act of 1974; and

Whereas, under the Act, the Chief Executive Officer assumes the stature of the responsible Federal official under the National Environmental Policy Act of 1969 for projects to be carried out pursuant to the application and grant; and

Whereas, the Community Development Plan and Program as set forth in the application gives maximum

feasible priority to activities which benefit low and moderate income families to aid in the prevention or elimination of slum and blight; and

Whereas, the City of Cleveland may also apply for and accept approximately Nine Million Two Hundred Thirty-Nine Thousand Dollars (\$9,239,000) from the United States Department of HUD to implement the Federal Home Grant Program, the Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS Program; and

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

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

Section 1. That the Mayor is hereby authorized to submit an application to HUD on behalf of the City of Cleveland for a XXIV year grant the Act for the fullest extent of funding allowed and determined under said Act. That the Mayor is hereby authorized to act as the authorized representative of the City of Cleveland for purposes of said Act, and to provide such further information as may be necessary to obtain a grant under the Act.

Section 2. That the application, Community Development Plan and Program as set forth in File No. 195-98-A, copies of which are also in said file are hereby approved. **This Council hereby approves the Projected Use of Funds detailed in said file, including the sum of One Million Dollars (\$1,000,000) to be used for HIV/AIDS prevention, education, and assistance programs.**

Section 3. That the Director of Community Development is hereby authorized to accept the XXIV year grant, pursuant to The Act.

Section 4. That the Mayor, the Directors of Community Development and Law and such other officers of the City of Cleveland as may be necessary, are hereby authorized to execute such assurances and certifications as may be required under the Community Development Block Grant Rules and Regulations.

Section 5. That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of Seven Million Four Hundred Thirteen Thousand Dollars (\$7,413,000) from the United States Department of Housing and Urban Development to conduct the Federal Home Grant Program; a grant in the amount of One Million Two Hundred Eight Thousand Dollars (\$1,208,000) to conduct the Emergency Shelter Grant Program; and a grant in the amount of Six Hundred Eighteen Thousand Dollars (\$618,000) to conduct the Housing Opportunities for Persons with AIDS Program, for the purposes set forth in the application and according thereto; that the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grants.

Section 6. That the applications for the grants authorized in Section 5 of this ordinance, placed in the file specified in Section 2 above, are made a part hereof as if fully rewritten herein, are hereby approved in all respects.

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

Ord. No. 286-98.

By Councilman Johnson (by department request).

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

Ord. No. 287-98.

By Councilman Johnson (by department request).

An emergency ordinance authorizing and directing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

Ord. No. 288-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of office supplies, for the various divisions of City government, for a period of one year, with one option to renew for **one additional year.**

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 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 office supplies in the approximate amount as purchased during the preceding year, with one (1) option exercisable by the Director of Finance, to renew for **one additional year**, and cancellable upon thirty days written notice by said director, 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 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 23241)

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

Ord. No. 289-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to pay the cost of extraction of 1996 Ohio income tax master file data.

Ord. No. 291-98.

By Councilman Johnson (by departmental request).

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

Ord. No. 292-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of typewriter maintenance and repair, for the various divisions of City government, for a period not to exceed two years.

Ord. No. 293-98.

By Councilman Johnson (by departmental request).

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

BOARD OF CONTROL

March 11, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, March 11, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 153-98.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of T - Group Communications for an estimated quantity of Pre-sort Mail Service (All items) for the Division of Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on February 5th, 1998, pursuant to the authority of Ordinance No. 2225-96, passed December 16, 1996, which on the basis of the estimated quantity would amount to Nine Thousand Seven Hundred-Fifty and 00/100 Dollars (\$9,750.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid,

and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 87557

which shall be certified against such contract in the sum of Four Hundred Eighty-Eight and 00/100 Dollars (\$488.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 154-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 1058-97, adopted December 24, 1997, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, approving the bid of Kennedy Valve, Division of McWane Inc., as lowest and best for fire hydrants and fire hydrant parts, items 5-12, for the Division of Water, Department of Public Utilities, is hereby amended by deleting the words "Six Hundred Thousand Ninety Eight Dollars", where appearing, and substituting the words "Six Hundred Ninety Eight Thousand Dollars."

Be it further resolved that all other provisions of said Resolution No. 1058-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 155-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Fabrizi Trucking & Paving Co., Inc. for the public improvement of Spring Road relief sewer - Phase II for the Division of Water Pollution Control, Department of Public Utilities, received on January 8, 1998, pursuant to the authority of Ordinance No. 1630-96, passed September 9, 1996, upon a unit basis - for the improvement in the aggregate amount of Five Hundred Nine Thousand Nine Hundred Eleven and 00/100 (\$509,911.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors to Fabrizi Trucking & Paving Co., Inc. for the above-mentioned public improvement is hereby approved:

Subcontractor Work

Cook Paving & Construction Asphalt work MBE

Steward Supply Supply pipe & miscellaneous materials MBE

Friedel Trucking Trucking FBE

Sircle Construction Concrete work & landscaping

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 156-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cook Paving and Construction Co., Inc. for an estimated quantity of duct line installation and/or 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 the 29th day of January 1998, pursuant to the authority of Ordinance No. 2018-97, passed December 15, 1997 on the basis of the estimated quantity would amount to One Million Eight Hundred Twenty Eight Thousand Eight Hundred Fifty and no/100 Dollars (\$1,828,850.00), (Net 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. 10728 which shall be certified against such contract in the sum of Ninety Two Thousand and no/100 Dollars (\$92,000.00).

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 Cook Paving and Construction Co., Inc. for duct line installation and/or repair for the above-mentioned requirement contract is hereby approved:

SUBCONTRACTOR MBE/FBE

Bradley Construction 14% (MBE)

Granger Trucking 5% (MBE)

United Ready Mix 4% (MBE)

Friedel Trucking	2% (FBE)
Leader Electric	5% (FBE)
Interstate Safety	1% (FBE)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 157-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Moore U.S.A., Inc. for an estimated quantity of paper products (items C-1 through C-4) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 5th day of February, 1998, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996 on the basis of the estimated quantity would amount to Forty Nine Thousand Seven Hundred Thirty Three Dollars and Fifty Cents (\$49,733.50) (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 01760 which shall be certified against such contract in the sum of Forty Nine Thousand Seven Hundred Thirty Three Dollars and Fifty Cents (\$49,733.50).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 158-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Westvaco Envelope Division, Westvaco Corporation for an estimated quantity of paper products (items C-12 and C-14) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 5th day of February, 1998, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996 on the basis of the estimated quantity would amount to One Thousand Nine Hundred Thirty Seven Dollars (\$1,937.00) (1% 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 immedi-

ate purchase as the initial amount of such contract of the following:

Requisition No. 01759 which shall be certified against such contract in the sum of One Thousand Nine Hundred Thirty Seven Dollars (\$1,937.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 159-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Mail-Well I dba American Mail-Well Envelope for an estimated quantity of paper products (items C-6 through C-11 and C-13) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 5th day of February, 1998, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996 on the basis of the estimated quantity would amount to Ninety Thousand Two Hundred Seven Dollars and Fifty Cents (\$90,207.50) (Net 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. 01764 which shall be certified against such contract in the sum of Forty Five Thousand One Hundred Three Dollars and Eighty Cents (\$45,103.80).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 160-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of The McLean Company for an estimated quantity of One (1) 4-Wheel Street Sweeper and additional equipment (Item 2) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on January 30, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity

would amount to approximately One Hundred Fifty Nine Thousand Five Hundred and no/100 Dollars (\$159,500.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19462 which shall be certified against such contract in the sum of One Hundred Fifty Nine Thousand Five Hundred and no/100 Dollars (\$159,500.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by The McLean Company, for one (1) 4-wheel street sweeper and additional equipment, (item #2), is hereby approved:

Logical Services
MBE — \$950.00

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 161-98.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 6, 1998 for two (2) cab and chassis with chip dump body/bucket and additional equipment (Item #2) for various Divisions of City Government, Department of Public Service, pursuant to the authority of Ordinance No. 1113-97, passed by the Council of the City of Cleveland on July 16, 1997, be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 162-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Wise International Trucks of Ohio for an estimated quantity of one (1) cab and chassis with street flusher body and additional equipment (all items) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 6, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Eighty Eight Thousand Six Hundred Seventeen and no/100 Dollars (\$88,617.00), (Net), is

hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19499

which shall be certified against such contract in the sum of Eighty Eight Thousand Six Hundred Seventeen and no/100 Dollars (\$88,617.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Wise International Trucks of Ohio, for the purchase of one (1) cab and chassis with street flusher body and additional equipment, (all items), is hereby approved:

Independent Brokers
MBE — \$700.00/unit

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 163-98.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Automotive Equipment Company, Inc. for an estimated quantity of one (1) cab and chassis with tow truck body (light/medium) with additional equipment (all items) for various Divisions of City Government, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on February 6, 1998, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Fifty Nine Thousand Five Hundred and no/100 Dollars (\$59,500.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19500

which shall be certified against such contract in the sum of Fifty Nine Thousand Five Hundred and no/100 Dollars (\$59,500.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

man, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 164-98.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Standard Law Enforcement Supply Co. for an estimated quantity of shotguns and ammunition, (all items) for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on February 13, 1998, pursuant to Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Twenty-Six Thousand, Seven Hundred Eighty and no/100 Dollars (\$26,780.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No: 11367

60 Item #1 — Remington 870 Marine Magnum Shotguns, as specified,
2,000 Item #2 — Rounds of No. 23BR Bean Bag 12 Gauge Ammunition, as specified

which shall be certified against such contract in the sum of Twenty-Six Thousand, Seven Hundred Eighty and no/100 Dollars (\$26,780.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 165-98.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on February 18, 1998 for Maintenance and repair of elevators and escalators (All Items) for the Division of Convention Center & Stadium, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 2034-97, passed by the Council of the City of Cleveland on December 15, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 166-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 104-08-076 (northern half) located at 1399 East 45th Street in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Ante and Visnja Lukac, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Ante and Visnja Lukac for the sale and development of Permanent Parcel No. 104-08-076 (northern half) located at 1399 East 45th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.
Absent: None.

Resolution No. 167-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 104-08-076 (southern half) located at 1399 East 45th Street in Ward 13; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Larry Childs, 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 13 has consented to the proposed sale;

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

3. The proposed 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 Larry Childs for the sale and development of Permanent Parcel No. 104-08-076 (southern half) located at 1399 East 45th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 168-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 006-07-117 located at 7600 Grace Avenue, S.W. 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, Vilma Flores, 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 Vilma Flores for the sale and development of Permanent Parcel No. 006-07-117 located

at 7600 Grace Avenue, S.W., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 169-98.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-03-034 located at 2194 West 20th Street in Ward 14; 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, Rodney S. Samples, 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 14 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 Rodney S. Samples for the sale and development of Permanent Parcel No. 004-03-034 located at 2194 West 20th Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 170-98.

By Director Hamilton.

Whereas, pursuant to Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") in

accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-10-006 located at 5204 Herman Avenue 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, Martin J. McBride, 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 Martin J. McBride for the sale and development of Permanent Parcel No. 003-10-006 located at 5204 Herman 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 \$700.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Axelrod.

Nays: None.

Absent: None.

Resolution No. 171-98.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Lake Erie Electric, Inc. for the public improvement of the new Cleveland Browns NFL Stadium building power and lighting (Bid Package 8B), including alternate 2, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on March 4, 1998, pursuant to the authority of Ordinance No. 304-96, passed March 8, 1996, for a gross price for the improvement in the aggregate amount of Eight Million Three Hundred Seventy-Four Thousand Eight Hundred and no/100 (\$8,374,800.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following sub-contractors by Lake Erie Electric, Inc. for the public improvement of the new Cleveland Browns Stadium building power and lighting, hereby is approved:

Artisan Electrical Contractors, Inc.
(MBE) \$2,520,000

Rivera Construction
(FBE) \$12,210

Work Best Electrical, Inc.
(FBE) \$840,000

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Borokhovich, Directors Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, 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 30, 1998

9:30 A.M.

Calendar No. 98-35: 2184 Cornell Road

Paul Minnillo, owner, appeals to erect a 22' x 68' 2-story frame single family dwelling house on a 28' x 172' irregular shaped lot located in a Multi-Family District at 2184 Cornell Road; said use being contrary to the required interior side yards of Section 357.09(b)(2)A&B where the proposed aggregate interior side yard is 6' 6" instead of 10' 0" and with less than 10' to the dwelling house at 2180 to the west and contrary to the required parking spaces limitations of Section 349.04(a) of the Codified Ordinances.

Calendar No. 98-40: 1313-1315 West 105th Street

Thomas Donovan, owner, appeals to change use to three dwelling units, the 30' x 44' two-story two-family dwelling house, located in a Two-Family District on a 40' x 135' lot, at 1313-1315 West 105th Street; said use being contrary to the two-family residence limitations of Sections 337.03(a), and the area requirements of Section 355.04(a), the north and south interior side yard being 5' instead of the 8' requirements of Section 357.09(b)(2)C, and contrary to the off-street parking requirements of Section 349.04(a), and said use being contrary to the expansion limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 98-41: 6301 Harvard Avenue

Theodore Swarski and Glen Snow, owners, and Zaremba Group LLC c/o John Wojtla, prospective purchaser, and (CVS Pharmacy) c/o Edward Cook, tenant, appeal to erect a 75' x 135' 10,125 sq. ft. one-story masonry drugstore building and a 60 car parking lot all on a 147' x 372' irregular shaped corner lot located in a General Retail Business District and Local Retail District at the north-westerly corner of East 64th Street and Harvard Avenue at 6301 Harvard Avenue; said proposal not being in compliance with the driveway regulations of Section 343.18C and the landscaping/screening required on the west property line by Section 352.11 of the Codified Ordinances.

Calendar No. 98-45: Appeal of Terry Lee Harbach

Terry Lee Harbach, appeals under Section 76-6 of the Charter of the City of Cleveland from the refusal to issue a license to operate a taxicab by Robert J. Schneider, Commissioner of Assessments and Licenses, pursuant to Section 443.13(g) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MARCH 16, 1998

At the Meeting of the Board of Zoning Appeals on Monday, March 9, 1998, the following appeals were heard by the Board, and, on Monday, March 16, 1998 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 98-11: 2100 West 95th Street

Ed Walker, owner, appealed to change use from a two-family dwelling to a three-family dwelling use. (Granted conditionally).

Calendar No. 98-21: 9600 Carnegie Avenue

The Cleveland Clinic Foundation, owner, c/o Richard T. Mitchell, appealed, to erect a 20,820 sq. ft. one story biological research building.

The following appeals were **Refused:**

Calendar No. 98-26: 12821 McGowan Avenue

D. J. D. Investment Company, owner, c/o Eric Lewis, appealed, to

change the use of a one-family dwelling to a two-family dwelling use.

Calendar No. 97-257: 2215 East 89th Street

William D. Hall, owner, and In Transition II Inc. c/o Daphne Booker, tenant, appealed, to increase occupancy from five to ten residents. (With mental illness).

Calendar No. 97-266: 3561 East 149th Street

Sherma A. Noel, owner, appealed to change use to a group home for five individuals, eighteen years or older in the first floor dwelling unit of a two-story masonry nonconforming four-dwelling unit apartment building.

The following appeals were **Postponed:**

Calendar No. 97-260: 1266 Parkwood Drive to March 30, 1998.

Calendar No. 97-130: 1973 West 96th Street that was postponed indefinitely from July 14, 1997 is being heard before the Board on Monday, March 30, 1998.

Calendar No. 98-27: 3400 Vega Avenue to March 30, 1998.

Calendar No. 98-29: 3703 East 61st Street to March 30, 1998.

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."

THURSDAY, APRIL 2, 1998

Interior Renovation at the Third District Police Station Building (17-90D), for the Department of Public Safety, as authorized by Ordinance No. 1278-92, 2053-91 and 2189-97, passed by the Council of the City of Cleveland, July 22, 1992, February 24, 1992 and February 9, 1998, respectively.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 16, 1998, 10:00 A.M. AT THE THIRD DISTRICT POLICE STATION BUILDING, 2001 PAYNE AVENUE, 2ND FLOOR OLD COURTROOM.

March 4, 1998, March 11, 1998, March 18, 1998 and March 25, 1998

FRIDAY, MARCH 27, 1998

Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 153-98, passed by the Council of the City of Cleveland.

Elevator and Escalator Maintenance, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2034-97, passed by the Council of the City of Cleveland, December 15, 1997.

Fence Repair, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1777-97, passed by the Council of the City of Cleveland.

March 11, 1998 and March 18, 1998

THURSDAY, APRIL 2, 1998

Computer Related Hardware Equipment, for the various divisions of

City Government, Department of Finance, as authorized by Ordinance No. 1471-97, passed by the Council of the City of Cleveland, October 13, 1997.

Testing and Disposal of PCB Oils and Contaminated Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2013-97, passed by the Council of the City of Cleveland, December 15, 1997.

March 11, 1998 and March 18, 1998

FRIDAY, APRIL 3, 1998

Repair of One (1) Boom Truck, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2148-97, passed by the Council of the City of Cleveland, February 2, 1998.

Mower Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 150-98, passed by the Council of the City of Cleveland.

March 11, 1998 and March 18, 1998

WEDNESDAY, APRIL 1, 1998

Consolidated Car Rental Facility — Site Landscaping Package, for the Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland, June 2, 1997.

A NON-REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MARCH 26, 1998, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, CLEVELAND, OHIO 44114.

March 18, 1998 and March 25, 1998

THURSDAY, APRIL 2, 1998

Towel and Linen Service, for the various divisions of the City Government, Department of Finance, as authorized by Ordinance No. 1743-97, passed by the Council of the City of Cleveland, October 13, 1997.

March 18, 1998 and March 25, 1998

FRIDAY, APRIL 3, 1998

Frame Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 147-98, passed by the Council of the City of Cleveland.

Case Equipment Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland.

Caterpillar Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance

No. 149-98, passed by the Council of the City of Cleveland.

Gradall Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 149-98, passed by the Council of the City of Cleveland.

Antifreeze, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 152-98, passed by the Council of the City of Cleveland.

March 18, 1998 and March 25, 1998

WEDNESDAY, APRIL 8, 1998

Installing an HVAC Unit and Associated Appurtenances, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 545-96, passed by the Council of the City of Cleveland, May 6, 1998.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MARCH 31, 1998, 10:30 A.M. IN THE BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193. WHILE THIS MEETING IS NOT MANDATORY, BIDDERS ARE CAUTIONED THAT QUESTIONS, CLARIFICATIONS AND INFORMATION MAY RESULT FROM THIS MEETING WHICH COULD SIGNIFICANTLY AFFECT YOUR BID. IN ADDITION, BY CITY POLICY, THIS WILL BE THE ONLY OPPORTUNITY FOR BIDDERS TO TALK DIRECTLY TO DEPARTMENT OF PORT CONTROL PERSONNEL PRIOR TO AWARD OF CONTRACT.

Service Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Stop Cock Boxes, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Various Equipment and Accessories to Outfit Vehicles, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

March 18, 1998 and March 25, 1998

TUESDAY, APRIL 14, 1998

Continental Airlines, Bid Package 7 — Concourse D Shell, Core and Finishes, for the Department of Port Control.

PLANS AND SPECIFICATIONS ARE AVAILABLE FROM MORSE DIESEL INTERNATIONAL INC., 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135 FOR THE REFUNDABLE FEE OF TWO HUNDRED AND FIFTY DOLLARS (\$250.00). PLEASE CALL (216) 265-4880.

A PRE-BID MEETING IS SCHEDULED FOR TUESDAY, MARCH 31, 1998, 10:00 A.M. IN THE CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135.

BIDS ARE DUE APRIL 14, 1998 BY 3:00 P.M. AND WILL BE RECEIVED AT THE CONTINENTAL AIRLINES, INC., CTC BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO, ATTENTION: BILL FRASER.

March 18, 1998 and March 25, 1998

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 630-97.
By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of East 96th Street.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 96th Street, as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate the following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of:

EAST 96TH STREET (66.00 feet wide), and its associated turn-outs extending Northerly from the Northerly line of Cedar Avenue (66.00 feet wide) to the Southerly line of Carnegie Avenue (80.00 feet wide).

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

Adopted March 2, 1998.
 Effective March 11, 1998.

Res. No. 439-98.
By Councilman Cimperman.
An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3074 W. 14th St., and repealing Res. No. 1943-97, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3074 W. 14th St., by Res. No. 1943-97, adopted October 13, 1997; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 3074 W. 14th St., be and the same is hereby withdrawn and Res. No. 1943-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives

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

Adopted March 9, 1998.
 Effective March 16, 1998.

Res. No. 440-98.
By Councilman Rybka.
An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 3824 E. 65th St., 1st Fl., and repealing Res. No. 1515-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a Liquor Permit to 3824 E. 65th St., 1st Fl., by Res. No. 1515-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the renewal of a Liquor Permit to 3824 E. 65th St., 1st Fl., be and the same is hereby withdrawn and Res. No. 1515-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted March 9, 1998.
 Effective March 16, 1998.

Res. No. 441-98.
By Councilman Johnson.
An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3249 East 143rd Street, and repealing Res. No. 93-98, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3249 E. 143rd Street, by Res. No. 93-98, adopted January 12, 1998; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 3249 E. 143rd St., be and the same is hereby withdrawn and Res. No. 93-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

shall take effect and be in force from and after the earliest period allowed by law.

Adopted March 9, 1998.
 Effective March 16, 1998.

Res. No. 442-98.
By Councilman White.
An emergency resolution withdrawing objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 3916 E. 123rd St., and repealing Res. No. 1101-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2, C2X, and D6 Liquor Permit to 3916 E. 123rd St., by Res. No. 1101-97, adopted June 9, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit to 3916 E. 123rd St., be and the same is hereby withdrawn and Res. No. 1101-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted March 9, 1998.
 Effective March 16, 1998.

Res. No. 443-98.
By Councilman Melena.
An emergency resolution withdrawing objection to the renewal of a D1, D2 and D3A Liquor Permit to 3135 W. 63rd St., 1st Fl. & Bsmt., and repealing Res. No. 1547-97, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2 and D3A Liquor Permit to 3135 W. 63rd St., 1st Fl. & Bsmt., by Res. No. 1547-97, adopted August 13, 1997; and

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

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

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

Section 1. That objection to the renewal of a D1, D2 and D3A Liquor Permit to 3135 W. 63rd St., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1547-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted March 9, 1998.

Effective March 16, 1998.

Ord. No. 1290-97.

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

An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Parsons Infrastructure & Technology Group, Inc. for program and construction management for the five-year capital improvement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Whereas, the Department of Port Control has solicited proposals to hire a professional consultant to provide program and construction management for the five-year capital program at Cleveland Hopkins International Airport; and

Whereas, the Department of Port Control has determined, following established procedures for selecting consultants, to award the contract to Parsons Infrastructure & Technology Group, Inc.; and

Whereas, this Council joins with the Department of Port Control in the selection of Parsons Infrastructure & Technology Group, Inc. to perform the services; and

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to enter into contract with Parsons Infrastructure & Technology Group, Inc. for professional services necessary to provide program and construction management for the five-year capital improvement program at Cleveland Hopkins International Airport, in the total sum not to exceed \$6,500,000.00, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22520.

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

Passed March 2, 1998.

Effective March 11, 1998.

Ord. No. 1781-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of Stuber Court N.E. hereinafter described.

Whereas, on the 14th day of August, 1996 the Council of the City of Cleveland adopted Resolution No. 1114-96 declaring its intention to vacate a portion of Stuber Ct. N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1114-96 has been served upon the owners of all the property abutting Stuber Ct. N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

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

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

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

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

Section 1. That all that portion of Stuber Ct. N.E., (15 and 16 feet wide), beginning on its Northerly line, at its intersection with the Westerly line of E. 30th Street (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point; thence Northeast (16.02 feet) to a point on its Easterly line; thence Northwest along its Easterly line (24.62 feet) to a point; thence Northeast along its Southerly line (98 feet) to the Westerly line of E. 30th St. as aforesaid; thence Northwest (15 feet) to the place of beginning is hereby vacated.

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

That portion of Stuber Ct. N.E., described as follows:

Beginning on the Northerly line of Stuber Ct. N.E., at its intersection with the Westerly line of E. 30th St. (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point; thence Northeast (16.02 feet) to a point on its Easterly line (24.62 feet) to a point; thence Northeast along its Southerly line (98 feet), to the Westerly line of E. 30 St. as aforesaid; thence Northwest (15 feet) to the place of beginning.

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

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

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

Passed March 2, 1998.

Effective March 11, 1998.

Ord. No. 2103-97.

By Councilmen Britt and Johnson (by request).

An emergency ordinance to repeal Ordinance No. 2023-97, passed January 26, 1998, and authorizing the Director of Public Service to issue a permit to Health Hill Hospital for Children to encroach into the public right-of-way on Martin Luther King, Jr. Boulevard and Shaker Boulevard to construct, use and maintain hospital identification banners to be hung on Cleveland Electric Illuminating Company utility poles.

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

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

Section 1. That Ordinance No. 2023-97, passed January 26, 1998, be and is hereby repealed.

Section 2. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Health Hill Hospital for Children, 2801 Martin Luther King, Jr. Drive, Cleveland, Ohio 44104-3865, its successors and assigns, for the construction, maintenance and use of approximately eleven (11) hospital identification banners, to be hung on Cleveland Electrical Illuminating Company utility poles (by separate permission), which banners will encroach into the public right-of-way of Martin Luther King, Jr., Boulevard and Shaker Boulevard, and are more fully described as follows:

<u>POLE LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER / POLE TYPE:</u>
Five (5) Poles on the north side of the eastbound lanes of Shaker Blvd. beginning at the corner of Shaker & MLK & extending east on Shaker Blvd.	No tag or # No tag or # No tag or # #548839 #548840	C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southeast corner of MLK & Shaker Blvd.	No tag or #	City of Cleveland/ Traffic Signal
Two (2) poles on the easterly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539752 #539560	C.E.I. / Streetlight C.E.I. / Streetlight
One (1) pole on the extreme southwest corner of MLK & Shaker Blvd.	#701856	C.E.I. / Streetlight
Two (2) poles on the westerly side of MLK southerly from Shaker Blvd. proceeding southerly toward Buckeye Rd.	#539753 #45259	C.E.I. / Streetlight C.E.I. / Streetlight

Section 3. That said banners will be located within the public right-of-way of Martin Luther King, Jr. Boulevard and Shaker Boulevard and shall be constructed in accordance with plans and specifications approved by the City Commissioner of Engineering and Construction.

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

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

Passed March 2, 1998.
Effective March 11, 1998.

Ord. No. 147-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair vehicle frames and for alignments, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair vehicle frames and for alignments, in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. 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 peri-

od 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 one year period.

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 22919)

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

Passed March 9, 1998.
Effective March 16, 1998.

Ord. No. 148-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with E. J. Ward, Inc. for the purchase of

spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 22920.

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

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

Passed March 9, 1998.
Effective March 16, 1998.

**Ord. No. 149-98.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain Case, Caterpillar, Gradall and Crane Carrier equipment, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and maintain Case, Caterpillar, Gradall and Crane Carrier equipment in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one year period.

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 22914)

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

Passed March 9, 1998.
Effective March 16, 1998.

**Ord. No. 150-98.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain mowers and cutting equipment, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and maintain mowers and cutting equipment in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one year period.

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 22916)

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

Passed March 9, 1998.
Effective March 16, 1998.

**Ord. No. 151-98.
By Councilmen Sweeney and Johnson (by departmental request).**

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

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair and maintain Ford truck

parts in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one year period.

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 22918)

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

Passed March 9, 1998.
Effective March 16, 1998.

**Ord. No. 152-98.
By Councilmen Sweeney and Johnson (by departmental request).**

An emergency ordinance authorizing and directing the purchase by requirement contract of anti-freeze, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of anti-freeze in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one year period.

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

fy 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 22917)

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

Passed March 9, 1998.

Effective March 16, 1998.

Ord. No. 153-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gasoline, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of gasoline in the approximate amount as purchased during the preceding one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one year period.

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 22915)

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

Passed March 9, 1998.

Effective March 16, 1998.

Ord. No. 199-98.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1941-97, passed October 13, 1997, relating to the vacation of a portion of Iliad Court S.W. and West 22nd.

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 1 of Ordinance No. 1941-97, passed October 13, 1997, is hereby amended to read as follows:

Section 1. That all that portion of Iliad Ct. S.W., (12 feet wide), extending Southerly and Southwesterly from the Southerly line of Eglindale Avenue S.W. Vacation by the Council of the City of Cleveland by Ordinance No. 1122-87, passed on June 16, 1987 ANDa portion of West 22nd Place (12 feet wide) extending Northerly from the Northerly line of Titus Avenue S.W. (50 feet wide) to the Southerly line of Eglindale Avenue S.W. (50 feet wide) is hereby vacated.

Section 2. That existing Section 1 of Ordinance No. 1941-97, passed October 13, 1997, 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 its approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed March 9, 1998.

Effective March 16, 1998.

Ord. No. 200-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing a Revolving Credit Agreement and the issuance of Special Revenue Notes to evidence any advances thereunder in an amount not to exceed \$10,000,000 for the purpose of paying costs of acquiring residential properties and relocating residents and insulating residences to mitigate the impact of airport noise and paying costs of other projects approved by the Federal Aviation Administration for funding from passenger facility charges, authorizing the pledge of the Pledged Revenues to secure those notes, and authorizing and approving related matters.

Whereas, the Aviation Safety and Capacity Expansion Act of 1990 authorized the U.S. Secretary of Transportation to approve locally imposed passenger facility charges ("PFCs") at airports to finance eligible capital projects; and

Whereas, pursuant to the Act (as defined in Section 1), the City of Cleveland, Ohio (the "City") has received approval from the U.S. Department of Transportation, Federal Aviation Administration (the "FAA"), to impose and use PFCs to fund certain projects at or in the vicinity of Cleveland Hopkins International Airport (the "Airport"), including acquiring residential properties and relocating residents and insulating residences to mitigate the impact of Airport noise, and intends to seek further such approvals; and

Whereas, this Council has determined that, to maximize the benefits of the Approved Projects (as defined in Section 1), it may be necessary that certain costs of the Approved Projects be incurred and paid in advance of the collection of PFC revenue for the purpose; and

Whereas, to provide funds timely to pay such costs, this Council has determined it to be in the best interest of the City to provide for a revolving credit arrangement with a bank or other financial institution, under which the City may obtain advances, from time to time, in anticipation of the collection of PFC revenue to repay those advances (the "Revolving Credit Agreement"); and

Whereas, this Council has further determined that it is necessary for the City to issue obligations (the "Revenue Notes") to evidence any advances under the Revolving Credit Agreement, payable from and secured by the Pledged Revenues (as defined in Section 1) on the terms and subject to the conditions set forth herein; and

Whereas, the prompt and immediate completion of the Approved Projects is necessary to maximize the benefits thereof, including the benefit of reducing the impact of Airport noise, and requires providing for a Revolving Credit Agreement, issuing Revenue Notes to evidence any advances made thereunder, and undertaking the other transactions contemplated herein and, consequently, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

Section 1. Definitions.

As used in this ordinance, the following capitalized words and terms shall have the following meanings. Words importing singular numbers shall include the plural number in each case, and vice versa.

"Act" means, collectively, Section 9110 of the Aviation Safety and Capacity Expansion Act of 1990, which amended Section 1113 of the Federal Aviation Act of 1958 (49 U.S.C. App. § 1513(e)), and the related U.S. Department of Transportation FAA regulations (14 C.F.R. Part 158 — the "PFC Regulations"), as such provisions may be amended or supplemented from time to time.

"Approved Projects" means Airport noise mitigation projects for which the imposition and use of PFCs has been or may be approved by the FAA pursuant to the Act, including acquiring residential properties and relocating residents and insulating residences to mitigate the impact of Airport noise, as any such projects may be amended or otherwise changed pursuant to applicable law.

"Bank" means the bank or other financial institution selected by the Director of Finance pursuant to this ordinance to provide the Revolving Credit Agreement.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code, and all applicable regulations (whether proposed, temporary or final) thereunder.

"Net PFC Revenue" means that PFC revenue which is remitted to the City by collecting air carriers,

after they retain their compensation — currently \$0.08 of each PFC remitted — for collecting, handling and remitting PFC revenue, for the purpose of paying allowable costs of the Approved Projects, and includes interest earned after such revenue has been remitted to the City.

"Pledged Revenues" means Net PFC Revenue less any PFC revenue that has been pledged or assigned to, or is otherwise committed to be used for, the repayment of City obligations other than the applicable Revenue Notes. If determined by the Director of Finance, following consultation with the City's Financial Advisor (as defined in Section 4), that it is necessary to provide additional security or sources of payment for the Revenue Notes in order to obtain the Revolving Credit Agreement on commercially reasonable terms, Pledged Revenues may also include such Airport revenues as are available for the purpose, subject to the prior lien of the Trust Indenture dated as of November 1, 1976, between the City and Chase Manhattan Trust Company, National Association, as successor Trustee, as supplemented and amended by the First Supplemental Trust Indenture, dated as of April 1, 1990, the Second Supplemental Trust Indenture, dated as of August 1, 1994, and the Third Supplemental Trust Indenture, dated as of November 1, 1997, all between the City and the Trustee (as defined in the Indenture; collectively, and as the same may be further amended, supplemented or restated, the "Indenture"), and to any applicable restrictions under the Use Agreements (as defined in the Indenture).

"Revenue Notes" means the note or notes evidencing advances made under the Revolving Credit Agreement, as provided in Section 3.

Section 2. Determinations by Council.

(a) **Public Purpose.** This Council finds and determines that providing for a Revolving Credit Agreement and issuing Revenue Notes to evidence advances thereunder serve proper, public, municipal purposes by facilitating the prompt initiation and completion of the Approved Projects, including the acquisition of residential properties and the relocation of residents and insulating residences to mitigate the impact of Airport noise, and thereby improve the health, safety and welfare of the people of the City and enable the City to undertake the expansion of its Airport facilities to provide air travel facilities needed by the people of the City and to increase and promote commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio.

(b) **Authorization of the Revolving Credit Agreement and Revenue Notes.** This Council finds and determines that it is necessary, proper, and in the best interest of the City to provide for a Revolving Credit Agreement and, for the public purpose so stated, (i) the Director of Finance is authorized to enter into the Revolving Credit Agreement, and (ii) the City shall issue Revenue Notes to evidence any advances under the Revolving Credit Agreement.

Section 3. Terms and Conditions.

(a) **Amount.** The amount available to the City under the Revolving Credit Agreement, and thus the

aggregate amount of Revenue Notes outstanding at any time, shall be determined by the Director of Finance, shall be set forth in the Revolving Credit Agreement, and shall not exceed \$10,000,000.

(b) **Form.** The Revenue Notes shall be issued only in registered form, registered in the name of the Bank or its nominee, as registered owner, shall be payable in lawful money of the United States of America to the registered owner, and shall not be transferable or assignable, in whole or in part, without the prior written approval of the Director of Finance of the City. Each advance obtained by the City under the Revolving Credit Agreement shall be evidenced by the delivery of a Revenue Note in the principal amount of the advance, or the entry on the grid of a master Revenue Note of the principal amount of the advance. In the event that each advance under the Revolving Credit Agreement is evidenced by a separate Revenue Note, that Revenue Note shall be dated the date of the advance. In the event that one master Revenue Note is issued bearing a grid for the entry of multiple advances, that master Revenue Note shall be dated as of the date of the first advance under the Revolving Credit Agreement, and the date and amount of any subsequent advance shall be entered on the grid. The Revenue Notes shall be signed on behalf of the City by the Mayor and the Director of Finance and approved as to legal form and correctness and signed by the Director of Law or his or her designee, provided that any or all of such signatures may be facsimiles, and shall bear the corporate seal of the City or a facsimile thereof.

(c) **Terms.** The principal amount of each advance under the Revolving Credit Agreement shall bear interest from the date of the advance or the most recent date to which interest has been paid or duly provided for, in accordance with the Revenue Note evidencing the advance. The Director of Finance shall negotiate with the Bank to obtain such interest rate or rates as are determined by the Director of Finance to be in the best financial interest of the City, given prevailing market considerations. The interest rate or rates may be variable, determined by reference to one or more market indices or the Bank's prime lending rate, or may be fixed; provided such rate or rates shall not in any event exceed twelve percent (12%) per annum.

Revenue Notes shall mature on the date or dates approved by the Director of Finance, provided that any such date shall be no later than the expiration of the City's authorization from the FAA to collect PFCs in the normal course. Revenue Notes shall be subject to redemption at the option of the City in whole or in part prior to stated maturity on the dates and terms approved by the Director of Finance and provided in the Revolving Credit Agreement, provided that the optional redemption premium shall not exceed 2% of the principal amount of the Revenue Note to be redeemed.

(d) **Source of Repayment; Security.** Revenue Notes shall be special, limited obligations of the City the principal of and interest and any premium (collectively, "debt service") on which shall be payable solely from, and secured solely by, the Pledged Revenues as provided

in the Revolving Credit Agreement. Revenue Notes shall not constitute a general obligation of the City and shall not constitute a debt, or a pledge of the faith and credit of the City. No holder or owner of Revenue Notes shall ever have the right to compel the exercise of the City's taxing power or to compel the City to pay debt service on the Revenue Notes or to make any other payments contemplated under the Revolving Credit Agreement from any moneys of the City other than the Pledged Revenues. Revenue Notes shall contain on the face thereof a statement to that effect. Neither the Revenue Notes nor the interest thereon shall constitute a lien upon the Approved Projects or any other property interest other than the Pledged Revenues in the manner provided for in this ordinance, the Revenue Notes, and the Revolving Credit Agreement.

(e) **PFC Program.** The terms and conditions of the Revolving Credit Agreement and the Revenue Notes, including those of all related documents, and the carrying out of the obligations imposed thereunder, shall not be such as to induce the FAA to initiate procedures for the termination of the City's PFC program under the PFC Regulations (at 14 C.F.R. Part 158, Subpart E) and applicable law.

Section 4. Delivery of Documents.

(a) **Revolving Credit Agreement.** The Director of Finance may enter into a Revolving Credit Agreement with the Bank which the Director of Finance may select, after consultation with the City's financial advisor, Carmona Motley Hoffmann, Inc., or other such advisor selected by the Director of Finance (the "Financial Advisor"), and subject to approval of the legal form and correctness of the Revolving Credit Agreement by the Director of Law or his or her designee. The Mayor, the Director of Finance, the Director of Port Control and other appropriate City officials are hereby authorized to furnish, complete, sign and deliver, such other documents, certificates and instruments, after approval thereof as to legal form and correctness by the Director of Law or his or her designee, necessary to carry out the purposes of the Revolving Credit Agreement in accordance with and subject to the limitations set forth in this ordinance.

The Director of Finance is authorized to obtain advances under the Revolving Credit Agreement on behalf of the City after due consideration of the cash flow needs and status of the Approved Projects, and the certification of the Director of Finance authorizing such advances shall constitute conclusive proof that such due consideration was made.

(b) **PFC Revenue Notes.** In accordance with and subject to the limitations set forth in this ordinance, the Director of Finance, in order to evidence any advance under the Revolving Credit Agreement, is hereby authorized to designate the terms of Revenue Notes, including, without limitation: (i) the date or dates of the Revenue Notes and each advance thereunder; (ii) principal amounts available, from time to time, under the Revolving Credit Agreement, and the principal amount of each advance; (iii) number of series and series designations; (iv) interest rates and pay-

ment dates; (v) purchase prices and yields; (vi) optional redemption provisions; (vii) maturity dates; and (viii) whether any Revenue Notes of any series are to be secured by or payable from a municipal bond insurance policy, bank letter of credit, or other form of credit or liquidity facility. It is hereby determined that the purchase price, the interest rates, and the other terms and conditions of the Revenue Notes as so specified and determined within the limitations set forth in this ordinance will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance is hereby appointed to act as the note registrar to maintain the official records with respect to, and as the paying agent for, the Revenue Notes; provided, however, that the Director of Finance is authorized to appoint a bank (including the Bank) or other institution, or other person or entity, for such purposes.

The Mayor, the Director of Finance, the Clerk of Council and other City officials, as appropriate, are directed to take all actions necessary to effect due signing, authentication and delivery of Revenue Notes under the terms of this ordinance and the Revolving Credit Agreement.

All costs, fees and expenses relating to the establishment of the Revolving Credit Agreement, the issuance of the Revenue Notes and the securing of the Revenue Notes by the Pledged Revenues, including without limitation, the fees of the Bank and the fees and expenses of legal counsel and the Financial Advisor, shall be paid by the Director of Finance from the Pledged Revenues (to the extent not paid by the Bank).

Section 5. Application of Proceeds.

The proceeds from any advances under the Revolving Credit Agreement, evidenced by the issuance of Revenue Notes, shall be applied solely to the payment of allowable costs of the Approved Projects pursuant to the PFC Regulations.

Section 6. Tax Covenants.

In the event that Revenue Notes are to be issued as obligations bearing interest to be excluded from gross income for federal income tax purposes ("Tax-Exempt Notes"), the Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Notes, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Notes or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in

writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Notes.

Section 7. Related Authorizations.

To the extent permitted under the Revolving Credit Agreement, the City is authorized, from time to time, to enter into one or more agreements in connection with or subsequent to the issuance of Revenue Notes, for an interest rate swap, an interest rate cap, or any other such arrangement to lower the effective interest rate on the Revenue Notes or to hedge the exposure of the City against fluctuations in prevailing interest rates (a "Rate Exchange Agreement"). The Director of Finance is authorized, on behalf of the City, to execute and deliver one or more Rate Exchange Agreements that he determines, based upon the advice of the City's Financial Advisor, will reduce the net debt service charges payable on the Revenue Notes or otherwise enhance the timing and amount of the payments thereof for the City's purposes to an extent that justifies the cost of the City's entering into such Rate Exchange Agreements.

The Mayor, the Director of Finance, the Director of Port Control, the Director of Law, the Clerk of Council and such other officers of the City, as may be appropriate, are authorized and directed to furnish, execute and deliver such documents, certifications and instruments as may be necessary or appropriate to obtain and maintain the Revolving Credit Agreement, issue Revenue Notes, and consummate the transactions contemplated in the Revolving Credit Agreement, Revenue Notes and any Rate Exchange Agreement, including, without limitation, any amendments of FAA-approved PFC applications of the City that may be necessary to impose and use PFCs to pay costs of Approved Projects, including debt service and financing costs pertaining to Approved Projects. The Clerk of Council or other appropriate official of the City shall, upon the Bank's request, furnish the Bank a true transcript of proceedings certified by the Clerk or other appropriate official, of all proceedings had with reference to the issuance of any Revenue Notes along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Revenue Notes.

Section 8. Open Meeting Determination.

It is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council

and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 9. Severability.

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

Section 10. Recitals.

It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Revenue Notes and the entering into the Revolving Credit Agreement in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Revolving Credit Agreement and the issuance of Revenue Notes.

Section 11. Miscellaneous.

References in this Ordinance to any director or other official of the City shall include such person who may be acting as such director or official in the absence or temporary vacancy from office of such director or official.

Section 12. Emergency; Effective Date.

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

Passed March 9, 1998.

Effective March 16, 1998.

Ord. No. 436-98.

By Mayor White and Councilmen Westbrook, Robinson and Johnson.
An emergency ordinance to name the roadway located in Luke Easter Park as Larry Doby Way.

Whereas, it is most fitting and appropriate to recognize Larry Doby for his years of dedicated service to the citizens of Cleveland; 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 roadway located in Luke Easter Park is hereby named "Larry Doby Way."

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by placing of appropriate signs, nameplates and plaques and the altering of references necessary to reflect the naming of the roadway.

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

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

Passed March 9, 1998.
Effective March 16, 1998.

Ord. No. 437-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the Walk for Diabetes (Walktoberfest) on October 4, 1998, sponsored by the American Diabetes Association.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Walk for Diabetes (Walktoberfest), sponsored by the American Diabetes Association, on October 4, 1998, starting at Nautica Stage/Power House, West Banks of the Flats, west on Main Ave. to Center St., east on Center St. to Columbus Rd., east on Columbus Rd. to Merwin Ave., north on Merwin Ave. to W. Superior Ave., east on W. Superior to Public Square, south on Public Square to Ontario Ave., south on Ontario Ave. to Huron Rd., east on Huron Rd. to Prospect to E. 14 St., north on E. 9th St. to Erieside Ave., west on Erieside Ave. to W. 3rd St., south on W. 3rd St. to Lakeside Ave., west on Lakeside Ave. to W. 9th St., north on W. 9th St. to Front Ave., west on Front Ave. to Old River Rd., south on Old River Rd. to Merwin Center St., south on Merwin to Columbus Rd., west on Columbus Rd. to Center Rd., west on Center Rd. to Main Ave., east on Main Ave. to the Boardwalk, east on the Boardwalk and back to the Nautica Stage/Power House, 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 March 9, 1998.
Effective March 16, 1998.

Ord. No. 438-98.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Nation of Islam — East 55th Street and Woodland Avenue).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Nation of Islam at East 55th Street and Woodland Avenue.

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

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

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

Passed March 9, 1998.

Effective March 16, 1998 without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Thursday, March 5, 1998

Finance Committee (Budget Hearings): 9:30 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Sweeney, Zone. Excused: Robinson, Rybka.

Friday, March 6, 1998

Finance Committee (Budget Hearings): 9:30 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Rybka, Sweeney, Zone. Excused: Robinson.

Monday, March 9, 1998

Finance Committee (Budget Hearings): 9:30 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Polensek, Robinson, Rybka, Sweeney, Zone. Excused: Patmon.

Tuesday, March 10, 1998

Finance Committee (Budget Hearings): 9:30 A.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Melena, Patmon, Polensek, Rybka, Sweeney, Zone. Excused: Robinson.

Wednesday, March 11, 1998

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

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