

The City Record

Official Publication of the City of Cleveland

October the Seventh, 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

Containing	PAGE
City Council	3
The Calendar	18
Board of Control	19
Civil Service	21
Board of Zoning Appeals	21
Board of Building Standards and Building Appeals	22
Public Notices	23
Public Hearings	23
City of Cleveland Bids	23
Adopted Resolutions and Ordinances	25
Committee Meetings	30
Index	30

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council-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 -Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean Alford, Manager, Internal Audit			
DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19 City Treasury - Mary Christine Jackman, Treasurer, Room 115			
Assessments and Licenses - Robert J. Schneider, Commissioner, Room 122			
Purchases and Supplies - William A. Moon, Commissioner, Room 128			
Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue			
Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue			
Financial Reporting and Control - Robert Dolan, Controller, Room 18			
Information Systems Services - Hamid Manteghi, Commissioner, 1404 E. 9th St.			
DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside Avenue			
DIVISIONS - 1201 Lakeside Avenue			
Water - Julius Ciaccia, Jr., Commissioner			
Water Pollution Control - Darnell Brown, Commissioner			
Utilities Fiscal Control - Morry Blech, Commissioner			
Cleveland Public Power - James F. Majer, Commissioner			
Street Lighting Bureau - Frank Schilling, Acting Chief.			
DEPT. OF PORT CONTROL - Solomon F. Balraj, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;			
Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner			
Burke Lakefront Airport - Michael C. Barth, Commissioner			
DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113			
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.			
Streets - Randell T. Scott, Commissioner, Room 25			
Engineering and Construction - JoMarie Wasik, Acting Commissioner, Room 518			
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards			
Architecture - Kenneth Nobilio, Commissioner, Room 517			
DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.			
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue			
Environment - Eric Myles, Acting Commissioner, Mural Building, 1925 St. Clair Avenue			
Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
DEPT. OF PUBLIC SAFETY -William M. Denihan, Director, Room 230.			
DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street			
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue			
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street			
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive			
DEPT. OF PARKS, RECREATION & PROPERTIES - Nicholas P. Jackson, Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.			
DIVISIONS -Convention Center & Stadium-James Glending, Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			
Property Management - Vernon Robinson, Commissioner, East 49th & Harvard			

Parking Facilities - Alfred T. Miller, Jr., Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.		
Park Maintenance and Properties -Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.		
Recreation - Michael Cox, Acting Commissioner, Room 8		
Research, Planning & Development - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport		
DEPT. OF COMMUNITY DEVELOPMENT -Terri Hamilton, Director, 3rd Floor, City Hall.		
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.		
Neighborhood Services - Louise V. Jackson, Commissioner.		
Neighborhood Development - Donald T. Moss, 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, Dennis D. Dove, Acting Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie, Charles E. McBee, Larry C. Liou, John Gallo, Emmett Saunders, Mary Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen, Barbara S. Rosenthal, Henry Simon.		
CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan, Secretary; Margaret Hopkins, Member, Earl Preston, Member.		
SINKING FUND COMMISSION - Michael R. White, President; Betsy Hruby, Asst. Sec'y.; _____, Director; President of Council Jay Westbrook.		
BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.		
BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room 516, J. F. Denk, Chairman; J. Bowes, James Williams, Alternate Members - D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, J.S. Sullivan.		
BOARD OF REVISION OF ASSESSMENTS - Law Director Sylvester Summers, Jr., President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.		
BOARD OF SIDEWALK APPEALS - Service Director Henry Guzmán; Law Director Sylvester Summers, Jr.; Councilman Roosevelt Coats.		
BOARD OF REVIEW - (Municipal Income Tax) - Law Director Sylvester Summers, Jr.; Utilities Director Michael Konicek; Council President Jay Westbrook.		
CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Rev. Albert T. Rowan, Chairman; _____, Vice Chairman, David Bowen, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.		
CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones, Chairman; Clint Martin, Mark Rivera.		
MORAL CLAIMS COMMISSION - Law Director Sylvester Summers, Jr.; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.		
BOARD OF EXAMINERS OF ELECTRICIANS - Raymond Ossovicki, Chairman; _____, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.		
BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Earl S. Bumgarner, _____, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.		
CLEVELAND LANDMARKS COMMISSION - Room 519 _____, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilman Craig E. Willis.		
CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT JUDGE COURTROOM ASSIGNMENTS		
	Judge	Courtroom
	Presiding and Administrative Judge Larry A. Jones	13C
	Judge Ronald B. Adrine	15A
	Judge Colleen C. Cooney	14A
	Judge C. Ellen Connally	15C
	Judge Mabel M. Jasper	14D
	Judge Mary E. Kilbane	14C
	Judge Kathleen A. Keough	12C
	Judge Ralph J. Perk, Jr.	14B
	Judge Raymond L. Pianka (Housing Court Judge)	13B
	Judge Angela R. Stokes	13A
	Judge Gerald F. Sweeney	12D
	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, OCTOBER 7, 1998

No. 4426

CITY COUNCIL

MONDAY, OCTOBER 5, 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

9:00 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 October 5, 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 Chief of Staff Sheffield-McClain and Directors Carter, Carmody, Konicek, Guzman, Staib, Denihan, Jackson, Hamilton, Warren, Morrison and Acting Director Alexander.

Absent: Mayor White and Directors Balraj, Nolan and Axelrod.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Reverend June Begany of Old Stone Church, located in Ward 13. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1753-98.
From the Division of Purchases and Supplies re: Emergency Requisition (RE-08241). Received.

File No. 1754-98.
From the Division of Purchases and Supplies re: Notification of "Set Aside" Req. No. 13323. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1755-98.
Re: New Application - 2464248 - El Beriha Corporation dba JJ's Food and Deli, 4282 West 130th Street. (Ward 20). Received.

File No. 1756-98.
Re: New Application - 73153250070 - Revco Drug Stores, Inc. dba CVS Pharmacy 7768, 4444 Rocky River Drive. (Ward 21). Received.

File No. 1757-98.
Re: Transfer of Ownership Application - 4500715 - Mazen Kash dba Friendly Food Mart, 4050 West 140th Street, first floor. (Ward 20). Received.

File No. 1758-98.

Re: Transfer of Ownership Application - 1614590 - Wayne & Kathryn Cole dba Dudley Deli, 7520 Dudley Avenue, first floor. (Ward 17). Received.

File No. 1759-98.

Re: Transfer of Location Application - 47569890001 - Kogg Enterprises Inc. dba Kogg, 7011 St. Clair Avenue. (Ward 13). Received.

File No. 1760-98.

Re: Transfer of Ownership and Location Application - 4403788 - JNR, Inc. dba Chillis II, 10914 Union Avenue. (Ward 3). Received.

File No. 1761-98.

Re: Stock Transfer Application - 1844550 - Cudnik's Inc. dba Cudnik's Tavern, 3995 Jennings Road. (Ward 15). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1784-98. Edward Booze.

Res. No. 1785-98. Ella M. Speed.

Res. No. 1786-98. Kathleen B. Burton.

Res. No. 1787-98. Moses Hill.

Res. No. 1788-98. Thomas R. Coury.

Res. No. 1789-98. Ruby Arnetta Pate-Taylor.

Res. No. 1790-98. Dorothy Chappell.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1791-98. New Zion Church of God — Holiness Youth Auxiliary.

Res. No. 1792-98. Mt. Pleasant United Methodist Church Senior Ministry.

Res. No. 1793-98. St. Stanislaus Parish — 125th Anniversary.

Res. No. 1794-98. Reverend John Bryk.

Res. No. 1795-98. Eugene P. Kent.

Res. No. 1796-98. John Joseph Grabowski, Ph. D.

Res. No. 1797-98. Natalie Swintek.

RECOGNITION RESOLUTIONS

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

Res. No. 1798-98. Raymond Duke.

Res. No. 1799-98. Rally for Children.

Res. No. 1800-98. Jimmy Bivins.

WELCOME RESOLUTION

The rules were suspended and the following Resolution was adopted without objection.

Res. No. 1801-98. American Court & Commercial Newspapers, Inc.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1762-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay the cost of extraction of 1997 Ohio income tax master file data.

Whereas, the State of Ohio is the sole source of state income tax data; and

Whereas, the State of Ohio has provided 1997 Ohio income tax master file data to the City 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 Director of Finance is hereby authorized to pay the sum of Nineteen Thousand Dollars (\$19,000) to the Treasurer of the State of Ohio from Fund No. 80 SF 001, Request No. 21211, for extraction from the 1997 Ohio Individual Master File of taxpayer information relating to the communities served by the Central Collection Agency.

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

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

Ord. No. 1763-98.

By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract without competitive bidding with Data Compression Technology for the purchase and installation, if necessary, of STAX software, for records retrieval, for the Division of Taxation, Department of Finance.

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

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

Section 1. That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Data Compression Technology. Therefore, the Director of Finance is hereby authorized to make a written contract with said Data Compression Technology for the purchase and installation, if necessary, of STAX software which will enable the Division of Taxation to establish a records retrieval agreement with the Internal Revenue Service, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 81 SF 001, Request No. 21210.

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 Finance, Law; Committee on Finance.

Ord. No. 1764-98.

By Councilman Cimperman.

An emergency ordinance to vacate a portion of Houston Avenue S.W. hereinafter described.

Whereas, on the 12th day of May, 1997 the Council of the City of Cleveland adopted Resolution No. 56-97 declaring its intention to vacate a portion of Houston Avenue S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 56-97 has been served upon the owners of all the property abutting Houston Avenue S.W., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of Houston Avenue S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

Section 1. That all that portion of Houston Avenue S.W. Beginning on the Southwesterly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwesterly from the Westerly prolongation of the Southerly line of Houston Avenue S.W. at its intersection with the Southerly prolongation of the Westerly line of West 5th Street (40.00 feet wide) to the Easterly line of West 7th Street (50.00 feet wide) and including its associated turnouts, be and the same is hereby vacated.

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

That all that portion of Houston Avenue S.W. Beginning on the Southwesterly line of said Houston Avenue S.W. (40.00 feet wide) extending Southerly and Southwesterly from the Westerly prolongation of the Southerly line of Houston Avenue S.W. at its intersection with the Southerly prolongation of the Westerly line of West 5th Street (40.00 feet wide) to the Easterly line of West 7th Street (50.00 feet wide) and including its associated turnouts.

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

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 Houston Avenue S.W.,

herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1765-98.

By Councilman Cimperman.

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

Whereas, on the 25th day of September, 1995 the Council of the City of Cleveland adopted Resolution No. 1256-95 declaring its intention to vacate a portion of Perry Court, N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1256-95 has been served upon the owners of all the property abutting Perry Court 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 16th day of April, 1998, the Board of Revision of Assessments approved the vacation of Perry Court 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 Perry Court, 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 Perry Court N.E. (12.00 feet wide) extending Westerly from the Westerly line of East 26th Street (66.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 200 in the Perry and Payne Subdivision recorded in Volume 2, Page 29, of Cuyahoga County Records, be and the same 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 all that portion of Perry Court N.E. (12.00 feet wide) extending Westerly from the Westerly line of East 26th Street (66.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 200 in the Perry and Payne Subdivision recorded in Volume 2, Page 29, of Cuyahoga County Records.

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 Perry Court 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.

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

**Ord. No. 1766-98.
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 Infant Mortality Reduction (Initiative) Grant; and to enter into contract with Lutheran Metropolitan Ministry 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 \$90,000, and any other funds as they become available during the grant period, from the Ohio Department of Health, to conduct the Infant Mortality Reduction (Initiative) Grant, 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. 1766-98-A, made a part hereof as if fully rewritten herein, including the obligation of the City of Cleveland to provide in cash matching funds the sum of \$18,000, payable from Fund No. 01-50-01-0901, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contract with Lutheran Metropolitan Ministry for the implementation of 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. 1767-98.
By Mayor White.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Apcoa, Inc. to manage certain parking facilities, for a

term of three years with a three year option to renew.

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to enter into an agreement with Apcoa, Inc. for the management of the Willard Park Garage, Memorial Shoreway Lot, Canal Basin Lot, Superior Avenue Lot Chester Avenue Lot and Stadium South Lot, on the basis of its proposal dated June 19, 1995, contained in File No. 1767-98-A, as modified by the summary of terms contained in said File, for a term of three (3) years with one option to renew the agreement for an additional three (3) years exercisable by the Director of Parks, Recreation and Properties.

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

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

Referred to Committee on Finance.

**Ord. No. 1768-98.
By Mayor White.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a lease agreement with American Golf Corporation to operate the Seneca Golf Course and the Highland Golf Course, for a term of ten (10) years with a five (5) year option to renew; and to amend Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, relating to fees for golf course and cross country skiing.

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 Director of Parks, Recreation and Properties is authorized to enter into a Lease Agreement with American Golf Corporation for the operation of the Seneca Golf Course and Highland Golf Course, including the clubhouses and related facilities, on the basis of its proposal dated July 10, 1995, contained in File 1768-98-A, as modified by the summary of terms contained in said File, for a term of ten (10) years with one option to renew the lease for an additional five (5) years exercisable by the Director of Parks, Recreation and Properties.

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

Section 3. That Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, is hereby amended to read as follows:

Section 133.29 Golf Course and Cross County Skiing Fees

(a) **Effective January 1, 1998,** the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf course **from City residents:**

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.50
18 holes	\$15.00	\$16.00

B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.00	\$ 5.00
18 holes	\$ 9.00	\$ 9.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in **division (a)** who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(b) Effective January 1, 1998, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates	Monday-Friday	Weekends
9 holes	\$ 9.00	\$ 9.50
18 holes	\$17.00	\$18.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$11.00	\$11.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in **division (b)** of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(c) Effective January 1, 1999, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 8.75	\$ 9.25
18 holes	\$16.25	\$17.50

B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.50	\$ 5.50
18 holes	\$ 9.75	\$ 9.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 6.50	\$ 6.50
18 holes	\$12.00	\$12.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 5.50	\$ 5.50
18 holes	\$ 9.75	\$ 9.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (c) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(d) Effective January 1, 1999, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$10.00	\$10.50
18 holes	\$18.75	\$20.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 7.75	\$ 7.75
18 holes	\$14.50	\$14.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.25	\$12.25

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (d) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(e) Effective January 1, 2000, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.00	\$ 9.75
18 holes	\$17.00	\$18.00

B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 5.75	\$ 5.75
18 holes	\$10.25	\$10.25

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 6.75	\$ 6.75
18 holes	\$12.50	\$12.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 5.75	\$ 5.75
18 holes	\$10.25	\$10.25

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (c) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(f) Effective January 1, 2000, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$10.50	\$11.25
18 holes	\$20.00	\$21.00
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 8.25	\$ 8.25
18 holes	\$15.25	\$15.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 7.00	\$ 7.00
18 holes	\$13.00	\$13.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (f) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(g) Effective January 1, 2001, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.50	\$10.00
18 holes	\$17.75	\$18.75

B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$10.75	\$10.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 7.25	\$ 7.25
18 holes	\$13.00	\$13.00
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.00	\$ 6.00
18 holes	\$10.75	\$10.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (g) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(h) Effective January 1, 2001, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$11.25	\$11.75
18 holes	\$21.25	\$22.25
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 8.75	\$ 8.75
18 holes	\$16.25	\$16.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.75	\$13.75

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (h) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(i) Effective January 1, 2002, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$ 9.75	\$10.50
18 holes	\$18.25	\$19.50

B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 6.25	\$ 6.25
18 holes	\$11.00	\$11.00

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	Free	Free
18 holes	Free	Free

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 7.50	\$ 7.50
18 holes	\$13.50	\$13.50
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 6.25	\$ 6.25
18 holes	\$11.00	\$11.00

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (i) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(j) Effective January 1, 2002, the Director of Parks, Recreation and Properties shall be authorized to collect the following fees at municipal golf courses from non-City residents:

(1) Golf fees

A. Regular rates:	Monday-Friday	Weekends
9 holes	\$12.00	\$12.50
18 holes	\$22.50	\$23.75
B. Senior rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

To qualify for senior rates, a player must be at least sixty (60) years old and must provide positive photo identification.

C. Junior rates:	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

To qualify for junior rates, a player must be no more than eighteen (18) years old and must provide positive photo identification upon request.

D. Winter rates		
(Regular)	Monday-Friday	Weekends
9 holes	\$ 9.25	\$ 9.25
18 holes	\$17.25	\$17.25
(Junior and Senior)	Monday-Friday	Weekends
9 holes	\$ 8.00	\$ 8.00
18 holes	\$14.50	\$14.50

The Commissioner of Recreation shall determine, based on weather and course conditions, the dates during which winter rates shall be in effect.

(2) Additional 9 holes. Players under categories listed in division (j) of this section who purchase a 9-hole ticket and wish to play an additional 9 holes may do so by presenting the 9-hole ticket to the cashier within three hours from the time of purchase and paying the additional amount required to equal the 18-hole rate.

(k) Commencing on January 1, 2003, and on the first day of January in each year thereafter, the Director of Parks, Recreation and Properties is authorized to increase fees at the municipal golf courses from City residents and non-City residents in the amount which shall be computed by multiplying the amount of the previous years fees by a percentage which is equal to the percentage of increase, if any, between the CPI in effect on the first day of January of the year during which the fees are to be increased and the CPI in effect on the first day of January of the previous year and rounding such amount upwards to the nearest quarter of a dollar. The increased fees shall be effective as of the first day of the year in which they are fixed by the Direc-

tor of Parks, Recreation and Properties and shall be collected by at the municipal golf courses from City residents and non-City residents until such time as such fees are increased again in accordance with this division (k). As used in this division (k), "CPI" means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such a Consumer Price Index, any comparable index published by another branch or department of the Federal Government.

(1) Miscellaneous Rental Fees

(1) Cart Rental Rates for 1998 shall not exceed the following rates:

9 holes - Regular	\$ 9.00
18 holes - Regular	\$18.00
9 holes - Senior	\$ 8.00
18 holes - Senior	\$16.00
9 holes - Single	\$ 6.50
18 holes - Single	\$13.00
Pull Cart	\$ 1.50

(2) Cart Rental Rates for 1999 shall not exceed the following rates:

9 holes - Regular	\$10.00
18 holes - Regular	\$20.00
9 holes - Senior	\$ 9.00
18 holes - Senior	\$17.75
9 holes - Single	\$ 7.25
18 holes - Single	\$14.50
Pull Cart	\$ 1.75

(3) Cart Rental Rates for 2000 shall not exceed the following rates:

9 holes - Regular	\$10.50
18 holes - Regular	\$21.00
9 holes - Senior	\$ 9.50
18 holes - Senior	\$18.75
9 holes - Single	\$ 7.75
18 holes - Single	\$15.25
Pull Cart	\$ 2.00

(4) Cart Rental Rates for 2001 shall not exceed the following rates:

9 holes - Regular	\$11.25
18 holes - Regular	\$22.25
9 holes - Senior	\$10.00
18 holes - Senior	\$19.75
9 holes - Single	\$ 8.25
18 holes - Single	\$16.25
Pull Cart	\$ 2.25

(5) Cart Rental Rates for 2002 shall not exceed the following rates:

9 holes - Regular	\$12.00
18 holes - Regular	\$23.50
9 holes - Senior	\$10.50
18 holes - Senior	\$20.25
9 holes - Single	\$ 8.75
18 holes - Single	\$17.25
Pull Cart	\$ 2.50

(6) Tent Rental: \$200.00

(7) Locker Rental at Highland Park \$50.00 per season

(8) Banquet Room Rental at Highland Park - Catered Events:

No. of People	Golf Outing*	Other Functions
less than 75	\$150.00	\$200.00
75 to 150	\$250.00	\$300.00

*Discount rate for golfers who wish to rent this facility.

Rental is based on a five (5) hour period with two hours prior to the rental. The banquet room closes at 1:00 a.m. The dance floor may be rented for an additional \$150.00 per event. The City's restaurant concession shall be used exclusively to provide food for catered events, unless the Director approves the use of an independent caterer. Any alcohol beverages must be purchased from the City's Concessionaire. Security is to be arranged through the Village of Highland Hills' police department and is the responsibility of the group renting the banquet room. The rate shall be fifteen dollars (\$15.00) per hour, one (1) officer per 100 people.

(9) Banquet Room Rental at Highland Park - Non-Catered Events:

The banquet room may be rented Monday through Thursday for meetings and events. Food or beverages must be purchased from the City's concessionaire, or, with the Director's approval, may be provided by the group renting the banquet room. The rental rate shall be twenty-five dollars (\$25.00) per hour with a maximum of a four (4) hour rental period. The banquet room will close no later than 10:00 p.m., Monday through Thursday.

(m) The Director of Parks, Recreation and Properties shall be authorized to collect the following fees for cross country skiing:

(1) Trail fees	
Daily	\$ 3.50
Seasonal (single)	35.00
Seasonal (family)	70.00

Season passes shall be honored seven (7) days per week.

(2) Equipment Rental (includes boots, skis and poles)	
Hourly	\$ 3.50
Daily	10.00
(3) Lessons (per hour)	
Individual	\$ 9.50

(4) Group rates for trail fees, equipment rental and lessons will be arranged on a group-by-group basis and will depend on the size of the group, duration of the group's use of City facilities, availability of City equipment and facilities and similar factors.

(5) There shall be no charge for trail fees or equipment rental for participants who are enrolled in cross country ski programs conducted by the Division of Recreation.

Section 4. That existing Section 133.29 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 923-95, passed November 20, 1995, is hereby repealed.

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

Referred to Committee on Finance.

Ord. No. 1769-98.
By Councilmen Britt, Jackson and Johnson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into contract with Karamu House for the repair of its building located at 2355 East 89th Street, CDBG Year XIV.

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 authorized to enter into contract with Karamu House for the repair of its building located at 2355 East 89th Street.

Section 2. That the cost of said contract shall be in an amount not to exceed One Hundred Twenty-Five Thousand Dollars (\$125,000) and shall be paid from Fund No. 14 SF 024, Request No. 23118.

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

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

Ord. No. 1770-98.
By Councilmen Jones, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance designating the Lee-Harvard Area Urban Redevelopment Area and approving the Lee-Harvard Area Urban Redevelopment Plan, for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Whereas, this Council wishes to designate the Lee-Harvard Area Urban Redevelopment Area ("Area") and approve the Lee-Harvard Area

Urban Redevelopment Plan ("Plan") for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code; and

Whereas, when authorized by Council by appropriate legislation, improvements within the Area may be declared to be a public purpose and the owner thereof may be required to make annual service payments in lieu of taxes to the county treasurer; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare, and for the further reason that designation of the Area and approval of the Plan will stimulate the creation and preservation of job opportunities and advance and promote commercial and economic development in the Area; now, therefore,
 Be it ordained by the Council of the City of Cleveland:

Section 1. That the Council hereby approves the Lee-Harvard Area Urban Redevelopment Plan ("Plan") as contained in File No. 1770-98-A, for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Section 2. That the Council hereby designates the area more fully described in the Plan as the Lee-Harvard Area Urban Redevelopment Area ("Area") for purposes of Sections 5709.41 and 5709.42 of the Ohio Revised Code.

Section 3. That the Council may, by separate legislation, designate improvements within the Area to be a public purpose and the owner thereof may be required to make annual service payments in lieu of taxes to the county treasurer.

Section 4. That the Director of Economic Development is hereby authorized to submit to the Ohio Department of Development a copy of this ordinance and status reports outlining progress of projects within the Area, as required by Section 5709.41(E) of the Ohio Revised Code.

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 1773-98.
By Councilmen Jackson, Rybka and Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 69th Street to Garden Village Housing Development 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). 118-23-031, 118-23-032, 118-22-074 and 118-22-075, as more fully described in Section 2 below, to Garden Village Housing Development 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. 118-23-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in Payne-Clark Allotment of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records and being 40.16 feet front on the West-erly side of East 69th Street (formerly Jessie Street) and extending back of equal width 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-23-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 68 in Payne and Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Cuyahoga County Records, Page 33, and being 40.17 feet front on the West-erly side of East 69th Street, and extending back between parallel lines 137.75 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-22-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 21 in Payne and Clark's Re-Allotment of their Subdivision of part of Original One Hundred Acre Lot No. 335 as shown by the recorded plat of said Re-Allotment in Volume 11 of Maps, Page 33 of Cuyahoga County Records the said Sublot being 40 feet front on the Easterly side of East 69th Street and extending back 138.76 feet on the Northerly line, 138.70 feet on the Southerly line, and having rear line of 40 feet, be the same more or less, but subject to all legal highways.

P.P. No. 118-22-075

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 22 in Payne and Clark's Subdivision of part of Original One Hundred Acre Lot No. 335, as shown by the recorded plat in Volume 11 of Maps, Page 33 of Cuyahoga County Records, and being 40.18 feet front on the Easterly side of East 69th Street (formerly Jessie Street) and extending back 138.70 feet deep on the Northerly line, 138.65 feet deep on the Southerly line, and being 40.18 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such

terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1772-98.

By Councilman Jackson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1272 East 35th Street to Famicos Foundation.

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). 103-21-090, as more fully described in Section 2 below, to Famicos Foundation.

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. 103-21-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in Horace P. Weddell's Subdivision of part of Original Ten Acre Lots Nos. 64, 65 and 66, as shown by the recorded plat in Volume 2 of Maps, Page 30 of Cuyahoga County Records, and being 40 feet front on the West-erly side of East 35th Street, 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.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

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

Ord. No. 1782-98.

By Councilman Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for the United Way Fun Walk and Run on October 20, 1998, sponsored by American Express.

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 and approves the holding of the United Way Fun Walk and Run, on October 20, 1998, beginning at the Rock and Roll Hall of Fame and proceed down North Marginal until you get to East 55th Street Pier and finish, 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 fully indemnify from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

**FIRST READING ORDINANCE
READ IN FULL AND PASSED**

Ord. No. 1771-98.

By Mayor White, Councilmen Westbrook, Lewis and Cimperman.

An ordinance to name the connector street between West St. Clair Avenue N.W. and Carter Road N.W. to "Robert Lockwood, Jr. Road Way".

Whereas, Robert Lockwood, Jr. is a prominent citizen of Cleveland, Ohio, and is one of the preeminent blues musicians in the United States, and an inducted member of the Blues Hall of Fame; and,

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

Section 1. That the portion of the connector street between West St. Clair Avenue N.W. and Carter Road N.W. be named "Robert Lockwood, Jr. Road Way".

Section 2. That this ordinance 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. 1774-98.

By Councilman Cimperman.

An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 7011 St. Clair Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor Permit from Permit No. 4756989, Kogg Enterprises Inc., DBA Kogg Convenience, 7600 St. Clair Ave., Cleveland, Ohio 44103, to Permit No. 47569890001, Kogg Enterprises Inc., DBA Kogg Convenience, 7011 St. Clair Ave., Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a C1 and C2 Liquor Permit from Permit No. 4756989, Kogg Enterprises Inc., DBA Kogg Convenience, 7600 St. Clair Ave., Cleveland, Ohio 44103, to Permit No. 47569890001, Kogg Enterprises Inc., DBA Kogg Convenience, 7011 St. Clair Ave., Cleveland, Ohio 44103 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1775-98.

By Councilman Patmon.

An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 1882981, DNA Selestee Inc., 1076 E. 105th St., 1st Fl., Cleveland, Ohio 44108; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a C2 and C2X Liquor Permit to Permit No. 1882981, DNA Selestee Inc., 1076 E. 105th St., 1st Fl., Cleveland, Ohio 44108 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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. 1776-98.

By Councilman Sweeney.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4050 W. 140th St., 1st Fl.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 6483918, O & R Food Market Inc., 4050 W. 140th St., 1st Fl. Front & Bsmt., Cleveland, Ohio 44135, to Permit No. 4500715, Mazen Kash, DBA Friendly Food Mart, 4050 W. 140th St., 1st Fl., Cleveland, Ohio 44135; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 6483918, O & R Food Market Inc., 4050 W. 140th St., 1st Fl. Front & Bsmt., Cleveland, Ohio 44135, to Permit No. 4500715, Mazen Kash, DBA Friendly Food Mart, 4050 W. 140th St., 1st Fl., Cleveland, Ohio 49135 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.

Res. No. 1777-98.

By Councilman Willis.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 11625 Superior Ave., and repealing Res. No. 1328-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 11625 Superior Ave., by Res. No. 1328-98, adopted July 29, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 11625 Superior Ave., be and the same is hereby withdrawn and Res. No. 1328-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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. 1778-98.

By Councilman Willis.

An emergency resolution withdrawing objection to the transfer of location of a C2 and C2X Liquor Permit to 10400 Chester Ave., and repealing Res. No. 1327-98, objecting to said transfer of location.

Whereas, this Council objected to the transfer of location of a C2 and C2X Liquor Permit to 10400 Chester Ave., by Res. No. 1327-98, adopted July 29, 1998; and

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

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

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

Section 1. That objection to the transfer of location of a C2 and C2X Liquor Permit to 10400 Chester Ave., be and the same is hereby withdrawn and Res. No. 1327-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of location thereof.

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

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

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

Res. No. 1779-98.

By Councilman Coats.

An emergency resolution urging the Congress to oppose the Internet Tax Freedom Act.

Whereas, the United States Senate is considering the passage of the Internet Tax Freedom Act, S. 442, which preempts state and local taxes and fees, but not federal taxes and fees, on goods and services provided over the Internet; and

Whereas, the legislation under consideration by the Senate fails to protect state and local revenue bases and, if enacted, would pose great harm to local merchants; and

Whereas, this Council is concerned about the potentially negative impact that would result from the passage of the Internet Tax Freedom Act in its current form; now therefore,

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

Section 1. That in consideration of the potentially harmful impact on local merchants, the Council of the City of Cleveland urges the United States Senate to oppose action on the Internet Tax Freedom Act, S. 442, unless the legislation is amended to provide a firm guarantee that all sales of goods and services will be subject to the same sales taxes as over-the-counter sales by local merchants and further urges the House of Representatives and the President of the United States to oppose passage of legislation that will serve to undermine the revenue base of local municipalities.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to the offices of President Clinton, Senators Glenn and DeWine, Senate Majority leader Trent Lott and Speaker of the House Newt Gingrich.

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

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

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

Res. No. 1780-98.

By Councilman Coats.

An emergency resolution urging Congress to support the reauthorization of the Local Law Enforcement Block Grant at increased funding levels.

Whereas, Congress is currently considering the reauthorization of funding for the Local Law Enforcement Block Grant (LLEBG) program which provides funds to cities and towns to assist in the reduction and prevention of crime; and

Whereas, the funding levels that are under consideration are insufficient and the formula for allocation of those funds may be altered, thereby resulting in less money being available to municipalities, such as Cleveland, to fight crime; and

Whereas, this Council of the City of Cleveland is gravely concerned about the level of crime throughout our City and desire Congress to provide adequate funding assistance to aid in the reduction and prevention of crime; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges Congress to reauthorize the Local Law Enforcement Block Grant at increased funding levels to assist municipalities such as Cleveland in the reduction and prevention of crime.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to the offices of Senators Glenn and DeWine, Congressmen Stokes and Kucinich, Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich.

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

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

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

Res. No. 1781-98.

By Councilmen Coats and Westbrook.

An emergency resolution urging the President and Congress to support U.S. steel manufacturers by preventing the illegal dumping of foreign steel.

Whereas, LTV Corp., Cleveland-Cliffs, Inc., WCI Steel, Inc., the United Steel Workers of America and other steel producers, suppliers and workers are deeply concerned about the rising tide of foreign imports of steel; and

Whereas, this coalition contends that the Asian financial crisis has caused Asian and European steel producers to divert their steel to the United States, illegally dumping the steel at prices below production costs or home market prices; and

Whereas, if illegal dumping has occurred and is permitted to continue, such practices would cause financial harm to U.S. steel manufacturers and their many employees, many of whom are residents of the City of Cleveland; and

Whereas, the President and Congress have the authority and tools available to promptly investigate and prevent any illegal dumping practices; now, therefore,

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

Section 1. That the Council of the City of Cleveland urges the President and Congress to support United States steel manufacturers and their thousands of employees by promptly investigating and preventing any illegal dumping of steel by foreign steel producers.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this Resolution to the offices of President Clinton, Senate Majority Leader Trent Lott and Speaker of the House Newt Gingrich.

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

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

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

Res. No. 1783-98.

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit to 7904 Wade Park Ave., 1st Fl. & Bsmt., and repealing Res. No. 1475-98, objecting to said renewal per the written request of the owner.

Whereas, this Council objected to the renewal of a D5 Liquor Permit to 7904 Wade Park Ave., 1st Fl. & Bsmt., by Res. No. 1475-98, adopted by Council on August 19, 1998; and

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

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

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

Section 1. That objection to the renewal of a D5 Liquor Permit to 7904 Wade Park Ave., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1475-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 1645-97.

By Councilman Cimperman.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Ampeco System Parking to encroach into the public right-of-way of West 9th St. at Lakeside Ave. with a three (3) foot area of landscaping and planters along the sidewalk area.

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

Ord. No. 1109-98.

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 8016 Melrose Avenue to Earthie M. Carter.

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

Ord. No. 1223-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material nec-

essary to maintain, repair or replace switchgear and circuit breakers, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, lines 8 and 9, strike ", for a period not to exceed two years".

2. Section 1, line 4 and in line 13, strike "two (2) years" and insert in lieu thereof "**one (1) year**".

Amendments agreed to.

Ord. No. 1224-98.

By Councilmen Patmon and Johnson.

An emergency ordinance authorizing the purchase by requirement contract of paper products, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

1. In the title, lines 5 and 6, strike ", for a period not to exceed two years".

2. In Section 1, line 4 and in line 12, strike "two (2) years" and insert in lieu thereof "**one (1) year**".

Amendments agreed to.

Ord. No. 1232-98.

By Councilman Cimperman.

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

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

Ord. No. 1234-98.

By Councilman Gordon.

An emergency ordinance to vacate a portion of Clybourne Court S.W. hereinafter described.

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

Ord. No. 1244-98.

By Councilman Britt.

An emergency ordinance to vacate a portion of East 96th Street hereinafter described.

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

Ord. No. 1248-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a second amendment to Contract No. 52655 with Tandem Computers Incorporated to extend the term of the existing computer hardware and software maintenance service contract.

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

Ord. No. 1249-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from

the the Ohio Department of Public Safety for the 1998-99 EMS-EMT Training Program.

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

Ord. No. 1250-98.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1998-1999 Fire-EMT Training Program.

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

Ord. No. 1251-98.

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

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Physio-Control Equipment Service for maintenance service on defibrillators, including but not limited to monitors and battery support systems, for the Division of Emergency Medical Service, Department of Public Safety.

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

Ord. No. 1252-98.

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

An emergency ordinance to appropriate property for public use to relocate Oman Park, located at East 81st Street and Mansfield Avenue.

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

Ord. No. 1253-98.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to perform arboricultural work in the Downtown Tree Assessment District, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

Ord. No. 1256-98.

By Councilmen **Willis and Johnson** (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for trimming trees by supervised work crews, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

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

"Section 3. That prior to implementing any tree trimming in a particular ward, the Director of Parks,

Recreation and Properties shall receive written approval from the Council member in whose ward the tree trimming will take place."

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

Amendments agreed to.

Ord. No. 1258-98.

By Councilmen **Polensek, Jackson, Rybka and Johnson**.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15911 Corsica Avenue to Cleo Davis.

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

Ord. No. 1261-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2074 East 83rd Street aka 8217 Carnegie Avenue to J. T. Bailey Company, Incorporated.

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

Ord. No. 1262-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 795 Eddy Road, N.E. to Northeastern Neighborhood Development Corporation or designee.

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

Ord. No. 1415-98.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1998-99 Caribbean/Gang Task Force Program.

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

Ord. No. 1419-98.

By Councilmen **Patmon and Johnson** (by departmental request).

An emergency ordinance ratifying and approving the emergency sewer repair at West 98th Street under the Norfolk Southern and Regional Transit Authority tracks in accordance with the Mayor's Emergency Purchase letter of July 9, 1998.

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

Ord. No. 1601-98.

By Councilmen **Patmon and Johnson** (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for the maintenance of a Pitney Bowes console inserter and attached peripherals,

for the Division of Water, Department of Public Utilities.

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

Ord. No. 1606-98.

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

An emergency ordinance to levy special assessments for the control of blight and disease of shade trees by replacing, maintaining, trimming and removing shade trees in and along the public rights-of-way in portions of the City of Cleveland and levying the assessments.

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

Ord. No. 1700-98.

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

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of the Kerruish Park Stormwater Project.

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

**SECOND READING
EMERGENCY RESOLUTIONS**

Res. No. 929-98.

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

An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of portions of the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.

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

Res. No. 1425-98.

By Councilman **Johnson** (by request).

An emergency resolution declaring the intention to vacate all that portion of East 92nd Street.

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

**THIRD READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1226-98.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Fourth Amendment to Agreement with Air Services, City Contract No. 32713, to delete certain areas and add certain areas to the leased premises.

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

Ord. No. 1239-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 2329-86, passed October 27, 1986, as amended by Ordinance No. 2189-96, passed June 16, 1997, relating to giving consent of the city for the repair and resurfacing of West 117th Street from Belaire Road to Edgewater Drive.

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

Ord. No. 1240-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the development of the signage plan, map, brochure and wayfinding system for the Ohio & Erie Canal Scenic Byway Project; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

Ord. No. 1241-98.

By Councilmen Sweeney and Johnson (by departmental request).

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

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

Ord. No. 1242-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Cushman-Ransomes equipment, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

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

Ord. No. 1420-98.

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Corporate Jets, Inc., for use of office space at Burke Lakefront Airport.

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

The Council adjourned at 8:45 p.m. to meet at 7:00 p.m. on Monday, October 12, 1998.


Artha Woods
Clerk of Council

THE CALENDAR

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

ORDINANCES**Ord. No. 1645-97.**

By Councilman Cimperman.
An emergency ordinance authorizing the Director of Public Service to

issue a permit to Ampco System Parking to encroach into the public right-of-way of West 9th St. at Lakeside Ave. with a three (3) foot area of landscaping and planters along the sidewalk area.

Ord. No. 1109-98.

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 8016 Melrose Avenue to Earthie M. Carter.

Ord. No. 1223-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material necessary to maintain, repair or replace switchgear and circuit breakers, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one (1) year** for the necessary items of labor and materials necessary to maintain, repair or replace switchgear and circuit breakers in the estimated sum of \$200,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one (1) year** 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 22200)

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. 1224-98.

By Councilmen Patmon and Johnson.

An emergency ordinance authorizing the purchase by requirement contract of paper products, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of **one (1) year** for the necessary items of paper products in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than **one (1) year** 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 24010)

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. 1232-98.

By Councilman Cimperman.
An emergency ordinance to vacate a portion of Packard Court N.E. hereinafter described.

Ord. No. 1234-98.

By Councilman Gordon.
An emergency ordinance to vacate a portion of Clybourne Court S.W. hereinafter described.

Ord. No. 1244-98.

By Councilman Britt.
An emergency ordinance to vacate a portion of East 96th Street hereinafter described.

Ord. No. 1248-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into a second amendment to Contract No. 52655 with Tandem Computers Incorporated to extend the term of the existing computer hardware and software maintenance service contract.

Ord. No. 1249-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public

Safety for the 1998-99 EMS-EMT Training Program.

Ord. No. 1250-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1998-1999 Fire-EMT Training Program.

Ord. No. 1251-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Physio-Control Equipment Service for maintenance service on defibrillators, including but not limited to monitors and battery support systems, for the Division of Emergency Medical Service, Department of Public Safety.

Ord. No. 1252-98.

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

An emergency ordinance to appropriate property for public use to relocate Oman Park, located at East 81st Street and Mansfield Avenue.

Ord. No. 1253-98.

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

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to perform arboricultural work in the Downtown Tree Assessment District, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Ord. No. 1256-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for trimming trees by supervised work crews, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized 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 for trimming trees by supervised work crews 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made

for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22461)

Section 3. That prior to implementing any tree trimming in a particular ward, the Director of Parks, Recreation and Properties shall receive written approval from the Council member in whose ward the tree trimming will take place.

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

Ord. No. 1258-98.

By Councilmen Polensek, Jackson, Rybka and Johnson.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15911 Corsica Avenue to Cleo Davis.

Ord. No. 1261-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2074 East 83rd Street aka 8217 Carnegie Avenue to J. T. Bailey Company, Incorporated.

Ord. No. 1262-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 795 Eddy Road, N.E. to Northeastern Neighborhood Development Corporation or designee.

Ord. No. 1415-98.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1998-99 Caribbean/Gang Task Force Program.

Ord. No. 1419-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance ratifying and approving the emergency sewer repair at West 98th Street under the Norfolk Southern and Regional Transit Authority tracks in accordance with the Mayor's Emergency Purchase letter of July 9, 1998.

Ord. No. 1601-98.

By Councilmen Patmon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for the maintenance of a Pitney Bowes console inserter and attached

peripherals, for the Division of Water, Department of Public Utilities.

Ord. No. 1606-98.

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

An emergency ordinance to levy special assessments for the control of blight and disease of shade trees by replacing, maintaining, trimming and removing shade trees in and along the public rights-of-way in portions of the City of Cleveland and levying the assessments.

RESOLUTIONS

Res. No. 929-98.

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

An emergency resolution declaring it necessary to provide for the control of blight and disease of shade trees by removing, planting, trimming, watering and creating or excavating cutouts for shade trees, and other related activities in and along the streets of portions of the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; providing for the assessment of the cost and expense of such work upon benefited property in said district; and declaring an emergency.

Res. No. 1425-98.

By Councilman Johnson (by request).

An emergency resolution declaring the intention to vacate all that portion of East 92nd Street.

BOARD OF CONTROL

September 30, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 30, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

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. 670-98.

By Director Carter.

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Ordinance No. 1130-93, passed by the Council of the City of Cleveland on May 24, 1993, as amended by Ordinance No. 1711-96, passed October 28, 1996, Hunter Computer Services, Inc. is hereby selected upon the nomination of the Director of Law from a list of qualified consultants, determined after a full and complete canvass by said Director, as the firm to be employed by contract for the purpose of providing professional services to complete migration of the Law Department computer system to a Microsoft Office/Windows 95 computer environment and provide certain MIS administration services.

Be it further resolved that the Director of Law is hereby requested to enter into a written contract with Hunter Computer Services, Inc., based upon its proposal dated May 28, 1998 which contract shall be prepared by the Director of Law, and shall provide that the compensation to be paid shall not exceed \$26,000.00.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 671-98.

By Director Carmody.

Whereas, by Resolution No. 512-98, adopted June 15, 1998, pursuant to the authority of Ordinance No. 2205-98, passed by the Cleveland City Council January 13, 1997, this Board of Control approved the bid of Schloss Materials Company, as the lowest and best bid for the purchase of Building Materials — Used Paving Bricks (all items); and

Whereas, in said Resolution No. 512-98, the bidder's Ordinance No. was incorrectly stated as 2205-98; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 512-98, adopted July 15, 1998, affirming and approving the bid of Schloss Materials Company as the lowest and best for the purchase of building materials — used paving bricks (all items), for various divisions of City Government, Department of Finance, hereby is amended by changing the bidder Ordinance No. to "2205-96."

Be it further resolved that all other provisions of said resolution not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 672-98.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Danis Construction Company, contractor for the public improvement of the rehabilitation and expansion of the Crown Waterworks Facility, Phase III, under City Contract No. 50057, authorized by Ordinance No. 965-93, passed July 14, 1993, and the Board of Control Resolution No. 475-96, adopted July 17, 1996, is hereby approved.

Subcontractor

Work

Terrace Construction Company, Inc.

Detroit Road Water Line Connection per COR #66

East Ohio Grass Company, Inc.

Seeding Work

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 673-98.

By Director Staib.

Resolved by the Board of Control of the City of Cleveland that the bid of RMD Instruments, LLC for the following: Two (2) Portable Lead Analyzers (all items) for the Division of Environment, Department of Public Health, received on the sixteenth day of September 1998, pursuant to the authority of Ordinance No. 819-98, passed June 1, 1998 which on the basis of the order quantity would amount to \$18,990.00 is hereby approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 674-98.

By Director Denihan.

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 662-98, adopted by the Board of Control on September 23, 1998, is hereby amended by adding the approval of the employment of the following Sub-Contractor by the Tai-Cut Company:

SUBCONTRACTOR

WORK

Snively, Inc.

Computer programming

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 675-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 136-13-044, 136-13-079, 136-13-082, 136-13-102, 136-13-123, 136-14-049, 136-15-019, 136-17-108, 136-22-031, 136-22-032, and 136-14-093 under said Land Reutilization Program; and

Whereas, Ordinance Nos. 1260-98 and 1451-98 passed September 21, 1998 and August 19, 1998, respectively, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Union Miles Development Corporation or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance Nos. 1260-98 and 1451-98 passed September 21, 1998 and August 19, 1998, respectively, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Union Miles Development Corporation or designee for the sale and development of Permanent Parcel Nos. 136-13-044, 136-13-079, 136-13-082, 136-13-102, 136-13-123, 136-14-049, 136-15-019, 136-17-108, 136-22-031, 136-22-032, and 136-14-093, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$1,100.00, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 676-98.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 108-02-080, 108-03-020, 108-03-021, 108-03-060, 108-04-062, 108-05-052, 108-05-076, 108-05-092, 108-06-039, 108-08-032, 108-08-092, 108-08-098, 108-08-099, 108-09-009, 108-09-054, 108-09-104, 108-11-016, 108-11-050, 108-11-051, 108-11-066, 108-11-068, 108-11-070, 108-11-072, 108-11-073, 108-11-080, 108-11-121, 108-11-122, 108-20-046, 108-20-086, 108-20-088, 108-20-089, 108-22-014, 108-23-045, 108-24-037, 108-24-039, 108-24-058, 108-24-067, 108-24-097, 108-24-101, 108-24-103, 108-24-125, 108-27-030, 108-27-040, 108-31-014, 109-12-137, 109-12-138, 109-13-017, 109-13-104, 109-16-052, 109-19-027, 109-20-004, and 109-20-005 under said Land Reutilization Program; and

Whereas, Ordinance No. 1257-98 passed September 21, 1998, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Glenville Development Corporation or designee has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1257-98 passed September 21, 1998, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Glenville Development Corporation or designee for the sale and development of Permanent Parcel Nos. 108-02-080, 108-03-020, 108-03-021, 108-03-060, 108-04-062, 108-05-052, 108-05-076, 108-05-092, 108-06-039, 108-08-032, 108-08-092, 108-08-098, 108-08-099, 108-09-009, 108-09-054, 108-09-104, 108-11-016, 108-11-050, 108-11-051, 108-11-066, 108-11-068, 108-11-070, 108-11-072, 108-11-073, 108-11-080, 108-11-121, 108-11-122, 108-20-046, 108-20-086, 108-20-088, 108-20-089, 108-22-014, 108-23-045, 108-24-037, 108-24-039, 108-24-058, 108-24-067, 108-24-097, 108-24-101, 108-24-103, 108-24-125, 108-27-030, 108-27-040, 108-31-014, 109-12-137, 109-12-138, 109-13-017, 109-13-104, 109-16-052, 109-19-027, 109-20-004, and 109-20-005, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$5,200.00, which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.
 Nays: None.
 Absent: None.

Resolution No. 677-98.

By Director Balraj.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction Inc., for the public improvement of Cleveland Hopkins International Airport, Customs and Immigration Facility, Department of Port Control received on September 24, 1998, pursuant to the authority of Ordinance No. 1290-98 passed July 29, 1998, for a gross price for the improvement in the aggregate amount of Six Hundred Forty-Eight Thousand and Five Hundred No/Dollars (\$648,500.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Acting Director Terry, Directors Jackson, Hamilton, Nolan, Warren and Acting Director Alexander.
 Nays: None.
 Absent: None.

AMY M. WAINRIGHT,
 Acting 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, OCTOBER 19, 1998

9:30 A.M.

Calendar No. 98-203: 4700 West 130th Street

Joseph R. Tomazic appeals under Section 76-6 of the Charter of the City of Cleveland and Section 676A.05 of the Codified Ordinances

from the refusal to issue a Motor Vehicle Repair Garage License at 4700 West 130th Street by Robert J. Schneider, Commissioner of Assessments and Licenses, upon the recommendation of the Commissioner of Building & Housing under authority of Chapter 676A of the Codified Ordinances.

Calendar No. 98-204: 2129 Random Road, S.E.

Angie Sanders, owner, appeals to construct a 26' x 33' second story frame addition to an existing 22' x 30' one-story dwelling unit located in the rear of a 33' x 126' parcel with an existing 25' x 46' two-story dwelling house in the front of the property and located in a Multi-Family District on the east side of Random Road at 2129 Random Road; said construction being contrary to the Area Requirements Regulations of Section 355.05 where the maximum floor area allowed is 2,075 sq. ft. and 3,884 sq. ft. is proposed, and contrary to the Required Rear Yard Regulations of Section 357.08(2) (b)(1) where a 20' rear yard depth is required and 17'-6" is proposed, and Section 357.09 where the side yard required aggregate shall be 10' and 7' is proposed and Section 357.15(a) where 40' is required between dwelling units and 17' is proposed, but subject to the substitution limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 98-205: 1906 East 82nd Street

Madonna Hall, Inc., c/o of Ranelle Gamble its statutory agent, by and through their attorney, Sheila Cooley, appeal under the authority of Section 76-6 of the Charter of the City of Cleveland from the violation notice issued August 10, 1998 by the Department of Public Health for the premises at 1906 East 82nd Street by the recommendation of Director Robert Staib.

Calendar No. 98-206: 3520 East 116th Street

Wise Crymes-Shabazz, owner, and Cynthia Dawan, tenant, appeal to change the use of the first floor of an existing 24' x 45' 2-1/2 story wood frame house into a Child Care Center, all on an 80' x 150' lot and located in a Two-Family District at 3520 East 116th Street; said use being contrary to Section 337.02(f) (3)C, where child care use is subject to Board of Zoning Appeals approval and said building being located 3' from the adjoining premises to the south instead of 30' and child care use in a Two-Family District is as regulated in a One-Family District per Section 337.03(b) of the Codified Ordinances.

Calendar No. 98-207: 2002 Broadview Road, S.W.

Sul H. Choi, owner, appeals for an expansion of use of an existing 42' x 28' one-story masonry auto repair shop into a lot for the sale of used cars and an auto repair shop located in a Local Retail District and located on a 100' x 109' irregular shaped corner lot on the northeast corner of Broadview Road and Tate Avenue at 2002 Broadview Road; said expansion being contrary to Section 343.01 where the sale of used cars are not permitted in a Local Retail District and contrary to the Specific Use Regulations of Section 347.11(b) that requires dustless hard surfacing and the Land-

scaping and Screening Requirements of Sections 352.10 and 352.11, where a 4' landscape strip is required in the front and side street frontage and an 8' landscape strip is required on the Residential District to the east, and contrary to Section 349.07 where the allowed maximum width of driveways is 30' and 33'-35' is provided and Section 343.11(b)(I)(4) where a structurally-sound barrier 1-1/2' high is required at the setback building line, which is 10' on Broadview Road, but subject to the expansion limitations of Section 359.01 of the Codified Ordinances.

EUGENE CRANFORD, JR.,
 Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 5, 1998

At the Meeting of the Board of Zoning Appeals on Monday, September 28, 1998, the following appeals were heard by the Board, and, on Monday, October 5, 1998 were decided by the Board.

The following appeal was **Granted:**

Calendar No. 98-190: 3339 West 97th Street

Lucica Solomon, owner, to enclose an existing 23' 9" x 6' 6" one-story front porch of an existing 23' 9" x 50' single-family dwelling house located in a Two-Family District and situated on a 40' x 126' lot on the east side of West 97th Street.

The following appeals were **Conditionally Granted:**

Calendar No. 98-189: 4159 Lee Road

McDonald's Corporation, owner, c/o Dave Gnatowski, Project Manager, to demolish an existing 44' x 66' one-story masonry restaurant building and parking lot and a 20' x 20' masonry rubbish enclosure and to construct a 47' 4" x 99' 4" one-story masonry restaurant building and parking lot for fifty-two spaces and a 17' x 32' wood trash enclosure and shed, all on a 205' x 242' parcel located in a General Retail and a One-Family District on the southeasterly corner of Lee Road and Judson Drive.

Calendar No. 98-195: 1930 East 79th Street

Casiana Corporation, owner, c/o Rosita Kutkut, to expand an existing service station with an existing 64' x 32' convenience store and an attached 60' x 20' car wash and an approximate 105' x 28' gasoline dispenser's island for four units, all on a 150' x 150' parcel located in a Local Retail District at the corner of East 79th Street and Chester Avenue.

The following appeal was **Refused:**

Calendar No. 98-192: 15320 Greenhill Road

Richard J. King and Barbara L. King, owners, to install 82 linear feet of 7' high wooden stockade fencing at the rear northwesterly portion of a 133' x 77' parcel located in a One-Family District at the northwesterly corner of Greenhill Road and Judy Court.

At the Meeting of the Board of Zoning Appeals on Monday, October 5, 1998, the following appeals were **Postponed**:

Calendar No. 98-194: 3123 East 65th Street to October 26, 1998.

Calendar No. 98-196: 1370 West 89th Street to December 7, 1998.

On October 5, 1998, in Executive Session:

Calendar No. 98-163: 1628 Fall Street, a.k.a. 1628-1638 Fall Street
On September 21, 1998, the above appeal was Conditionally Granted; said motion to grant withdrawn on October 5, 1998, and a motion made and seconded to POSTPONE the appeal to Monday, November 2, 1998, for further consideration.

The following appeal was heard at the meeting of the Board of Zoning Appeals on Monday, September 21, 1998, and said decision to **GRANT** the appeal was approved and adopted by the Board on **October 5, 1998**.

Calendar No. 98-184: 3881 East 123rd Street

Timothy Powell, owner, and David Powell, tenant, to change the use of the ground floor storeroom of an existing 35' x 72' two-story nonconforming store-and-suites building from a dry cleaning store to a barbershop, all located on a 40' x 127' corner lot in a Two-Family District on the northeast corner of East 123rd Street and Lenrgrave Avenue.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
September 30, 1998

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

* * *

Docket A-140-98.

RE: Appeal of Brent K. Young & Mark J. Sudduth, Owners of the Property located on the premises known as 4400-08 Perkins Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated July 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action, the Appellant is required to submit plans to the Division of Building and Housing for review for compliance with the Codified Ordinances of the City of Cleveland and to require that a sign be posted on the front wall over the siamese connection labeled "OUT OF SERVICE" the docket will remain open; and to contact Bob Vilkas at the end of the two months (2 mos.) to reschedule the docket for rehearing in thirty days (30 das.).

Docket A-143-98.

RE: Appeal of Mortgage Lenders Network, Mortgagee of the Residential Property located on the premises known as 1569 East 30th Street from a VACATE FORTHWITH of the Commissioner of the Division of Building and Housing dated July 16, 1998, and from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated August 10, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-143-98 has been POSTPONED; to be rescheduled for October 14, 1998.

* * *

Docket A-144-98.

RE: Appeal of Waltzie Lipsey, Owner of the Residential Property located on the premises known as 2241 East 76th Street from a VACATE FORTHWITH of the Commissioner of the Division of Building and Housing dated August 10, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant thirty days (30 das.) in which to obtain permits and begin abatement of the violations; the property is to remain boarded and secured and the grounds debris free during this period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

Docket A-145-98.

RE: Appeal of Billy C. Kinder Jr., Owner of the Residential Property and Swimming Pool located on the premises known as 3657 West 139th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 14, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to remain four feet/eight inches (4'8") and two feet/eleven inches (2'11") from the rear and side property lines noting the concurrence of the adjacent neighbors and the length of time the pool has been installed. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-147-98.

RE: Appeal of Betty Edvon, Owner of the Residential Property located on the premises known as 3305 West 44th Street from a CON-

DEMNATION ORDER of the Commissioner of the Division of Building and Housing dated August 10, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two weeks (2 wks.) in which to obtain all the required permits and to require an inspection of the heating system to be certain that all sanitary, heating and other facilities are in proper operating condition. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-148-98.

RE: Appeal of Dennis Clair, Owner of the Residential Property and Swimming Pool located on the premises known as 3290 West 58th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 17, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10') requirement and permit the pool to remain three feet (3') from the property line, and granting the variance to the setback requirement allowing it to be three feet (3') from the property line as requested, noting the letters of concurrence from the rear and side property owners and to waive the late filing fee. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-151-98.

RE: Appeal of Sharon & Derwin Osborne, Owners of the Residential Property and Swimming Pool located on the premises known as 3651 West 139th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 21, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10') requirement and permit the pool to remain four feet (4') and four feet/six inches (4'6") from the property line, noting the letters of concurrence from the adjacent neighbors, and granting the variance to the setback and to waive the late filing fees. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

Docket A-153-98.
 RE: Appeal of Theodore Weaver, Owner of the Property located on the premises known as 694 East 91st Street from a VACATE/CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated July 24, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).
 Docket A-153-98 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-159-98.
 RE: Appeal of Cleveland Society of the Blind, Owner of the One-family Dwelling, applied to the Board of Building Standards and Building Appeals as required by Ordinance No. 2488-54 Section 3115.06 for authority to move a one-family residential dwelling house from 1900 East 105th Street to East 66th Street & Chester.

BE IT RESOLVED, a motion is in order at this time to find that the documents are in order and that the authority to move the subject property from 1900 East 105th Street to East 66th Street & Chester is granted by the Board of Building Standards and Building Appeals, and to REMAND the property to the Division of Building and Housing for processing and further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.
 Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-164-98.
 RE: Appeal of Case Western Reserve University, Owner of the Property located on the premises known as 9620 Carnegie Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance Section 1017.2 and permit the Lecture Room #309 to be occupied with the maximum limit of 71 people with the stipulation that all materials in the room be Class A for combustibility and toxicity, noting that a new fire protection sprinkler system and a new fire detection system have been added to the building as well as a rated stairwell. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.
 Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:
 Separate motions were entered by Mr. Williams and seconded by Mr. Saunders for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

- L-8-98—William Kirschner.
- A-115-98—Patrick P. Leneghan.
- A-123-98—C.S.H. Hough, Inc.

- A-131-98—Steve Zeidner.
- A-136-98—Federal National Mortgage Assoc.
- A-137-98—Perry & Joan Kendall, Sr.
- A-139-98—A-Brite Plating.
- A-149-98—Cleveland Clinic Foundation.

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

* * *

APPROVAL OF AMENDED RESOLUTIONS FROM SEPTEMBER 16, 1998:

Separate motions were entered by Mr. Bowes and seconded by Mr. Saunders for Approval and Adoption of the Amended Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

Docket A-157-98 — V.G.U. Industries — 4747 Manufacturing Avenue (a.k.a. 4735-51 Manufacturing Avenue)

FROM: ... to grant the variance and permit the building to be occupied for a period of up to twenty-four months within installation of a fire suppression system, noting that a "Certificate of Occupancy" should be issued with the conditions that the fire suppression system installation should begin within twenty-four months (24 mos.).

TO: ... to grant the variance and permit the building to be occupied for a period of up to twenty-four months without installation of a fire suppression system, noting that a "Certificate of Occupancy" should be issued with the conditions that the fire suppression system installation will begin within twenty-four months (24 mos.), and that the Appellant must notify the Fire Prevention Bureau every six months (6 mos.) during the twenty-four month period to request an inspection of their premises to assure that safe practices are being observed....

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bowes and seconded by Mr. Saunders for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

September 16, 1998

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

* * *

JOSEPH F. DENK,
 CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

Notice of Public Hearing on Amendment of the Cleveland Downtown Plan.

Notice is hereby given in accordance with Section 76-2 of the Charter of the City of Cleveland that the Cleveland City Planning Commission will hold a Public Hearing on Friday, October 23, 1998, at 9:00 a.m. in the Stokes Wing of the Cleveland Public Library, 525 Superior Avenue, for the purpose of considering amendments to the **Downtown Plan**, as adopted by the Commission on April 7, 1989, as part of the "General Plan" of the City of Cleveland.

A map and list indicating proposed amendments are on display for public inspection during business hours (8 a.m. to 5 p.m., Monday through Friday) at the City Planning Commission office, Room 501, City Hall, 601 Lakeside Avenue, Cleveland, Ohio 44114.

All persons or organizations desiring to be heard at the public hearings to present views regarding the proposed amendments to the **Downtown Plan** will be afforded an opportunity to be heard.

HUNTER MORRISON,
 Director
 City Planning Commission

October 7 and October 14, 1998

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, OCTOBER 15, 1998

Reservoir Place Subdivision, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1180-97, passed by the Council of the City of Cleveland, June 16, 1997.

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

Julia Court Subdivision, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1180-97, passed by the Council of the City of Cleveland, June 16, 1997.

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

Emergency Sewer Repairs and Installation of New Sewers, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 353-98, passed by the Council of the City of Cleveland.

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

Labor and Materials to Perform Glycol Collection Services, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 991-98, passed by the Council of the City of Cleveland, June 15, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 8, 1998, 10:00 A.M. IN THE ENGINEERING OFFICE CONFERENCE ROOM, LOCATED AT 19501 CARGO ROAD (THE CORNER OF 5 POINTS AND CARGO ROAD).

September 30, 1998 and October 7, 1998

FRIDAY, OCTOBER 16, 1998

Ford Tractor and Mower Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 996-98, passed by the Council of the City of Cleveland, June 15, 1998.

September 30, 1998 and October 7, 1998

WEDNESDAY, OCTOBER 21, 1998

Replacement of a 54-Inch Raw Water Butterfly Valve at Crown Water Plant, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 965-93, passed by the Council of the City of Cleveland, July 14, 1993.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING FOLLOWED BY A WALK THROUGH OF THE SITE WILL BE HELD ON WEDNESDAY, OCTOBER 14, 1998, 10:00 A.M. AT THE CROWN WATER PLANT, 955 CLAGUE ROAD, WESTLAKE, OHIO.

Fire Hydrants and Fire Hydrant Parts, of the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Three (3) Battery-Operated Carpet Extractors, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 610-98, passed by the Council of the City of Cleveland, June 15, 1998.

September 30, 1998 and October 7, 1998

THURSDAY, OCTOBER 22, 1998

New Office Furniture for Cleveland City Hall, Civil Service and Personnel, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 13, 1998, 10:00 A.M. AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE.

Refurbishment of Front-End Loaders and Roll-Off Dumpsters, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1237-98.

September 30, 1998 and October 7, 1998

THURSDAY, OCTOBER 22, 1998

Interim Resurfacing of West 140th Street (Puritas Avenue — Lakewood Heights Boulevard) Re-Bid, for the Division of Engineering and Construction, Department of

Public Service, as authorized by Ordinance No. 363-98, passed by the Council of the City of Cleveland.

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

Constructing and Repairing Catch Basins and Manholes, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 352-98, passed by the Council of the City of Cleveland.

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

October 7, 1998 and October 14, 1998

FRIDAY, OCTOBER 23, 1998

Lumber, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 286-98, passed by the Council of the City of Cleveland, March 23, 1998.

Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1230-98.

Cushman — Ransom Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1242-98.

October 7, 1998 and October 14, 1998

THURSDAY, OCTOBER 29, 1998

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

October 7, 1998 and October 14, 1998

FRIDAY, OCTOBER 30, 1998

Southeast Service and Maintenance Facility at Twinsburg Township, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2109-90, passed by the Council of the City of Cleveland, November 19, 1990.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 20, 1998, 10:00 A.M. AT THE DIVISION OF WATER, 5TH FLOOR ENGINEERING CONFERENCE ROOM, 75 ERIEVIEW PLAZA, CLEVELAND, OHIO.

Bunker Gear Suits, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 609-98, passed by the Council of the City of Cleveland, June 15, 1998.

October 7, 1998 and October 14, 1998

THURSDAY, NOVEMBER 5, 1998

Office Supplies, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 288-98, passed by the Council of the City of Cleveland, March 23, 1998.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON TUESDAY, OCTOBER 27, 1998, 10:00 A.M. IN ROOM 514, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. BID DOCUMENTS WILL BE AVAILABLE FOR PICK-UP IN THE DIVISION OF PURCHASES AND SUPPLIES ON OR AFTER MONDAY, OCTOBER 12, 1998.

October 7, 1998 and October 14, 1998

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 1738-98.

By Councilman Gordon.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Rd., and repealing Res. No. 873-98, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Rd., by Res. No. 873-98, adopted May 11, 1998; and

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

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

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

Section 1. That objection to the transfer of ownership of a D5 Liquor Permit to 2139 Broadview Rd., be and the same is hereby withdrawn and Res. No. 873-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 28, 1998.
Effective October 3, 1998.

Res. No. 1739-98.

By Councilman Polensek.

An emergency resolution objecting to the stock transfer of a D1, D2, D3 and D3A Liquor Permit to 791 E. 185th St., 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D1, D2, D3 and D3A Liquor Permit to Permit No. 8003612, 791 Tavern Inc., 791 E. 185th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119; 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 stock transfer of a D1, D2, D3 and D3A Liquor Permit to Permit No. 8003612, 791 Tavern Inc., 791 E. 185th St., 1st Fl. & Bsmt., Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 28, 1998.
Effective October 3, 1998.

Ord. No. 1229-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair and maintain various types of heavy duty construction equipment, 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 to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and maintain various types of heavy duty construction equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24147)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1230-98.

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of fire repair road service, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement con-

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24146)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1231-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by contract of one alignment machine for passenger cars and light-duty trucks and vans, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) alignment machine for passenger cars and light-duty trucks and vans, 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 Nos. 10 SF 006 and 70 SF 300, Request No. 24143.

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1235-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of cold mix material, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21341)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1236-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of diesel fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized to make a written requirement con-

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24139)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1237-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and material to refurbish various sizes of front-end loader boxes and roll-off dumpsters, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized 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 material to refurbish various sizes of front-end loader boxes and roll-off dumpsters in the estimated sum of \$20,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commis-

sioner 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 23180)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1238-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of SSI tack coat, for the Division of Streets, Department of Public Service.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21336)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1245-98.
By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into one or more contracts with various agencies to implement the 1999 Recycle Ohio! Program; and for the purchase of equipment and supplies for 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 Service is hereby authorized to enter into one or more contracts with various agencies, including but not limited to Cleanland Ohio, for the implementation and operation of the 1999 Recycle Ohio! Program and, if necessary, for the purchase of equipment and supplies for the Program, and that said contract or contracts are payable from the fund or funds to which are credited the grant proceeds accepted from the Ohio Department of Natural Resources.

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1254-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Cavaliers Charities for the 1998 Cavaliers Charities-Recreation Program; and to enter into contract 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 Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$20,000, from the Cavaliers Charities, to conduct the 1998 Cavaliers Charities-Recreation Program, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1254-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for such labor, materials and

equipment necessary to implement the 1998 Cavaliers Charities-Recreation Program as the program is described in the application contained in the File, to be purchased by the Commissioner of Purchases and Supplies.

Section 4. That the cost of the contract or contracts authorized in Section 3 of this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

Passed September 28, 1998.
Effective October 3, 1998.

Ord. No. 1596-98.
By Councilman Johnson (by departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of window washing services in the estimated sum of \$120,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22996)

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 September 28, 1998.
Effective October 3, 1998.

Ord. No. 1597-98.
By Councilman Johnson (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter an amendment to license agreement with International Business Machines Corporation, Contract No. 53044, to correctly state the software licensed and the charges therefor.

Whereas, pursuant to Ordinance No. 606-98, passed April 27, 1998, the Director of Finance entered into an agreement with International Business Machines Corporation ("IBM"), Contract No. 53044, for the license of MVS 370 computer software, based upon its January 13, 1998 proposal; and

Whereas, IBM's January 13, 1998 proposal incorrectly identified the software licensed and the license charges; and

Whereas, by its June 26, 1998 proposal, IBM has correctly identified the MVS 370 software licensed and the charges therefor, and the City wishes to amend said Contract No. 53044 to incorporate such proposal; 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 Finance is hereby authorized to enter into an amendment to the license agreement with International Business Machines Corporation, Contract No. 53044, to correct the identification of and license charges for the MVS 370 software licensed to the City of Cleveland, as set forth in IBM's June 26, 1998 proposal.

Section 2. That cost of the amendment hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21618.

Section 3. That all other terms of Contract No. 53044 with International Business Machines Corporation not expressly amended hereby shall remain unchanged and in full force and effect.

Section 4. That the Amendment herein authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said Director deems necessary to protect and benefit the public interest.

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 September 28, 1998.
 Effective October 3, 1998.

Ord. No. 1604-98.
By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Lease by Way of Concession with United West Side Market Tenants Association for operation of a City owned off-street parking facility, for a period of up to ten years, with a five-year option to renew.

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

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

Section 1. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is hereby authorized to enter into a Lease by Way of Concession with United West Side Market Tenants Association for the use and operation of a City-owned off-street parking facility located at the northeast corner of the intersection of Lorain Avenue and West 24th Street. United West Side Market Tenants Association will not charge patrons a fee for parking, and the Association will be responsible for day-to-day maintenance of the parking facility. The term shall commence on the date of execution of the Agreement and, unless sooner terminated, shall expire up to ten years thereafter, with one option exercisable by the Director of Parks, Recreation and Properties to renew for an additional five-year term, and cancelable upon thirty days' written notice by said Director.

Section 2. That the Lease by Way of Concession authorized herein shall be prepared by the Director of Law, and shall contain such additional provisions as he deems necessary to protect and benefit the public interest.

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

Passed September 28, 1998.
 Effective October 3, 1998.

Ord. No. 1608-98.
By Councilmen Cintron, Jackson, Rybka and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2090-92 and 2088 West 44th Street, 2174 and 2168 Fulton Road, 2178 and 2182 West 37th Street, 2189-91 and 2197 West 36th Street to Cleveland Housing Network Limited Partnership XV.

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. 006-20-042 as more fully described in Section 2 below, to Cleveland Housing Network Limited Partnership XV.

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. 006-20-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 34 in Bennett Allotment of part of Original Brooklyn Township Lot Nos. 52 and 53, as shown by the recorded plat in Volume 3 of Maps, Page 9 of Cuyahoga County Records, and forming a parcel of land 40 feet front on the Westerly side of West 44th Street and extending back between parallel lines 137 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Section 3. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-20-133 as more fully described in Section 4 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 006-20-133

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 82 feet of Sublot No. 33 in Sarah A. Tyler's Bennett Allotment of part of Original Brooklyn Township Lot Nos. 52 and 53 as shown by the recorded plat in Volume 3 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Westerly side of West 44th Street (formerly Harbor Street) and extending back between parallel lines 82 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Section 5. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-07-101 as more fully described in Section 6 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 18 and the Northerly 17 feet of Sublot No. 19 in Sargent and Dixon's Allotment of part of Original Brooklyn Township Lot No. 52, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and together forming a parcel of land 47 feet front on the Southwesterly side of Fulton Road, S.W., and extending back between parallel lines 105 feet to the Easterly line of Japan Court, S.W., as appears by said plat, be the same more or less, but subject to all legal highways.

Section 7. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-07-102 as more fully described in Section 8 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-102

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 17 in Sargent and Dixon's Re-Allotment of Sublots Nos. 313 to 324 inclusive, in Barber and Lord's Allotment of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and being 30 feet front on the Westerly side of Fulton Road, S.W., (formerly Willett Street), and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 9. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 007-07-115 as more fully described in Section 10 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-115

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 92 and the Northerly 2 feet of Sublot No. 91 in Sargent and Dixon's Re-Allotment of part of Original Brooklyn Township Lot No. 52, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, together forming a parcel of land being 32 feet front on the Westerly side of West 37th Street, (formerly Elvira Avenue, S.W.), and extending back between parallel lines 105 feet to the Easterly line of a 10 foot alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 11. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-07-116 as more fully described in Section 12 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 28 feet of Sublot No. 91 and the Northerly 2 feet of Sublot No. 90 in Sargent and Dixon Re-Subdivision of part of Original Brooklyn Township Lots Nos. 52 and 69, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and together forming a parcel of land 30 feet front on the Westerly side of West 37th Street (formerly Elvira Street, S.W.) and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordina-

nances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-07-128 as more fully described in Section 14 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-128

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 25 feet of Sublot No. 41 and the Northerly 15 feet of Sublot No. 40 in Sargent's and Dixon's Re-Subdivision of part of Original Brooklyn Township Lots Nos. 51, 52, 69 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and together being 40 feet front on the Easterly side of West 36th Street (formerly Japan Street) and extending back between parallel lines 105 feet to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 007-07-129 as more fully described in Section 16 below, to Cleveland Housing Network Limited Partnership XV.

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

P.P. No. 007-07-129

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 15 feet of Sublot No. 39 and the Southerly 15 feet of Sublot No. 40 in Sargent & Dixon's Re-Subdivision of part of Original Brooklyn Township Lot Nos. 51, 52, 59 and 70 as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, together forming a parcel of land 30 feet front on the Easterly side of West 36th Street and extending back of equal width 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

Section 17. 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 18. 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 19. 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 20. 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 September 28, 1998.

Effective October 3, 1998.

Ord. No. 1728-98.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at East 38th Street to Central Nehemiah Development Partnership.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 103-31-051, as more fully described in Section 2 below, to Central Nehemiah Development Partnership.

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. 103-31-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 85 and the Northerly 15 feet from front to rear of Sublot No. 83 in Charles H. Norton's Re-Subdivision of part of Original Ten Acre Lot No. 44, as shown by the recorded plat in Volume 3 of Maps, Page 24 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 45 feet on the Easterly side of East 38th Street (formerly Putnam Street), and extending back of equal width 125 feet 1 inch. As appears by said plat, be the same more or less, but subject to all legal highways.

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

Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed September 28, 1998.
Effective October 3, 1998.

**Ord. No. 1737-98.
By Councilman Dolan.**

An emergency ordinance changing the name of a portion of West 159th Street to Alyssa Drive and authorizing and directing the Directors of Public Safety, Public Service and City Planning to effectuate the change of name.

Whereas, it is essential that the residents of Cleveland be provided with an emergency response team that is well-trained and well-equipped to handle all life threatening emergencies expeditiously throughout the City; and

Whereas, an emergency medical unit had difficulty identifying, locating and responding to the Miller family residence on West 159th Street north of Munn Road; and

Whereas, the Council of the City of Cleveland would like to honor the memory of Alyssa Miller, a young child who resided on West 159th Street, and to ensure the safety of the residents of the City of Cleveland; and

Whereas, in accordance with Section 176 of the Charter of the City of Cleveland, West 159th Street from Norway Avenue north to the Cleveland/Lakewood border shall be renamed to "Alyssa Drive"; and

Whereas, an overwhelming majority of residents of that portion of West 159th Street are supportive of the change of name as evidenced by their completion of petitions; 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 176 of the Charter of the City of Cleveland, that portion of West 159th Street from Norway Avenue north to the Cleveland/Lakewood border shall be renamed "Alyssa Drive" effective November 1, 1998.

Section 2. That the Directors of Public Service, Public Safety and City Planning are authorized and directed to take all actions necessary to effectuate the change of name.

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

Passed September 28, 1998.
Effective October 3, 1998.

Ord. No. 1752-98.

By Councilman Coats.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Whitmore's Bar-B-Que to stretch a banner across Euclid Avenue at 17121 Euclid, for the period from October 1, 1998 to October 31, 1998, inclusive, publicizing their 20th Anniversary.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1979, the Director of Public Service is hereby authorized and directed to issue a permit to Whitmore's Bar-B-Que to install, maintain and remove banners a banner across Euclid Avenue at 17121 Euclid, for the period from October 1, 1998 to October 31, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of

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

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

Passed September 28, 1998.
Effective October 3, 1998.

COUNCIL COMMITTEE MEETINGS

Monday, October 5, 1998

Public Parks, Recreation and Properties Committee (joint with Finance Committee): 1:30 P.M. — Present: Willis, Chairman; Britt, Lewis, Polensek, Sweeney, White. Excused: Dolan, Vice Chairman.

Finance Committee (joint with Parks, Recreation and Properties Committee): 1:30 P.M. — Present: Johnson, Chairman; Westbrook, Vice Chairman; Coats, Lewis, Patmon, Polensek, Robinson, Rybka, Sweeney, Zone. Excused: Melena.

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

Tuesday, October 6, 1998

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

Wednesday, October 7, 1998

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

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Agreements

Air Services — enter Fourth Amendment to Agreement — City Contract No. 32713 to delete and add certain areas to the leased premises (O 1226-98) 1711

Assessments and Licenses Department

Tree assessments — levy against owners —in the 1997 Tree Maintenance District — Assessments and Licenses Department. (O 1606-98)..... 1711-1713

Banners

Whitmore's Bar-B-Que - permit - stretch banner - at 17121 Euclid Avenue — October 1, thru
October 31, 1998 — publicizing 20th Anniversary (O 1752-98).....1724

Burke Lakefront Airport

Office Space at Burke Lakefront Airport — Lease By Way of Concession — Port Control
(O 1420-98).....1712

Caribbean/Gang Task Force Program

Caribbean/Gang Task Force Program — apply for and accept grant — \$86,373.00— Public
Safety (O 1415-98).....1711-1713

City Planning Department

Changing name of a portion of West 159th Street to Alyssa Drive - City Planning
(O 1737-98).....1724

Cleveland Hopkins International Airport

Air Services — enter Fourth Amendment to Agreement — City Contract No. 32713 to delete
and add certain areas to the leased premises (O 1226-98)1711

Cleveland Public Power

Switchgear and circuit breakers — repair or replace — Cleveland Public Power
(O 1223-98)1710-1712

Communications

Notification of "Set Aside" Req. No. 13323 - Division of Purchases and Supplies
(F 1754-98)1697

Community Development

Contract with Karamu House - repair of building - 2355 East 89th Street - CDBG Year XIV
- Department of Community Development (O 1769-98)1706
Sale of real property - Land Reutilization Program -located on East 69th Street -
Department of Community Development (O 1773-98).....1706
Sale of real property - Land Reutilization Program - East 38th Street - Department
of Community Development (O 1728-98).....1723

Condolences

Booze, Edward (R 1784-98).....1697
Burton, Kathleen B. (R 1786-98).....1697
Chappell, Dorothy (R 1790-98).....1697
Coury, Thomas R. (R 1788-98).....1697
Hill, Moses (R 1787-98)1697
Pate-Taylor, Ruby Arnetta (R 1789-98).....1697
Speed, Ella M. (R 1785-98)1697

Congratulations

Bryk, Reverend John (R 1794-98).....1697
Grabowski, John Joseph, Ph.D. (R 1796-98)1697
Krent, Eugene P. (R 1795-98)1697
Mt. Pleasant United Methodist Church Senior Ministry (R 1792-98)1697
New Zion Church of God - Holiness Youth Auxiliary (R 1791-98).....1697
St. Stanislaus Parish - 125th Anniversary (R 1793-98).....1697
Swintek, Natalie (R 1797-98)1697

Dumping

Foreign steel — urging the President and Congress to support U. S. steel manufactures
by preventing the illegal dumping of foreign steel (R 1781-98)1710

Economic Development Department

Designating the Lee-Harvard Area Urban Redevelopment Area - approving the Lee-Harvard Area
Urban Redevelopment Plan - Department of Economic Development (O 1770-98)1706

Emergency Medical Services Division (EMS)

Defibrillators, monitors and battery support systems — contract with Physio-Control
Equipment Service — Emergency Medical Service Division (O 1251-98).....1711-1713

Encroachments

West 9th Street at Lakeside Avenue — encroachment — Ampco System parking — Service
Department (O 1645-97).....1710-1712

Finance Department

Agreement with Apcoa, Inc. - three year term - File No. 1767-98-A - Department of Parks,
Recreation and Properties (O 1767-98)1699
Contract with Data Compression Technology - purchase and installation of STAX software
for record retrieval (O 1763-98)1698
License agreement— International Business Machines Corporation—amendment to Contract
No. 53044. (O 1597-98).....1722
Pay the cost of extraction of 1997 Ohio income tax master file data - Finance
(O 1762-98).....1698
Window washing services— various city divisions - Finance Department (O 1596-98).....1721

Grants

1998 - 1999 Fire - EMT Training Program — apply for and accept grant — \$14,080.80 —
Ohio Department of Public Safety — Safety Department (O 1250-98).....1711-1713
1998 Cavaliers Charities - Recreation Program — apply for and accept grant — \$20,000
from Cavaliers Charities — Recreation Division (O 1254-98)1721
1998-99 EMS - EMT Training Program — apply for and accept grant — \$12,503.45 — Ohio
Department of Public Safety — Safety Department (O 1249-98).....1710-1712
Caribbean/Gang Task Force Program — apply for and accept grant — \$86,373.00— Public
Safety (O 1415-98).....1711-1713

Health Division

Apply and accept a grant from the Ohio Department of Health - the Infant Mortality
Reduction (Initiative) Grant - contract with Lutheran Metropolitan Ministry -
Department of Public Health (O 1766-98)1699

IBM Corporation

License agreement— International Business Machines Corporation—amendment to Contract
No. 53044. (O 1597-98).....1722

Land Reutilization Program

2090-92 and 2088 West 44th Street, 2174 and 2168 Fulton Road, 2178 and 2182 West 37th
Street, 2189-91 and 2197 West 36th Street - Cleveland Housing Network Limited
Partnership XV— Land Reutilization Program. (O 1608-98)1722
Corsica Avenue, 15911 (Ward 11) — sell to Cleo Davis (O 1258-98)1711-1713
East 83rd Street, 2074 aka 8217 Carnegie Avenue (Ward 6) — sell to J. T. Baily Company,
Incorporated (O 1261-98).....1711-1713
Eddy Road, 795 N. E. (Ward 9) — sell to Northeastern Neighborhood Development Corporation
or designee (O 1262-98).....1711-1713
Melrose Avenue, 8016 (Ward 7) — sell to Earthie M. Carter (O 1109-98)1710-1712
Sale of real property - Land Reutilization Program - 1272 East 35th Street -
(O 1772-98).....1707

Leases

United West Side Market Tenants Association— Lease — Parks, Recreation & Properties.
(O 1604-98).....1722

Liquor Permits

Broadview Road, 2139 - withdrawing objection to the transfer of ownership of a D5 Liquor Permit - Res. No. 873-98 (R 1738-98) 1719

Chester Avenue, 100400 (Ward 9) — withdrawing objection to the transfer of location of C2 and C2X Liquor Permit — repealing Res. No. 1327-98 (R 1778-98) 1709

Dudley Avenue, 7520, first floor (Ward 17) - Wayne & Kathryn Cole dba Dudley Deli - Transfer of Ownership Application - 1614590 (F 1758-98) 1697

East 105th Street, 1076, 1st Floor, - objecting to the stock transfer of a C2 and C2X Liquor Permit (R 1775-98)..... 1708

East 185th Street, 791 - objecting to the stock transfer of a D1, D2, D3 and D3A Liquor Permit (R 1739-98) 1719

Jennings Road, 3995 (Ward 15) - Cudnik's, Inc. dba Cudnik's Tavern - Stock Transfer Application - 1844550 (F 1761-98) 1697

Rocky River Drive, 7768, 4444 - Revco Drug Stores, Inc. dba CVS Pharmacy - New Application - 73153250070 (F 1756-98)..... 1697

St. Clair Avenue, 7011 (Ward 13) - Kogg Enterprises, Inc. dba Kogg - Transfer of Location Application (F 1759-98) 1697

St. Clair Avenue, 7011 - Objecting to the transfer of location of a C1 and C2 Liquor Permit (R 1774-98) 1708

Superior Avenue, 11625 - withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit - repealing Res. No. 1328-98 (R 1777-98) 1709

Union Avenue, 10914 (Ward 3) - JNR, Inc. dba Chillis II - Transfer of Ownership and Location Application - 4403788 (F 1760-98) 1697

Wade Park, 7904 , 1st floor and basement, withdrawing objection to the renewal of a D5 Liquor Permit and repealing Res. No. 1475-98 (R 1783-98)..... 1710

West 130th Street, 4282 (Ward 20) - El Beriha Corporation dba JJ's Food and Deli - New Application - 2464248 (F 1755-98) 1697

West 140th Street, 4050, 1st Floor - objecting to the transfer of ownership of a C1 and C2 Liquor Permit (R 1776-98) 1708

West 140th Street, 4050, first floor (Ward 20) - Mazen Kash dba Friendly Food Mart - Transfer of Ownership Application (F 1757-98) 1697

Local Law Enforcement Block Grant (LLEBG) Program

Local Law Enforcement Block Grant (LLEBG) Program — urge Congress to support reauthorization at increased funding levels (R 1780-98) 1709

Mayor's Office

Name connector street between West St. Clair Avenue, N.W. and Carter Road, N.W. to "Robert Lockwood, Jr. Road Way" (O 1771-98) 1708

Motor Vehicle License Tax

Ohio & Erie Canal Scenic Byway Project — consent to development of signage plan, map brochure and wayfinding system; apply for and accept allocations of County Motor Vehicle License Tax Funds (O 1240-98)..... 1712

Motor Vehicle Maintenance Division

Alignment machine — Motor Vehicle Maintenance Division (O 1231-98)..... 1720

Construction Equipment — repair and maintain — Motor Vehicle Maintenance Division (O 1229-98)..... 1719

Cushman-Ransomes equipment — Motor Vehicle Maintenance Division (O 1242-98) 1712

Diesel fuel — Motor Vehicle Maintenance Division (O 1236-98)..... 1720

Tire repair road service — Motor Vehicle Maintenance Division (O 1230-98) 1719

Ohio & Erie Canal Scenic Byway Project

Ohio & Erie Canal Scenic Byway Project — consent to development of signage plan, map brochure and wayfinding system; apply for and accept allocations of County Motor Vehicle License Tax Funds (O 1240-98)..... 1712

Park Maintenance and Properties Department

Arboricultural work — Downtown Tree Assessment District — Park Maintenance and Properties Division (O 1253-98) 1711-1713

Park Maintenance and Properties Division

Tree trimming — labor and materials for supervised work crews — Park Maintenance and Properties Division (O 1256-98) 1711-1713

Parks, Recreation and Properties Department

1998 Cavaliers Charities - Recreation Program — apply for and accept grant — \$20,000 from Cavaliers Charities — Recreation Division (O 1254-98) **1721**
 Agreement with Apcoa, Inc. - three year term - File No. 1767-98-A - Department of Parks, Recreation and Properties (O 1767-98) 1699
 Arboricultural work — Downtown Tree Assessment District — Park Maintenance and Properties Division (O 1253-98) 1711-1713
 Lease agreement with American Golf Corporation - Seneca Golf Course, Highland Golf Course - ten year term - Ordinance No. 923-95 - Department of Parks, Recreation and Properties (O 1768-98) 1699
 Oman Park — appropriate property to relocate Oman Park located at East 81st Street and Mansfield Avenue — Parks, Recreation and Properties Department (O 1252-98)..... 1711-1713
 Tree Maintenance — 1999 - 2000 Tree Maintenance District — establish district (R 929-98) 1711-1713
 Tree trimming — labor and materials for supervised work crews — Park Maintenance and Properties Division (O 1256-98) 1711-1713
 United West Side Market Tenants Association— Lease — Parks, Recreation & Properties. (O 1604-98)..... **1722**

Permits

United Way Walk and Run - permit - October 20, 1998 - American Express (O 1782-98) 1707
 West 9th Street at Lakeside Avenue — encroachment — Ampco System parking — Service Department (O 1645-97)..... 1710-1712
 Whitmore's Bar-B-Que - permit - stretch banner - at 17121 Euclid Avenue — October 1, thru October 31, 1998 — publicizing 20th Anniversary (O 1752-98)..... **1724**

Port Control Department

Air Services — enter Fourth Amendment to Agreement — City Contract No. 32713 to delete and add certain areas to the leased premises (O 1226-98) 1711
 Office Space at Burke Lakefront Airport — Lease By Way of Concession — Port Control (O 1420-98)..... 1712
 Office Space at Burke Lakefront Airport — Lease By Way of Concession — Port Control (O 1420-98)..... 1712

Purchases and Supplies Department

Emergency Requisition - RE - 08241 - Division of Purchases and Supplies (F 1753-98)..... 1697
 Notification of "Set Aside" Req. No. 13323 - Division of Purchases and Supplies (F 1754-98) 1697

Purchases/Contracts

1999 Recycle Ohio! Program — enter into one or more contracts with various agencies to implement program — purchase equipment and supplies — Service Department (O 1245-98)..... **1721**
 Alignment machine — Motor Vehicle Maintenance Division (O 1231-98)..... **1720**
 Arboricultural work — Downtown Tree Assessment District — Park Maintenance and Properties Division (O 1253-98) 1711-1713
 Cold Mix Material — Streets Division (O 1235-98) **1720**
 Construction Equipment — repair and maintain — Motor Vehicle Maintenance Division (O 1229-98)..... **1719**
 Cushman-Ransomes equipment — Motor Vehicle Maintenance Division (O 1242-98) 1712
 Defibrillators, monitors and battery support systems — contract with Physio-Control Equipment Service — Emergency Medical Service Division (O 1251-98)..... 1711-1713
 Diesel fuel — Motor Vehicle Maintenance Division (O 1236-98)..... **1720**
 Front-end loader boxes and Roll-off dumpsters — Waste Collection and Disposal Division (O 1237-98)..... **1720**
 License agreement— International Business Machines Corporation—amendment to Contract No. 53044. (O 1597-98)..... **1722**
 Paper products — Water Division (O 1224-98) 1710-1712
 Pitney Bowes - Public Utilities . (O 1601-98)..... 1711-1713
 SSI Tack Coat — Streets Division (O 1238-98)..... **1721**
 Switchgear and circuit breakers — repair or replace — Cleveland Public Power (O 1223-98) 1710-1712
 Tandem Computers Incorporated — second amendment to Contract No. 52655 to extend term of existing computer software and hardware maintenance service — Safety Department (O 1248-98) 1710-1712
 Tire repair road service — Motor Vehicle Maintenance Division (O 1230-98) **1719**
 Tree trimming — labor and materials for supervised work crews — Park Maintenance and Properties Division (O 1256-98) 1711-1713
 Window washing services— various city divisions - Finance Department (O 1596-98)..... **1721**

Recognitions

Bivins, Jimmy (R 1800-98)1697
 Duke, Raymond (R 1798-98).....1697
 Rally for Children (R 1799-98)1697

Recreation Division

1998 Cavaliers Charities - Recreation Program — apply for and accept grant — \$20,000
 from Cavaliers Charities — Recreation Division (O 1254-98) **1721**

Resolutions — Miscellaneous

Foreign steel — urging the President and Congress to support U. S. steel manufactures
 by preventing the illegal dumping of foreign steel (R 1781-98) 1710
 Local Law Enforcement Block Grant (LLEBG) Program — urge Congress to support
 reauthorization at increased funding levels (R 1780-98) 1709
 Urging the Congress to oppose the Internet Tax Freedom Act (R 1779-98) 1709

Safety Department

1998 - 1999 Fire - EMT Training Program — apply for and accept grant — \$14,080.80 —
 Ohio Department of Public Safety — Safety Department (O 1250-98)..... 1711-1713
 1998-99 EMS - EMT Training Program — apply for and accept grant — \$12,503.45 — Ohio
 Department of Public Safety — Safety Department (O 1249-98)..... 1710-1712
 Caribbean/Gang Task Force Program — apply for and accept grant — \$86,373.00— Public
 Safety (O 1415-98)..... 1711-1713
 Defibrillators, monitors and battery support systems — contract with Physio-Control
 Equipment Service — Emergency Medical Service Division (O 1251-98)..... 1711-1713
 Tandem Computers Incorporated — second amendment to Contract No. 52655 to extend term
 of existing computer software and hardware maintenance service — Safety Department
 (O 1248-98) 1710-1712

Service Department

1999 Recycle Ohio! Program — enter into one or more contracts with various agencies to
 implement program — purchase equipment and supplies — Service Department
 (O 1245-98)..... **1721**
 Alignment machine — Motor Vehicle Maintenance Division (O 1231-98)..... **1720**
 Brookpark Road — repair and resurface two sections — enter into agreements with State
 of Ohio — Service Department (O 1241-98)..... 1712
 Cold Mix Material — Streets Division (O 1235-98) **1720**
 Construction Equipment — repair and maintain — Motor Vehicle Maintenance Division
 (O 1229-98)..... **1719**
 Cushman-Ransomes equipment — Motor Vehicle Maintenance Division (O 1242-98) 1712
 Diesel fuel — Motor Vehicle Maintenance Division (O 1236-98)..... **1720**
 Front-end loader boxes and Roll-off dumpsters — Waste Collection and Disposal Division
 (O 1237-98)..... **1720**
 Ohio & Erie Canal Scenic Byway Project — consent to development of signage plan,
 map brochure and wayfinding system; apply for and accept allocations of County Motor
 Vehicle License Tax Funds (O 1240-98)..... 1712
 SSI Tack Coat — Streets Division (O 1238-98)..... **1721**
 Tire repair road service — Motor Vehicle Maintenance Division (O 1230-98) **1719**
 Vacate a portion of Houston Avenue, S.W. - Public Service (O 1764-98) 1698
 Vacate portion of Perry Court, N.E. (O 1765-98) 1698
 W. 117th Street from Bellaire Rd. to Edgewater Dr. consent to repair and resurface
 — amend Section 2 of Ordinance No. 2329-86 as amended by Ordinance No. 2189-96
 —Service Department (O 1239-98) 1712
 West 9th Street at Lakeside Avenue — encroachment — Ampco System parking — Service
 Department (O 1645-97)..... 1710-1712

Sewers

Sewer repair at West 98th Street under Norfolk Southern and Regional Transit Authority
 tracks — ratify and approve emergency work — Public Utilities (O 1419-98)..... 1711-1713

State of Ohio

Brookpark Road — repair and resurface two sections — enter into agreements with State
 of Ohio — Service Department (O 1241-98)..... 1712

Street Improvement

Brookpark Road — repair and resurface two sections — enter into agreements with State of Ohio — Service Department (O 1241-98).....	1712
W. 117th Street from Bellaire Rd. to Edgewater Dr. consent to repair and resurface — amend Section 2 of Ordinance No. 2329-86 as amended by Ordinance No. 2189-96 —Service Department (O 1239-98)	1712

Streets - Vacation

Clybourne Court, S. W. (Ward 15) — vacate a portion (O 1234-98)	1710-1712
East 92nd Street (Ward 4) — declaring the intention to vacate (R 1425-98)	1711-1713
East 96th Street (Ward 6) — vacate a portion (O 1244-98)	1710-1712
Packard Court, N. E. (Ward 13) - vacate a portion (O 1232-98)	1710-1712

Streets Division

Cold Mix Material — Streets Division (O 1235-98)	1720
SSI Tack Coat — Streets Division (O 1238-98).....	1721

Tree Maintenance

Arboricultural work — Downtown Tree Assessment District — Park Maintenance and Properties Division (O 1253-98)	1711-1713
Tree assessments — levy against owners —in the 1997 Tree Maintenance District — Assessments and Licenses Department. (O 1606-98).....	1711-1713

Trees, Shade

Tree Maintenance — 1999 - 2000 Tree Maintenance District — establish district (R 929-98)	1711-1713
--	-----------

Utilities Department

Paper products — Water Division (O 1224-98)	1710-1712
Pitney Bowes - Public Utilities . (O 1601-98).....	1711-1713
Sewer repair at West 98th Street under Norfolk Southern and Regional Transit Authority tracks — ratify and approve emergency work — Public Utilities (O 1419-98).....	1711-1713
State funding of the Kerruish Park Stormwater Project - Public Utilities (O 1700-98).....	1711
Switchgear and circuit breakers — repair or replace — Cleveland Public Power (O 1223-98)	1710-1712

Waste Collection and Disposal Division

Front-end loader boxes and Roll-off dumpsters — Waste Collection and Disposal Division (O 1237-98).....	1720
---	------

Water Division

Paper products — Water Division (O 1224-98)	1710-1712
---	-----------

Welcome

American Court & Commercial Newspaper, Inc. (R 1801-98)	1697
---	------