

# The City Record

Official Publication of the City of Cleveland

May the Sixth, Nineteen Hundred and Ninety-Eight

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL—LEGISLATIVE President of Council—Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones.....	15601 Lotus Drive	44128
2	Robert J. White .....	3760 East 126th Street	44105
3	Odelia V. Robinson.....	3448 East 123rd Street	44120
4	Kenneth L. Johnson .....	2948 Hampton Road	44120
5	Frank G. Jackson .....	2327 East 38th Street	44115
6	Patricia J. Britt .....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	William W. Patmon .....	867 East Boulevard	44108
9	Craig E. Willis.....	11906 Beulah Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek .....	17855 Brian Avenue	44119
12	Edward W. Rybka .....	6832 Indiana Avenue	44105
13	Joe Cimperman .....	1428 Fairfield Avenue	44113
14	Nelson Cintron, Jr.....	3032 Vega Avenue	44113
15	Merle R. Gordon.....	1813 Tampa Avenue	44109
16	Larry Moran .....	3584 West 46th Street	44102
17	Timothy J. Melena .....	6109 West Clinton Avenue	44102
18	Jay Westbrook .....	10513 Clifton Boulevard	44102
19	Joseph J. Zone.....	3323 West 130th Street	44111
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan .....	16519 West Park Road	44111
	Clerk of Council—Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk—Sandra Franklin.		
<b>MAYOR—Michael R. White</b>			
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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			
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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			
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Purchases and Supplies – William A. Moon, Commissioner, Room 128			
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Financial Reporting and Control – _____, Contoller, Room 18			
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<b>DIVISIONS</b> – 1201 Lakeside Avenue			
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Water Pollution Control – Darnell Brown, Commissioner			
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Cleveland Public Power – James F. Majer, Commissioner			
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Cleveland Hopkins International Airport – Stephen Sheehan, Commissioner			
Burke Lakefront Airport – Michael C. Barth, Commissioner			
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Correction – Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
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Traffic Engineering & Parking – David Ritz, Commissioner, 2001 Payne Ave.			
Dog Pound – John Baird, Chief Dog Warden, 2690 W. 7th Street			
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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

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

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

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**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.

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 85

WEDNESDAY, MAY 6, 1998

No. 4404

## CITY COUNCIL

MONDAY, MAY 4, 1998

### The City Record

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**ARTHA WOODS**

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio May 4, 1998.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White and Directors Summers, Carmody, Konicek, Guzman, Staib, Denihan, Jackson, Nolan, Warren, Axelrod, Morrison, and Acting Directors Sheffield-McClain.

Absent: Director Hamilton.  
Pursuant to Ordinance No. 2926-76, the Council meeting was opened with a prayer offered by Rev. Earl Preston, Pastor of Morning Star Baptist Church. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 806-98.**  
From the Division of Purchases & Supplies re: Excess Property - Reference No. 006-98. Received.

**File No. 807-98.**  
From the Division of Purchases & Supplies re: Emergency Requisitions (RE-11786). Received.

**File No. 808-98.**  
From the Department of Public Utilities re: Contract No. 48286 for Low and First High Service Pump, Phase 1 has been completed and accepted as of January 18, 1997. Received.

**File No. 809-98.**  
From the Division of Purchases & Supplies re: Sales Request No. 90156 for sale or lease of property at 9250 Miles Park Avenue - (Formerly Miles Park Library). Received.

#### File No. 810-98.

From Merchants Bonding Company re: Cancel liability under Bond No. OH 2005, Horizon Builders, Inc. Letter dated March 2, 1998. Received.

#### File No. 811-98.

From Merchants Bonding Company re: Rescind cancellation letter dated March 2, 1998. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

#### File No. 812-98.

Re: New Application - 5304669 - Lou & Eddy's Corp. dba Lou Eddy's, first floor, basement and patio, 5800, 5806, 5808, 5810 Detroit Avenue. (Ward 17). Received.

#### File No. 813-98.

Re: New Application - 5304669 - Best Mart Inc. dba Best Mart, 15012 Kinsman Road. (Ward 3). Received.

#### File No. 814-98.

Re: Transfer of Ownership Application - 0076872 - Agrigento Inc. dba Steves Pizza, 3582 West 105th Street. (Ward 21). Received.

#### File No. 815-98.

Re: Transfer of Ownership Application - 5188538 - License LTD LLC, 1126 Old River Road, second floor and patio. (Ward 13). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 840-98.** Nancy Mary (Rudy) Pearcy.

**Res. No. 841-98.** Malcolm Douglas.

**Res. No. 842-98.** Edna Kopec.

**Res. No. 843-98.** Roger Martin.

**Res. No. 844-98.** Anna Mae Brown.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 845-98.** Karlin Hall — 25th Anniversary.

**Res. No. 846-98.** Bollinger-Catavolos Funeral Home.

**Res. No. 847-98.** Mamie Alma Singleton Phillips Davis.

**Res. No. 848-98.** Conrad Wilson.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 816-98.**

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

**An emergency ordinance to authorize (i) the issuance of a series of Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of advance refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in an aggregate principal amount not to exceed \$45,000,000; (ii) the issuance of a series of the Public Power System Revenue Bonds of the City of Cleveland, Ohio for the purpose of currently refunding a portion of the City's currently Outstanding Public Power System First Mortgage Revenue Bonds in a principal amount not to exceed \$60,000,000; (iii) the engagement by the City in an interest rate swap transaction with a notional amount not to exceed \$60,000,000 and the execution of any interest rate swap agreements and other documents related thereto; and (iv) the execution of supplemental indentures and certain other documents related thereto, as applicable, and the provision for certain other authorizations and matters related to the issuance and sale of the Bonds herein authorized.**

Whereas, the City of Cleveland, Ohio (the "City" or "Issuer"), a municipal corporation and political subdivision in and of the State of Ohio, is authorized and empowered pursuant to Article XVIII of the Constitution of the State of Ohio and the Charter of the Issuer, among other things: (a) to own and operate the public utility hereinafter defined and referred to as "Cleveland Public Power"; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to Cleveland Public Power as it may deem advisable; (c) to borrow money for the purpose of providing funds for such additions, extensions, improvements, replacements and alterations and to refinance obligations issued for such purpose; (d) to issue its bonds, and notes in anticipation thereof, in evidence of money borrowed for such purpose in the manner and on the terms set forth in the Indenture, as hereinafter defined, and to issue refunding bonds to refund, in advance or otherwise, such bonds or notes; and (e) to secure any bonds, or notes issued in anticipation thereof, by a pledge of and lien on the Net Revenues, as hereinafter defined, of Cleveland Public Power and by a mortgage on the properties of Cleveland Public Power, including with respect to any bonds, as a part of the mortgaged properties a franchise stating the terms upon which, in the event of foreclosure, a purchaser at a foreclosure sale of the mortgaged properties may operate the same for a period of years from the date of such sale.

Whereas, by and pursuant to Ordinance No. 1516-91, duly passed on July 24, 1991 (the "Original Bond Legislation"), this Council authorized the issuance of Public Power System Improvement First Mortgage Revenue Bonds, dated September 1, 1991 in the aggregate principal amount of \$66,930,000, consisting of Series 1991A Bonds in the aggregate amount of \$13,895,000 for the purposes of paying Capital Costs and Series 1991B Bonds in the aggregate

amount of \$53,035,000 for the purpose of advance refunding all of the outstanding revenue bonds that had previously been issued for Cleveland Public Power (collectively herein the "Series 1991 Bonds"), all as defined in the Original Bond Legislation; and

Whereas, the Series 1991 Bonds are issued under and secured on a parity with any Additional Bonds by a Trust Indenture, dated as of September 1, 1991 (the "Original Indenture"), between the Issuer and Star Bank, N.A., Cincinnati, Ohio, as Trustee (the "Trustee"), and reference is hereby made to the Original Indenture as if rewritten in full herein; and

Whereas, the Original Bond Legislation provides, in Section 12 thereof, that the Issuer may issue Additional Bonds on a parity with the Series 1991 Bonds for certain purposes including the payment of Capital Costs and the refunding of obligations issued for that purpose; and

Whereas, pursuant to Ordinance No. 1133-93, duly passed on June 7, 1993 (the "1994A Bond Legislation") this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994A (the "Series 1994A Bonds"), in the aggregate principal amount of \$179,775,000 for the purpose of providing funds for capital improvements to Cleveland Public Power and to refinance notes issued for such purpose; and

Whereas, pursuant to Ordinance No. 55-94, duly passed on June 6, 1994 (the "1994B Bond Legislation") this Council authorized the issuance of additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994B (the "Series 1994B Bonds") in the aggregate principal amount of \$39,330,000 for the purpose of providing funds for the payment of a judgment involving the Issuer and Cleveland Public Power and to refinance notes issued for such purpose (the Series 1994A Bonds and the Series 1994B Bonds are hereinafter collectively referred to as the "Series 1994 Bonds"); and

Whereas, pursuant to Ordinance No. 1003-95, duly passed on June 19, 1995 (the "1996 Bond Legislation"), this Council authorized the issuance of Additional Bonds entitled Public Power System First Mortgage Revenue Refunding Bonds, Series 1996, Sub-Series 1 (the "Series 1996 Bonds") in the aggregate principal amount of \$123,720,000 for the purpose of providing funds for the advance refunding of a portion of the Series 1994A Bonds that had been issued for Cleveland Public Power; and

Whereas, this Council has determined that, in order to reduce the Bond Service Charges payable by the Issuer, it will be necessary for the Issuer to refund, in advance, a portion of the Series 1991 Bonds and a portion of the Series 1994A Bonds (such portions hereinafter referred to as the "Prior Bonds") and to provide for the current refunding, when permitted under the Internal Revenue Code of 1986, as amended, of a portion of the Series 1991 Bonds through the issuance and sale of certain additional debt obligations; and

Whereas, this Council has further determined that the refundings provided for in this Ordinance will result in a reduction in the debt service charges payable by the Issuer; and

Whereas, this Council has further determined that in order to reduce further the debt service charges payable by the Issuer and thereby reduce the cost of borrowing on its outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and to increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the proposed transaction it may be necessary for the Issuer to engage in an interest rate swap transaction with a notional amount not to exceed \$60,000,000; and

Whereas, this Council has further determined that, in order to provide funds for such purposes, it will be necessary for the Issuer to issue and sell the series of Bonds authorized herein, on the terms set forth herein; and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual and daily operation of a municipal department; now, therefore,

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

**Section 1. Definitions.** All words and terms defined in the Original Bond Legislation shall have the same meaning herein as therein unless otherwise defined herein or unless the context or use otherwise so indicates. In addition to the words and terms defined in the Original Bond Legislation, the following words and terms as used in this Ordinance, the Indenture and the Series 1998 Bonds and the Series 2001 Bonds (each as hereinafter defined) shall have the following meaning unless the context or use otherwise indicates:

"Bond Legislation" means this Ordinance, constituting part of the Fourth Supplemental Indenture and Fifth Supplemental Indenture.

"Fifth Supplemental Indenture" means the Fifth Supplemental Indenture, provided for in Section 15 hereof between the Issuer and the Trustee, including this Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

"First Supplemental Indenture" means the First Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of November, 1, 1994.

"Fourth Supplemental Indenture" means the Fourth Supplemental Indenture, provided for in Section 8 hereof between the Issuer and the Trustee, including the Series 1998 Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

"Indenture" means the Original Indenture as amended and supplemented by the First Supplemental Indenture, the Second Supplemental Indenture, the Third Supplemental Indenture, the Fourth Supplemental Indenture and the Fifth Supplemental Indenture, as applicable, and as the same may be further supplemented, amended or modified from time to time in accordance with the provisions thereof.

"Second Supplemental Indenture" means the Second Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of November 1, 1994.

"Series 1991 Escrow Agent" means Star Bank, N.A., acting as escrow agent under the Series 1991 Escrow Agreement with respect to the refunding of certain of the Series 1991 Bonds.

"Series 1991 Escrow Agreement" means the escrow agreement of even date with the Series 2001 Bonds between the Issuer and the Series 1991 Escrow Agent.

"Series 1991 Escrow Fund" means the escrow fund established in the Series 1991 Escrow Agreement.

"Series 1991/1994A Escrow Agent" means Star Bank, N.A., acting as escrow agent under the Series 1991/1994A Escrow Agreement with respect to the Prior Bonds.

"Series 1991/1994A Escrow Agreement" means the escrow agreement of even date with the Series 1998 Bonds between the Issuer and the Series 1991/1994A Escrow Agent.

"Series 1991/1994A Escrow Fund" means the escrow fund established in the Series 1991/1994A Escrow Agreement.

"Series 1998 Bond Purchase Agreement" means the Bond Purchase Agreement between the Issuer and the Original Purchaser of the Series 1998 Bonds, authorized in Section 6 hereof.

"Series 1998 Bonds" means the Issuer's Public Power System Revenue Bonds Series 1998 authorized pursuant to Section 3 hereof.

"Series 1998 Certificate of Award" means the certificate authorized pursuant to Section 5 hereof.

"Series 2001 Bond Purchase Agreement" means the Bond Purchase Agreement between the Issuer and the Original Purchaser of the Series 2001 Bonds, authorized in Section 13 of this Bond Legislation.

"Series 2001 Bonds" means the Issuer's Public Power System Revenue Bonds Series 2001 authorized pursuant to Section 10 hereof.

"Series 2001 Certificate of Award" means the certificate authorized pursuant to Section 5 hereof.

"Third Supplemental Indenture" means the Third Supplemental Indenture between the Issuer and the Trustee, amending the Original Indenture, dated as of December 1, 1996.

Any reference herein to the Issuer or the Legislative Authority, the Director of Finance, the Director of Law, the Director of Public Utilities, the Clerk, or any other officers of the Issuer, or to other public boards, commissions, departments, institutions, agencies, bodies, entities or officers thereof, shall include those who or which succeed to the functions, duties or responsibilities thereof pursuant to or by operation of law or who or which are lawfully performing such functions, duties or responsibilities. Any reference to a section or provision of the Constitution of the State, of the Ohio Revised Code, or of Federal or State laws and regulations, shall include such section or provision as is from time to time amended, modified, revised, supplemented, or superseded, provided that no such change in the Constitution or laws shall be deemed applicable by reason of this provision if such change would in any way constitute an impairment of the rights of the Issuer, the Bondholders or the Trustee under the

Indenture or an alteration of the obligation to pay the Bond Service Charges in the amount and manner, at the times, and from the sources provided in the applicable Series Bond Legislation and the Indenture, except as otherwise herein permitted. Unless the context shall otherwise indicate, words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," and "hereunder" and similar terms refer to this Series Bond Legislation and the Indenture.

**Section 2. Authority.** This Bond Legislation is adopted pursuant to sections 3, 4 and 12 of Article XVIII of the Constitution of the State, Section 12 of the Original Bond Legislation, and pursuant to the Issuer's Charter.

**Section 3. Authorization of Series 1998 Bonds.** For the purposes referred to in Section 4 hereof, the Legislative Authority hereby authorizes the issuance and sale of the Series 1998 Bonds in an aggregate principal amount to be determined in accordance with, and subject to the limitation set forth in, Section 5(f) hereof, and to be designated "Public Power System Revenue Bonds Series \_\_\_\_\_" [the blank to be replaced by the calendar year in which the Series 1998 Bonds are initially authenticated] or such other designation as may be approved by the Director of Finance prior to the issuance thereof.

**Section 4. Purpose of Series 1998 Bonds.** The Bonds authorized in Section 3 hereof shall be issued for the public purpose of advance refunding the Prior Bonds pursuant to the Indenture with respect to Cleveland Public Power. The Legislative Authority hereby determines that it is desirable for the Issuer to refund such Prior Bonds and any other bonds authorized to be refunded hereunder in order to reduce Bond Service Charges payable by the Issuer and that doing so will serve proper public municipal purposes.

**Section 5. Terms and Provisions Applicable to the Series 1998 Bonds.**

**(a) Form and Numbering.** The Series 1998 Bonds shall be issued only in fully registered form, shall be exchangeable only for other fully registered Bonds in the manner and on the terms provided in the Indenture, and shall be numbered from R-1 upward in order of date of authentication.

**(b) Denomination and Dates.** The Series 1998 Bonds shall be in the denomination of \$5,000 or any integral multiple thereof permitted by the Indenture (or in any other denomination set forth in the Series 1998 Certificate of Award and permitted in the Indenture); provided, however, that any Series 1998 Bonds issued as Capital Appreciation Bonds (the "Series 1998 Capital Appreciation Bonds") shall be issued in a denomination such that the Appreciated Principal Amount of such Series 1998 Bond at maturity shall be \$5,000 or an integral multiple thereof. The Series 1998 Bonds initially delivered to the Original Purchaser shall be dated as set forth in the Series 1998 Certificate of Award. Any Series 1998 Bonds, other than Series 1998 Capital Appreciation Bonds, authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original

Purchaser shall, if authenticated prior to the first Interest Payment Date, be dated as of the same date as the Series 1998 Bonds initially delivered to the Original Purchaser, and shall, if authenticated on or after the first Interest Payment Date, be dated as of the Interest Payment Date next preceding the date of their authentication, except that if authenticated on an Interest payment Date, they shall be dated as of the date of such authentication; provided, however, that if at the time of authentication of any such Series 1998 Bond interest thereon is in default, it shall be dated as of the date to which interest has been paid. Series 1998 Capital Appreciation Bonds authenticated subsequent to the initial delivery of the Series 1998 Bonds to the Original Purchaser shall be dated the same date as that of the Series 1998 Capital Appreciation Bonds initially delivered to the Original Purchaser. Each bond issued as part of the Series 1998 Bonds shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 1998 Bonds.

**(c) Principal Maturities and Interest.** The Series 1998 Bonds shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule, subject to the provisions hereinafter set forth with respect to mandatory and optional redemption of the Series 1998 Bonds. The Series 1998 Bonds, other than the Series 1998 Capital Appreciation Bonds, shall bear interest from their respective dates payable semiannually on the Interest Payment Dates at their respective Specified Interest Rates per annum.

**(d) Place of Payment.** The principal of and any redemption premium on the Series 1998 Bonds and the Appreciated Principal Amount of Series 1998 Capital Appreciation Bonds shall be payable at the principal corporate trust office of the Trustee or, at the option of the holder, at the principal corporate trust office of any other Paying Agent. Interest on Series 1998 Bonds other than Series 1998 Capital Appreciation Bonds shall be payable by check or draft mailed by the Trustee or by wire transfer, all in accordance with the Indenture.

**(e) Redemption (Mandatory and Optional) Terms and Prices.**

The Series 1998 Bonds are non-callable for redemption prior to the Optional Earliest Redemption Date except as hereinafter provided with respect to mandatory redemption of Term Bonds.

Any Series 1998 Bonds which are Term Bonds shall be subject to mandatory redemption, through the application of Mandatory Sinking Fund Installments, on each Mandatory Redemption Date at one hundred percent (100%) of the principal amount thereof plus accrued interest to such date, in the years and in the principal amounts set forth in the Principal Retirement Schedule. For the purpose of effecting the mandatory redemption of the Series 1998 Bonds which are Term Bonds, the Trustee shall cause to be redeemed on each Mandatory Redemption Date an aggregate principal amount of Series 1998 Bonds which are Term Bonds equal to the Mandatory Sinking Fund Installment for such Mandatory Redemption Date, and the Trustee shall do so on behalf of the Issuer and in the manner provided in the Indenture.

At its option, to be exercised on or before the forty-fifth (45th) day immediately preceding any Mandatory Redemption Date, the Issuer may (i) deliver to the Trustee for cancellation Series 1998 Bonds which are Term Bonds then subject to mandatory redemption, in any aggregate principal amount, or (ii) receive a credit against the Mandatory Sinking Fund Installment next payable (and the corresponding mandatory redemption obligation) for any Series 1998 Bonds that are Term Bonds then subject to mandatory redemption and which prior to such date have been redeemed (other than through the application of the Mandatory Sinking Fund Installments) or purchased for cancellation and canceled by the Trustee and not theretofore applied as a credit against any Mandatory Sinking Fund Installment. Each Series 1998 Bond which is a Term Bond so delivered or previously redeemed shall be credited by the Trustee at one hundred percent (100%) of the principal amount thereof against the Mandatory Sinking Fund Installment payable on such Mandatory Redemption Date. If, as a result of any such credits, the aggregate of amounts included in the amounts deposited monthly in the Principal Payment Account of the Bond Service Fund equals or exceeds the Mandatory Sinking Fund Installment, net of such credits, payable on the next Mandatory Redemption Date, then no further such amounts shall be required to be included in such monthly deposits to be made prior to such Mandatory Redemption Date, and any excess of the aggregate of the amounts included in such amounts deposited over such Mandatory Sinking Fund Installment shall be credited against future Mandatory Sinking Fund Installments in direct order, and the principal amount the Series 1998 Bonds to be redeemed by mandatory redemption shall be accordingly reduced. If the Issuer intends to avail itself at any time of the provisions of this paragraph with respect to credits against Mandatory Sinking Fund Installments, the Issuer will on or before the forty-fifth (45th) day immediately preceding such Mandatory Redemption Date furnish the Trustee with a certificate signed by the Director of Finance, stating the extent to which such provisions of this paragraph are to be availed of with respect to such Mandatory Sinking Fund Installment and corresponding mandatory redemption obligation) payable on such Mandatory Redemption Date shall not be reduced.

Unless previously redeemed pursuant to mandatory redemption as set forth in the next preceding paragraph of this Subsection (e), Series 1998 Bonds maturing after the Optional Earliest Redemption Date are also subject to redemption from funds other than those deposited as Mandatory Sinking Fund Installments, by and at the option of the Issuer prior to their stated maturity, in whole on any date or in part on any Interest Payment Date, on and after the Optional Earliest Redemption Date at the Optional Redemption Prices plus in each case accrued interest to the date fixed for redemption.

The Series 1998 Bonds to be redeemed by mandatory or optional redemption, if less than all the Outstanding Series 1998 Bonds are to be

redeemed, shall be selected in the manner set forth in the Indenture, and notice of call of any Series 1998 Bonds for redemption shall be given in accordance with the Indenture.

**(f) Series 1998 Certificate of Award.** The Director of Public Utilities and the Director of Finance are, and each of them is, hereby authorized and directed promptly to negotiate the sale of the Series 1998 Bonds to the Original Purchasers to be designated pursuant to Section 6 hereof on terms consistent with this Bond Legislation, and to determine and specify in the Series 1998 Certificate of Award the following terms and provisions of or with respect to the Series 1998 Bonds:

(i) the aggregate principal amount shall not exceed \$45,000,000;

(ii) the Specified Interest Rates, expressed as percentages per annum of the principal amount of the respective Series 1998 Bonds to which such Rates apply and Appreciated Principal Amounts at maturity of Series 1998 Capital Appreciation Bonds; provided that the yield (determined as provided in the Code and the regulations promulgated thereunder) of the Series 1998 Bonds shall not exceed six percent (6%) per annum;

(iii) the Purchase Price, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 1998 Bonds from their date to the date of their delivery and excluding any original issue discount) shall be not less than ninety-seven percent (97%) of the aggregate of the products from multiplying the principal amount of each Series 1998 Bond times the percentage of such principal amount at which such Series 1998 Bond is to be initially offered to the public;

(iv) the date of the Series 1998 Bonds to be initially delivered to the Original Purchaser;

(v) the Interest Payment Dates; (vi) the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates, provided that no such date shall occur later than November 15 of the thirtieth year following the date of issuance of the Series 1998 Bonds;

(vii) the Mandatory Sinking Fund Installments;

(viii) the Optional Earliest Redemption Date provided that such date shall occur no later than ten years from the first Principal Retirement Date of the Series 1998 Bonds and provided further that Series 1998 Capital Appreciation Bonds may, but shall not be required to be, subject to optional redemption prior to their stated maturity;

(ix) the Optional Redemption Prices provided that no such Optional Redemption Price shall exceed 105% of the principal amount of the Series 1998 Bonds; and

(x) the Paying Agents for the Series 1998 Bonds, other than the Trustee.

The Director of Public Utilities and the Director of Finance, or either of them, shall execute the Series 1998 Certificate of Award, which shall also specify whether the Series 1998 Bonds are to be issued in Book Entry Form or under a Book Entry System, both as defined in the Indenture, and which may contain, in addition to the items enumerated in (i) through (x) above, such other data or provisions consistent with this Bond Legislation and the Indenture as the officer or

officers executing the same on behalf of the Issuer deems necessary or appropriate.

**Section 6. Award, Sale and Execution of the Bonds.** The Series 1998 Bonds are hereby awarded to Merrill Lynch & Co.; Pryor, McClendon, Counts & Co., Inc.; A.G. Edwards & Sons, Inc.; Goldman, Sachs & Co.; and SBK-Brooks Investment Corp., provided that any underwriter may be deleted if such underwriter does not become a party to the Series 1998 Bond Purchase Agreement (collectively, the "Original Purchaser"). The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 1998 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 1998 Bond Purchase Agreement shall incorporate the terms of the Series 1998 Bonds as determined pursuant to this Bond Legislation and the Series 1998 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 1998 Bonds, including without limitation, any conditions relating to the obtaining of an insurance policy to enhance the security of the Series 1998 Bonds, the obtaining of which insurance the officers executing the Series 1998 Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in its Bond Service Charges on the Series 1998 Bonds. The Series 1998 Bond Purchase Agreement shall be substantially in the form now on file with the Clerk in File 816-98-A, with such changes therein or thereto not inconsistent with the Indenture, this Bond Legislation or the Series 1998 Certificate of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 1998 Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 1998 Bonds in accordance with the terms of the Indenture, this Bond Legislation, the Series 1998 Certificate of Award and the Series 1998 Bond Purchase Agreement.

The Director of Public Utilities and the Director of Finance are also delegated the authority to enter into agreements on behalf of the Issuer with respect to the issuance, sale of and security for the Series 1998 Bonds, including tax regulatory agreements, reimbursement agreements or similar agreements in connection with credit facilities, including, but not necessarily limited to, letters of credit or policies of bond insurance, remarketing agreements, standby bond purchase agreements, and any other necessary or appropriate agreements, which agreements the Director of Public Utilities and the Director of Finance determine to be in the best interest of the Issuer.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 1998 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 1998 Bonds shall be prepared and executed by the Director of Finance and the Director of Public Utilities or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Original Purchaser's use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Series 1998 Bond Purchase Agreement is hereby authorized and approved.

The Series 1998 Bonds shall be executed by the Mayor and the Director of Finance, provided that either or both of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

Notwithstanding anything herein to the contrary, the Mayor, the Director of Public Utilities and the Director of Finance may all decline to execute and deliver the Series 1998 Bond Purchase Agreement on behalf of the Issuer in the event that the Original Purchaser fails to offer to purchase the Series 1998 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Mayor, the Director of Public Utilities and the Director of Finance mutually determine that the terms offered by the Original Purchaser are otherwise unacceptable to the Issuer, but the execution of the Series 1998 Bond Purchase Agreement by either the Mayor, the Director of Public Utilities and the Director of Finance, or any two of them, shall conclusively evidence the absence of any such mutual determination.

**Section 7. Allocation of Purchase Price for the Series 1998 Bonds.**

The net proceeds from the sale of the Series 1998 Bonds (consisting of the Purchase Price less bond insurance premiums and other credit enhancement costs) shall be received and receipted for by the Director of Finance or by the Trustee on the Issuer's behalf and shall be allocated, deposited and credited as follows: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 1998 Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 1991/1994A Escrow Fund the amount necessary to provide for the defeasance of the Prior Bonds; and (e) to the Construction Fund the balance of the net proceeds. Upon issuance of the Series 1998 Bonds and receipt by the Trustee of the verification report required by Section 9.02 of the Indenture, the Prior Bonds shall be called for redemption on such date or dates, at such redemption price or prices (plus accrued interest to the respective redemption dates), as shall be specified in the Series 1998

Certificate of Award. The foregoing determination to effect such redemption is irrevocable, and the Trustee in hereby instructed to give notice of such redemption to the holders of the Prior Bonds to be redeemed at the times and in the manner required under the Indenture. The Issuer shall not modify, revoke or rescind the foregoing call for redemption and the instructions to the Trustee set forth in this paragraph.

**Section 8. Fourth Supplemental Indenture.** In order to secure the payment of Bond Service Charges as and when due and payable, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, a good and sufficient Fourth Supplemental Indenture, approved as to form and correctness by the Director of Law, substantially in the form on file with the Clerk in File No. 816-98-A, with such changes therein not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Fourth Supplemental Indenture by such officers. This Bond Legislation shall constitute a part of the Fourth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application of this Bond Legislation to the provisions of the Fourth Supplemental Indenture relating to amendment, modification, supplementation and severability. In addition, the First Supplemental Indenture, Second Supplemental Indenture and Third Supplemental Indenture, on file with the Clerk in File No. 816-98-A, and the amendments to the Original Indenture contained therein are hereby ratified and approved.

**Section 9. Series 1991/1994A Escrow Agreement.**

In order to cause the proceeds deposited into the Series 1991/1994A Escrow Fund pursuant to Section 7 hereof to be invested as required under the Indenture for the Prior Bonds to be deemed paid and discharged and in order to cause the amount so deposited to be dedicated and applied solely to the payment of the principal, redemption premium, if any of and interest on the Prior Bonds as and when due, to and including the respective redemption dates for the Prior Bonds, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the City, to make, execute, acknowledge and deliver the Series 1991/1994A Escrow Agreement between the Issuer and the Series 1991/1994A Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series 1991/1994A Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the

payment to the Series 1991/1994A Escrow Agent of fees and expenses for its performance of its fiduciary duties as Escrow Agent. The officers executing the Series 1991/1994A Escrow Agreement on behalf of the City shall determine that such Series 1991/1994A Escrow Agreement satisfies the requirements of this Section 9, which determination shall be conclusively evidenced by the execution of the Series 1991/1994A Escrow Agreement by such officers.

**Section 10. Authorization of Series 2001 Bonds.** For the purposes referred to in Section 11 hereof, the Legislative Authority hereby authorizes the issuance and sale of a series of Bonds in an aggregate principal amount to be determined in accordance with, and subject to the limitation set forth in, Section 12 hereof, and to be designated "Public Power System Revenue Bonds, Series \_\_\_\_\_" [the blank to be replaced by the calendar year in which the Series 2001 Bonds are initially authenticated] or such other designation as may be approved by the Director of Finance prior to the issuance thereof.

**Section 11. Purpose of Series 2001 Bonds.** (i) The Series 2001 Bonds authorized in Section 10 hereof shall be issued for the public purpose of currently refunding of a portion of the Series 1991 Bonds. The Legislative Authority hereby determines that it is desirable for the Issuer to refund such portion of the Series 1991 Bonds in order to reduce Bond Service Charges payable by the Issuer and that doing so will serve proper public municipal purposes.

(ii) The Legislative Authority, in connection with the issuance of the Series 2001 Bonds, hereby authorizes the issuance of such bonds as Variable Rate Bonds or fixed rate obligations and as Additional Bonds or Subordinated Debt; and further authorizes the execution of credit or liquidity agreements, or such other agreements or documents required thereunder as may be determined necessary, and proper and appropriate by the Director of Finance.

**Section 12. Terms and Provisions Applicable to the Series 2001 Bonds.**

**(a) Form and Numbering.** The Series 2001 Bonds shall be issued only in fully registered form, shall be exchangeable only for other fully registered Bonds in the manner and on the terms provided in the Indenture, and shall be numbered from R-1 upward in order of date of authentication.

**(b) Denomination and Dates.** The Series 2001 Bonds shall be in the denomination of \$5,000 or any integral multiple thereof permitted by the Indenture (or in any other denomination set forth in the Series 2001 Certificate of Award and permitted in the Indenture); provided, however, that any Series 2001 Bonds issued as Capital Appreciation Bonds (the "Series 2001 Capital Appreciation Bonds") shall be issued in a denomination such that the Appreciated Principal Amount of such Series 2001 Bond at maturity shall be \$5,000 or an integral multiple thereof. The Series 2001 Bonds initially delivered to the Series 2001 Original Purchaser shall be dated as set forth in the Series 2001 Certificate of Award. Any Series 2001 Bonds, other than Series 2001 Capital Appreciation Bonds, authenticated

ed subsequent to the initial delivery of the Series 2001 Bonds to the Series 2001 Original Purchaser shall, if authenticated prior to the first Interest Payment Date, be dated as of the same date as the Series 2001 Bonds initially delivered to the Series 2001 Original Purchaser, and shall, if authenticated on or after the first Interest Payment Date, be dated as of the Interest Payment Date next preceding the date of their authentication, except that if authenticated on an Interest Payment Date, they shall be dated as of the date of such authentication; provided, however, that if at the time of authentication of any such Series 2001 Bond interest thereon is in default, it shall be dated as of the date to which interest has been paid. Series 2001 Capital Appreciation Bonds authenticated subsequent to the initial delivery of the Series 2001 Bonds to the Series 2001 Original Purchaser shall be dated the same date as that of the Series 2001 Capital Appreciation Bonds initially delivered to the Series 2001 Original Purchaser. Each bond issued as part of the Series 2001 Bonds shall have only one principal maturity date, except for interim certificates or receipts issued pending preparation of definitive Series 2001 Bonds.

**(c) Principal Maturities and Interest.** The Series 2001 Bonds shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule, subject to the provisions hereinafter set forth with respect to mandatory and optional redemption of the Series 2001 Bonds. The Series 2001 Bonds, other than the Series 2001 Capital Appreciation Bonds, issued as fixed rate bonds shall bear interest from their respective dates payable semi-annually on the Interest Payment Dates at their respective Specified Interest Rates per annum. Series 2001 Bonds issued as Variable Rate Bonds shall bear interest from their respective dates payable, either monthly, quarterly or semiannually on such Interest Payment Dates at a variable interest rate as determined by the Director of Finance.

**(d) Place of Payment.** The principal of and any redemption premium on the Series 2001 Bonds and the Appreciated Principal Amount of Series 2001 Capital Appreciation Bonds shall be payable at the principal corporate trust office of the Trustee or, at the option of the holder, at the principal corporate trust office of any other Paying Agent. Interest on Series 2001 Bonds other than Series 2001 Capital Appreciation Bonds shall be payable by check or draft mailed by the Trustee or by wire transfer, all in accordance with the Indenture.

**(e) Redemption (Mandatory and Optional) Terms and Prices.**

The Series 2001 Bonds issued as fixed rate bonds are non-callable for redemption prior to the Optional Earliest Redemption Date except as hereinafter provided with respect to mandatory redemption of Term Bonds.

Any Series 2001 Bonds which are Term Bonds shall be subject to mandatory redemption, through the application of Mandatory Sinking Fund Installments, on each Mandatory Redemption Date at one hundred percent (100%) of the principal amount thereof plus accrued interest to such date, in the years and in the principal amounts set forth in the Principal Retirement Schedule. For the purpose of effecting the manda-

tory redemption of the Series 2001 Bonds which are Term Bonds, the Trustee shall cause to be redeemed on each Mandatory Redemption Date an aggregate principal amount of Series 2001 Bonds which are Term Bonds equal to the Mandatory Sinking Fund Installment for such Mandatory Redemption Date, and the Trustee shall do so on behalf of the Issuer and in the manner provided in the Indenture.

At its option, to be exercised on or before the forty-fifth (45th) day immediately preceding any Mandatory Redemption Date, the Issuer may (i) deliver to the Trustee for cancellation Series 2001 Bonds which are Term Bonds then subject to mandatory redemption, in any aggregate principal amount, or (ii) receive a credit against the Mandatory Sinking Fund Installment next payable (and the corresponding mandatory redemption obligation) for any Series 2001 Bonds that are Term Bonds then subject to mandatory redemption and which prior to such date have been redeemed (other than through the application of the Mandatory Sinking Fund Installments) or purchased for cancellation and canceled by the Trustee and not theretofore applied as a credit against any Mandatory Sinking Fund Installment. Each Series 2001 Bond which is a Term Bond so delivered or previously redeemed shall be credited by the Trustee at one hundred percent (100%) of the principal amount thereof against the Mandatory Sinking Fund Installment payable on such Mandatory Redemption Date. If, as a result of any such credits, the aggregate of amounts included in the amounts deposited monthly in the Principal Payment Account of the Bond Service Fund equals or exceeds the Mandatory Sinking Fund Installment, net of such credits, payable on the next Mandatory Redemption Date, then no further such amounts shall be required to be included in such monthly deposits to be made prior to such Mandatory Redemption Date, and any excess of the aggregate of the amounts included in such amounts deposited over such Mandatory Sinking Fund Installment shall be credited against future Mandatory Sinking Fund Installments in direct order, and the principal amount the Series 2001 Bonds to be redeemed by mandatory redemption shall be accordingly reduced. If the Issuer intends to avail itself at any time of the provisions of this paragraph with respect to credits against Mandatory Sinking Fund Installments, the Issuer will on or before the forty-fifth (45th) day immediately preceding such Mandatory Redemption Date furnish the Trustee with a certificate signed by the Director of Finance, stating the extent to which such provisions of this paragraph are to be availed of with respect to such Mandatory Sinking Fund Installment and corresponding mandatory redemption obligations payable on such Mandatory Redemption Date shall not be reduced.

Unless previously redeemed pursuant to mandatory redemption as set forth in the next preceding paragraph of this Subsection (e), Series 2001 Bonds maturing after the Optional Earliest Redemption Date are also subject to redemption from funds other than those deposited as Mandatory Sinking Fund Installments, by and at the option of the

Issuer prior to their stated maturity, in whole on any date or in part on any Interest Payment Date, on and after the Optional Earliest Redemption Date at the Optional Redemption Prices plus in each case accrued interest to the date fixed for redemption.

The Series 2001 Bonds to be redeemed by mandatory or optional redemption, if less than all the Outstanding Series 2001 Bonds are to be redeemed, shall be selected in the manner set forth in the Indenture, and notice of call of any Series 2001 Bonds for redemption shall be given in accordance with the Indenture.

**(f) Series 2001 Certificate of Award.** The Director of Public Utilities and the Director of Finance are, and each of them is, hereby authorized and directed promptly to negotiate the sale of the Series 2001 Bonds to the Series 2001 Original Purchaser to be designated pursuant to Section 13 hereof on terms consistent with this Bond Legislation, and to determine and specify in the Series 2001 Certificate of Award the following terms and provisions of or with respect to the Series 2001 Bonds:

(i) the aggregate principal amount shall not exceed \$60,000,000;

(ii) the Specified Interest Rates, expressed as percentages per annum of the principal amount of the respective Series 2001 Bonds to which such Rates apply and Appreciated Principal Amounts at maturity of Series 2001 Capital Appreciation Bonds; provided that the yield (determined as provided in the Code and the regulations promulgated thereunder) of the Series 2001 Bonds shall not exceed the rate of interest as set forth in the Series 2001 Certificate of Award;

(iii) the Purchase Price, provided that the amount thereof (excluding any portion thereof representing accrued interest on the Series 2001 Bonds from their date to the date of their delivery and excluding any original issue discount) shall be not less than ninety-seven percent (97%) of the aggregate of the products from multiplying the principal amount of each Series 2001 Bond times the percentage of such principal amount at which such Series 2001 Bond is to be initially offered to the public;

(iv) the date of the Series 2001 to be initially delivered to the Series 2001 Original Purchaser;

(v) the Interest Payment Dates;

(vi) the Principal Retirement Dates, the Term Maturity Dates, and the Mandatory Redemption Dates, provided that no such date shall occur later than November 15 of the thirtieth year following the date of issuance of the Series 2001 Bonds;

(vii) the Mandatory Sinking Fund Installments;

(viii) the Optional Earliest Redemption Date provided that such date shall occur no later than ten years from the first Principal Retirement Date of the Series 2001 Bonds, and provided further that Series 2001 Capital Appreciation Bonds and Series 2001 Variable Rate Bonds may, but shall not be required to be, subject to optional redemption prior to their stated maturity;

(ix) the Optional Redemption Prices, if any, provided that no such Optional Redemption Price shall exceed 105% of the principal amount of the Series 2001 Bonds to be redeemed;



(x) the Paying Agents for the Series 2001 Bonds, if any, other than the Trustee; and

(xi) any remarketing provisions or tender provisions with respect to the Series 2001 Bonds issued as Variable Rate Bonds and the selection of any remarketing agent or tender agent as appointed by the Director of Finance.

The Director of Public Utilities and the Director of Finance, or either of them, shall execute the Series 2001 Certificate of Award, which shall also specify whether the Series 2001 Bonds are to be issued in Book Entry Form or under a Book Entry System, both as defined in the Indenture, and which may contain, in addition to the items enumerated in (i) through (xi) above, such other data or provisions consistent with this Bond Legislation and the Indenture as the officer or officers executing the same on behalf of the Issuer deems necessary or appropriate.

**(g) Authorization of Sale of Series 2001 Bonds.** Notwithstanding the terms and provisions applicable to the Series 2001 Bonds described in Subsections (a), (b), (c) and (e) and any other provision in this Bond Legislation, the Director of Public Utilities and the Director of Finance are, and each is, hereby authorized promptly to negotiate the sale of the Series 2001 Bonds to the Series 2001 Original Purchaser as Fixed Rate Bonds or Variable Rate Bonds, but otherwise on terms consistent with this Bond Legislation, and should such Director of Public Utilities and Director of Finance determine to negotiate and sell such Series 2001 Bonds as Variable Rate Bonds, to determine and specify in the Series 2001 Certificate of Award alternative terms and provisions of or with respect to the Series 2001 Bonds in order to permit them to be issued and sold as Variable Rate Bonds.

**Section 13. Award, Sale and Execution of the Series 2001 Bonds.** The Series 2001 Bonds are hereby awarded to Merrill Lynch & Co. and Pryor, McClelland, Counts & Co., Inc. and any additional underwriters as appointed in the Series 2001 Certificate of Award, provided that any underwriter may be deleted if such underwriter does not become a party to the Series 2001 Bond Purchase Agreement (collectively, the "Series 2001 Original Purchaser"). The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to execute and deliver the Series 2001 Bond Purchase Agreement, approved as to form and correctness by the Director of Law, which Series 2001 Bond Purchase Agreement shall incorporate the terms of the Series 2001 Bonds as determined pursuant to this Bond Legislation and the Series 2001 Certificate of Award and shall set forth the date, location, procedure and conditions for the delivery of the Series 2001 Bonds, including without limitation, any conditions relating to the obtaining of an insurance policy to enhance the security of the Series 2001 Bonds, the obtaining of which insurance the officers executing the Series 2001 Bond Purchase Agreement on behalf of the Issuer determine serves the best interest of the Issuer by achieving a net reduction in its Bond Service Charges on the Series 2001 Bonds. The Series 2001 Bond

Purchase Agreement shall be substantially in the form of the Series 1998 Bond Purchase Agreement, with such changes therein or thereto not inconsistent with the Indenture, this Bond Legislation or the Series 2001 Certificate of Award and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such changes by such officers and the determination by such officers that no such change is substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Series 2001 Bond Purchase Agreement by such officers. The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby further authorized and directed to take all steps necessary to effect the due authentication, delivery and security of the Series 2001 Bonds in accordance with the terms of the Indenture, this Bond Legislation, the Series 2001 Certificate of Award and the Series 2001 Bond Purchase Agreement.

The Director of Public Utilities and the Director of Finance are also delegated the authority to enter into agreements on behalf of the Issuer with respect to the issuance, sale of and security for the Series 2001 Bonds, including tax regulatory agreements, reimbursement agreements or similar agreements in connection with credit facilities, including, but not necessarily limited to, letters of credit or policies of bond insurance, remarketing agreements, standby bond purchase agreements, agreements for the purpose of moderating interest rate fluctuations, including any master agreement entered into for such purpose, and any other necessary or appropriate agreements, which agreements the Director of Public Utilities and the Director of Finance determine to be in the best interest of the Issuer.

The preparation and distribution of a Preliminary Official Statement with respect to the Series 2001 Bonds are hereby authorized and approved. A final Official Statement with respect to the Series 2001 Bonds shall be prepared and executed by the Director of Finance and the Director of Public Utilities or either of them, on behalf of the Issuer and in their respective capacities in form and substance suitable for the purposes thereof as the officer or officers executing the same on behalf of the Issuer shall approve. The Series 2001 Original Purchaser's use and distribution of such Official Statement and any supplements thereto as so executed in accordance with the terms of the Series 2001 Bond Purchase Agreement is hereby authorized and approved.

The Series 2001 Bonds shall be executed by the Mayor and the Director of Finance, provided that either or both of such signatures may be facsimiles, and shall bear the corporate seal of the Issuer or a facsimile thereof.

Notwithstanding anything herein to the contrary, the Mayor, the Director of Public Utilities and the Director of Finance may all decline to execute and deliver the Series 2001 Bond Purchase Agreement on behalf of the Issuer in the event that the Series 2001 Original Purchaser fails to offer to purchase the Series 2001 Bonds on terms which are consistent with the requirements of this Bond Legislation or in the event that the Mayor, the Director

of Public Utilities and the Director of Finance mutually determine that the terms offered by the Series 2001 Original Purchaser are otherwise unacceptable to the Issuer, but the execution of the Series 2001 Bond Purchase Agreement by either the Mayor, the Director of Public Utilities and the Director of Finance, or any two of them, shall conclusively evidence the absence of any such mutual determination.

**Section 14. Allocation of Purchase Price for the Series 2001 Bonds.** The net proceeds from the sale of Series 2001 Bonds (consisting of the Purchase Price less bond insurance premiums and other credit enhancement costs) shall be received and receipted for by the Director of Finance or by the Trustee on the Issuer's behalf and shall be allocated, deposited and credited as follows: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 2001 Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 1991 Escrow Fund, the amount necessary to provide for the current refunding of a portion of the Series 1991 Bonds; and (e) to the Construction Fund, the balance of the net proceeds. Upon issuance of the Series 2001 Bonds and receipt by the Trustee of the verification report required by Section 9.02 of the Indenture, the Series 1991 Bonds shall be called for redemption on such date or dates, at such redemption price or prices (plus accrued interest to the respective redemption dates), as shall be specified in the Series 2001 Certificate of Award. The foregoing determination to effect such redemption is irrevocable, and the Trustee is hereby instructed to give notice of such redemption to the holders of the Series 1991 Bonds to be redeemed at the times and in the manner required under the Indenture. The Issuer shall not modify, revoke or rescind the foregoing call for redemption and the instructions to the Trustee set forth in this paragraph.

**Section 15. Fifth Supplemental Indenture.** In order to secure the payment of Bond Service Charges as and when due and payable, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the Issuer, to make, execute, acknowledge and deliver to the Trustee, a good and sufficient Fifth Supplemental Indenture, approved as to form and correctness by the Director of Law, substantially in the form of the Fourth Supplemental Indenture with such additions, deletions, and substitutions and changes therein, not inconsistent with this Bond Legislation and not substantially adverse to the Issuer as may be approved by the officers executing the same on behalf of the Issuer. The approval of any such additions, deletions, substitutions and changes by such officers and the determination by such

officers that no such additions, deletions, substitutions and changes are substantially adverse to the Issuer shall be conclusively evidenced by the execution of the Fifth Supplemental Indenture by such officers. This Bond Legislation shall constitute a part of the Fifth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Bond Legislation of the provisions of the Fifth Supplemental Indenture relating to amendment, modification, supplementation and severability.

**Section 16. Authorization for Interest Rate Swap Transaction.** The Director of Public Utilities and the Director of Finance are hereby authorized to enter into an interest rate swap transaction with Merrill Lynch & Co., or such affiliate thereof, or such other counterparty as shall be determined by the Director of Finance upon the advice of the City's Financial Advisor, in order to further reduce the cost of borrowing on the Issuer's outstanding debt by optimizing the relative amounts of fixed and floating rate obligations from time to time or the risk of variations in its debt service costs, and increase the predictability of cash flow from earnings on invested funds and thereby improve its ability to manage its funds and revenues during the period of the Series 2001 Bonds. Such interest rate swap may be entered into in conjunction with an issuance of a series of Public Power System Revenue Bonds or on a stand-alone basis without such issuance of Public Power System Revenue Bonds. The notional amount for such interest rate swap transaction shall not exceed \$60,000,000.

**Section 17. Consulting Engineer and Financial Advisor.** The Director of Public Utilities and the Director of Finance of the City, should they so determine, are hereby authorized to select a consulting engineer in connection with the issuance of the Series 1998 Bonds and the issuance of the Series 2001 Bonds on terms agreed upon by the Director of Public Utilities and Director of Finance, and to pay the cost of such services from the proceeds of the Series 1998 Bonds and the Series 2001 Bonds, as applicable.

The Director of Public Utilities and Director of Finance of the City are hereby authorized to retain the services of Carmona Motley Hoffmann, Inc. as the City's Financial Advisor in connection with the issuance of the Series 1998 Bonds and the Series 2001 Bonds on the terms agreed upon by the Director of Public Utilities and Director of Finance and to pay the cost of such services from the proceeds of the Series 1998 Bonds and the Series 2001 Bonds, as applicable.

**Section 18. Series 1991 Escrow Agreement.** In order to cause the proceeds deposited into the Series 1991 Escrow Fund pursuant to Section 14 hereof to be invested as required under the Indenture for the portion of the Series 1991 Bonds to be redeemed to be deemed paid and discharged and in order to cause the amount so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the for the portion of the Series 1991 Bonds to be redeemed as and when due, to

and including the respective redemption dates for the for the portion of the Series 1991 Bonds to be redeemed, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are hereby authorized and directed, in the name and on behalf of the City, to make, execute, acknowledge and deliver the Series 1991 Escrow Agreement between the Issuer and the Series 1991 Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of the Series 1991 Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein for the above-described purposes and further providing for the payment to the Escrow Agent of fees and expenses for its performance of its fiduciary duties as Escrow Agent. The officers executing the Series 1991 Escrow Agreement on behalf of the City shall determine that such Series 1991 Escrow Agreement satisfies the requirements of this Section 18, which determination shall be conclusively evidenced by the execution of the Series 1991 Escrow Agreement by such officers.

**Section 19. Secondary Market Disclosure Pursuant to Federal Securities Laws.** The Mayor, the Director of Finance, the Director of Public Utilities and the Director of Law are hereby authorized and directed to take all steps necessary to comply with Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934, as amended, as the same may be amended from time to time, including the execution of agreements relating to continuing disclosure.

**Section 20. Open Meeting Determination.** It is found and determined that all formal actions of this Legislative Authority concerning and relating to the adoption of this Bond Legislation were adopted in an open meeting of this Legislative Authority, and that all deliberations of this Legislative Authority and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Section 121.22, Ohio Revised Code.

**Section 21. Separability.** Each section of this Bond Legislation and each subdivision of any section hereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Bond Legislation.

**Section 22. Recitals.** It is hereby determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 1998 Bonds and Series 2001 Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 1998 Bonds and Series 2001 Bonds.

**Section 23. Emergency.** This ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 817-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair and maintain combination cleaners and their appurtenances, for the Division of Water Pollution Control, Department of Public Utilities.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23024)

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

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

**Ord. No. 818-98.**

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

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

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Ms. Sandy Long who recently purchased the property at 4740 West 157th Street, Cleveland, Ohio 44135 (located next to Justin Avenue), her successors and assigns; for the construction, use and maintenance of a fence required by the Codified Ordinances of the City of Cleveland for Ms. Long's pre-existing swimming pool which encroaches into the public right-of-way of Justin Avenue S.W. at the location more fully described as follows:

PROPOSED ENCROACHMENT  
PERMIT FOR MS. SANDY LONG  
@ 4740 W. 157 ST.

Beginning on the Northerly line of Justin Avenue S.W. (50.00 feet wide), at a point about 150.00 feet West of the Westerly line of West 157th Street (50.00 feet wide); thence Southerly at right angles with the Northerly line of said Justin Avenue about 10.00 feet; thence Westerly and parallel with the Northerly line of said Justin Avenue about 60.00 feet; thence Northerly at right angles to the last described line 10.00 feet to the Northerly line of said Justin Avenue; thence Easterly along the Northerly line of said Justin Avenue about 60.00 feet to the place of beginning.

**Section 2.** That said fence will be placed within the public right-of-way as aforesaid in Section 1, and said fence will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

**Ord. No. 819-98.**

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

**An emergency ordinance authorizing and directing the purchase by contract of not to exceed two portable lead detectors, for the Division of Environment, Department of Public Health.**

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 and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed two (2) portable lead detectors, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Environment, Department of Public Health.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 13 SF 471, Request No. 24509.

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

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

**Ord. No. 820-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of exterminating services, for the Division of Recreation, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized 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 exterminating services for indoor and outdoor recreation facilities 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 Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21426)

**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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

**Ord. No. 821-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2391 Tremont Street to Kevin and Kyle Dreyfuss-Wells.**

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). 004-16-015, as more fully described in Section 2 below, to Kevin and Kyle Dreyfuss-Wells.

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

## P.P. No. 004-16-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southeasterly 33 feet of the Northwesterly 36 feet of Sublot No. 91 in William Slade Jr.'s Allotment of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat in Volume 1 of Maps, Page 23 of Cuyahoga County Records and being 33 feet front on the Northeasterly side of Tremont Street (formerly West 9th Street) and extending back between parallel lines 198 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.

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

**Ord. No. 822-98.**

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

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

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

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

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

**Section 1.** That the Director of Community Development is hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SF 024, and Federal Home Program funds from Fund No. 13 SF 875, Request No. 23100, in the amount of \$6,603,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The Low Interest Loan and Grant Programs include Housing Emergency Loan Program (HELP), Repair-A-Home (RAH), Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair and Home Maintenance Assistance Program (HMAP).

**Section 2.** That the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the

Low Interest Loan and Grant Programs in the City of Cleveland.

**Section 3.** That the Director of Community Development is authorized to accept monies in repayment under said programs and to utilize said repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses.

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

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

**Ord. No. 823-98.**

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

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

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

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

**Section 1.** That the Director of Community Development is hereby authorized to enter into a contract with various nonprofit development corporations to provide grants to small neighborhood based street clubs, block clubs and other community improvement groups to implement the Cityworks Program.

**Section 2.** That the aggregate cost of said contracts shall be in an amount not to exceed \$250,000.00, and shall be paid from Fund Nos. 14 SF 024, Request No. 23103.

**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. 824-98.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities and to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs and to expend funds for the operation of programs administered by the Department of Community Development.**

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

Whereas, the Council of the City of Cleveland has approved the Year XXIV Community Development Block Grant Plan as set forth in File No. 195-98-A, pursuant to Ordinance No. 195-98, passed March 23, 1998; and

Whereas, in prior Block Grant years, the Council has approved Block Grant Plans; and

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

**Section 1.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social services agencies, community development or local development corporations and private for profit entities for activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

**Section 2.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

**Section 3.** That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for the operation of programs administered by the Department of Community Development, including all related services, and to enter into contract under those programs.

**Section 4.** That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

**Section 5.** That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$6,300,000 and shall be paid from Fund Nos. 14 SF 024.

**Section 6.** That the Director of Community Development is authorized to accept program income and to deposit that program income in Fund No. 14 to be used as a revolving fund to finance the eligible NDA programs that generated the program income.

**Section 7.** That the Director of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated the program income in an

amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income, all to be paid from the revolving fund in Fund 14.

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

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

**Ord. No. 825-98.**  
**By Councilmen Lewis, Jackson, Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8913-15 and 8911 Blaine Avenue to Ronald Gibbs.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 107-16-042 and 107-16-043, as more fully described in Section 2 below, to Ronald Gibbs.

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

P.P. No. 107-16-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly half of Sublot No. 40 in Ford and Holden's Allotment of part of Original One Hundred Acre Lot No 392, as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 25 feet front on the Northerly side of Blaine Avenue, N.E., (formerly Blaine Street), and extending back of equal width 122 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions, terms and conditions recorded and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records and in Miscellaneous Volume 111, Page 9 of Cuyahoga County Records.

Subject to restrictions of record and zoning ordinances, if any.

P.P. No. 107-16-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in Ford and Holden's Allotment of part of Original One Hundred Acre Lot No. 392, as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Blaine Avenue, N.E., and 122 feet deep, as appears by said plat, be the same more or less, but subject to all legal high-ways.

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

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

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

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

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

**Ord. No. 826-98.**  
**By Councilmen Melena, Jackson, Rybka and Johnson (by departmental request).**

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

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Thomas Platzar to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5800 Detroit Avenue, Cleveland, Ohio 44102.

**Section 2.** That the terms of said loan shall be in accordance with the

terms as set forth in the Executive Summary contained in File No. 826-98-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Thousand Dollars (\$100,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 23344.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

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

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

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

**Ord. No. 827-98.**  
**By Councilmen Coats, Jackson, Rybka and Johnson (by departmental request).**

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

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). 111-22-037, as more fully described in Section 2 below, to Evelyn Moss.

**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. 111-22-037

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 393, in Schatzinger Consolidated Realty Company's Glenhaven Subdivision of part of Original One Hundred Acre Lot No. 359 as shown by the recorded plat in Volume 38 of Maps, Page 8 of Cuyahoga County Records and being 40 feet front on the Northeastly side of Ashburton Road, N.E., and extending back of equal width 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Vendor's lien recited in Volume 13667, Page 395 of Cuyahoga County Records filed September 9, 1974.

Also subject to all zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 828-98.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1416-18 Hopkins Avenue to Lelia M. Hester.**

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). 110-19-057, as more fully described in Section 2 below, to Lelia M. Hester.

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

P.P. No. 110-19-057

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in B. Carl Tremaine's Hopkins Avenue Allotment of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 60 of Maps, Page 28 of Cuyahoga County Records and being 40 feet front on the Southerly line of Hopkins Avenue, N.E., and extending back of equal width, 137.82 feet deep on the Westerly line, and 137.22 feet deep on the Easterly line, 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.

**Ord. No. 829-98.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with L. Gray Barrel & Drum Company to provide economic development assistance to partially finance the construction of a new manufacturing facility to be located at 2800 East 90th Street, Cleveland, Ohio 44104.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with L. Gray Barrel & Drum Company to provide economic development assistance to partially finance the construction of a new manufacturing facility to be located at 2800 East 90th Street, Cleveland, Ohio 44104.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 829-98-A.

**Section 3.** That the costs of said contract shall not exceed Two Hundred Fifty Thousand Dollars (\$250,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24275.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

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

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

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

**Ord. No. 830-98.  
By Councilmen Rybka and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Harstone Properties, Inc. to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5102 and 5014 Fleet Avenue, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Harstone Properties, Inc. to provide economic development assistance to partially finance the renovation and acquisition of real property located at 5102 and 5014 Fleet Avenue, Cleveland, Ohio 44105.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 830-98-A.

**Section 3.** That the costs of said contract shall not exceed Thirty Two Thousand Dollars (\$32,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24276.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to

deposit said monies in Fund No. 17 SF 006.

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

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

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

Referred to Directors of Economic Development, 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. 836-98.**

**By Councilman Cintron.  
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Blessed Sacrament Church to stretch banners across Fulton Road for the period from May 18, 1998 to June 16, 1998, inclusive, publicizing their Summer Carnival.**

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Blessed Sacrament Church to install, maintain and remove a banner on Fulton Road at the second pole south of Storer Ave. (E pole type is steel) for the period from May 18, 1998 to June 16, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 837-98.**

**By Councilman Melena.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to the West Side Ecumenical Ministry to encroach into the public rights-of-way of Detroit Avenue, West 52nd Street and West 54th Street, with banners (to be hung on utility poles, by separate permit), to help promote their presence in the neighborhood, from the period of February 12, 1998 to December 31, 1998 inclusive.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to the West Side Ecumenical Ministry (WSEM), 4315 Bridge Avenue, Cleveland, Ohio 44113, its successors and assigns; for the construction, use and maintenance of twelve (12) double-sided banners, from the period of February 12, 1998 to December 31, 1998, inclusive; to be hung from Cleveland Public Power Utility Poles (by separate permit), on Detroit Avenue, West 52nd Street and West 54th Street, to promote WSEM's presence in the neighborhood, and which banners will be hung in the locations more fully described as follows:

**WEST SIDE ECUMENICAL MINISTRY PROPOSED BANNER ENCROACHMENT AREA:**

<u>LOCATION:</u>	<u>POLE NUMBER:</u>	<u>OWNER:</u>
Beginning at West 54th Street going East, ending two light poles East of West 52nd Street; on both North and South sides of Detroit Avenue for a total of twelve (12) light poles.	AT 46 23	C. P. P.
	AT 46 22	C. P. P.
	AT 46 21	C. P. P.
	AT 46 20	C. P. P.
	AT 46 19	C. P. P.
	AT 46 18	C. P. P.
	AT 47 23	C. P. P.
	AT 47 22	C. P. P.
	AT 47 21	C. P. P.
	AT 47 20	C. P. P.
	AT 47 19	C. P. P.
	AT 47 18	C. P. P.

**Section 2.** That said banners will be placed within the public rights-of-way as aforesaid in Section 1, and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** That nothing in this Ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1. of this ordinance.

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

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

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. 838-98.**

**By Councilman Moran.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Our Lady of Good Counsel Church to stretch banners across State Road and Mobile Court and in front of 4427 Pearl Road for the period from May 18, 1998 to June 22, 1998, inclusive, publicizing their Summertime Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Our Lady of Good Counsel Church Circle Incorporated to install, maintain and remove banners across State Road and Mobile Court and in front of 4427 Pearl Road for the period from May 18, 1998 to June 22, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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. 839-98.**

**By Councilmen Willis, Lewis and Patmon.**

**An emergency ordinance consenting and approving the issuance of a permit for a "Bike-A-Thon 98" Race on August 30, 1998, sponsored by University Hospitals of Cleveland.**

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of a "Bike-A-Thon 98" Race, sponsored by University Hospitals of Cleveland, on August 30, 1998, beginning at Wade Oval to East Blvd. at the Botanical Garden, past the VA Medical Center to Martin Luther King Jr. Drive, north to the East 88th Street ramp to Martin Luther King Jr. Drive, turn around and return along the same route (doing this route twice), provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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. 831-98.**

**By Councilman Dolan.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 14901 Lorain Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 47246153594, Kmart Corp., DBA Kmart 3589, 14901 Lorain Ave., Cleveland, Ohio 44111; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 47246153594, Kmart Corp., DBA Kmart 3589, 14901 Lorain Ave., Cleveland, Ohio 44111 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. 832-98.****By Councilman Lewis.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 1795 East 55th Street, and repealing Res. No. 909-97, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 1795 East 55th Street, by Res. No. 909-97, adopted May 19, 1997; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 1795 East 55th Street, be and the same is hereby withdrawn, pursuant to the terms of the cooperation agreement executed between the permit holder and Councilwoman Lewis, and Res. No. 909-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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. 833-98.****By Councilman Moran.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2 & D3 Liquor Permit to 6801 Denison Ave., and repealing Res. No. 1529-97, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2 & D3 Liquor Permit to 6801 Denison Ave., by Res. No. 1529-97, adopted August 13, 1997; and

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

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

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

**Section 1.** That objection to the renewal of a D1, D2 & D3 Liquor Permit to 6801 Denison Ave., be and the same is hereby withdrawn and Res. No. 1529-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

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

**Res. No. 834-98.****By Councilmen Patmon, Westbrook and Dolan.**

**An emergency resolution requesting that the Ohio General Assembly oppose a consumer bailout of FirstEnergy as part of the state's plan to open up the electric utility industry to competition.**

Whereas, affordably priced electric service is essential to the health, safety and economic well-being of all Ohioans; and

Whereas, northern Ohio electric ratepayers have been paying some of the highest rates for electricity in the United States for decades because of utility investments in nuclear power plants; and

Whereas, northern Ohio electric consumers currently pay rates that are thirty to fifty percent higher than customers of other Ohio utilities, presenting a significant economic disadvantage to the region's residential and business customers; and

Whereas, the Ohio General Assembly is considering proposals to bring customer choice to the electric utility industry, which will affect the cost of electricity; and

Whereas, legislation now pending in the Ohio General Assembly, S.B. 237 and H.B. 732, would force northern Ohio residential and small business customers to continue to pay for utilities' nuclear power plant investments (stranded costs) once competition is introduced; and

Whereas, full recovery of stranded costs would cost the average FirstEnergy customer at least \$1,618 over a five-year period;

Now, therefore, be it resolved by the Council of the City of Cleveland:

**Section 1.** That electric utility competition in Ohio must not penalize ratepayers or taxpayers by forcing them to bail out utilities' past bad investments (stranded costs).

**Section 2.** That electric utility competition in Ohio must result in immediate and significant price reductions for all northern Ohio customers, including residential and small businesses.

**Section 3.** That the Clerk of Council be and she is hereby directed to transmit certified copies of this resolution to Governor George Voinovich, Ohio Senate President Richard Finan, Ohio House Speaker Jo Ann Davidson, and State Representative Troy Lee James and State Senator C.J. Prentiss.

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

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. 835-98.****By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit to 12419 Superior Avenue, and repealing Res. No. 1554-97, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12419 Superior Avenue, by Res. No. 1554-97, adopted August 13, 1997; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said; 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 C2 and C2X Liquor Permit to 12419 Superior Avenue, be and the same is hereby withdrawn and Res. No. 1554-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

## SECOND READING EMERGENCY ORDINANCES

**Ord. No. 1277-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design the construction of new Runway 5L-23R and associated appurtenances at Cleveland Hopkins International Airport.

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

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

**"An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Michael Baker & Associates for the engineering services necessary to design construction of new Runway 5L-23R at Cleveland Hopkins International Airport.**

**Section 1. That the Director of Port Control is hereby authorized and directed to enter into contract with Michael Baker & Associates for professional engineering services necessary to design construction of new Runway 5L-23R on the basis of its proposal in the total sum of not to exceed \$5.8 million."**

Amendment agreed to.

**Ord. No. 1279-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road.

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

1. In Section 1, at the end of the second paragraph, add the following sentence: **"Prior to such Board of Control selection the Director of Port Control shall notify the Chairman of the Aviation and Transportation Committee, in writing, of the proposed consultant and the pending selection of such consultant by the Board."**

2. In the title, at the end, strike the period and insert the following: **"; to enact new Section 8 and to renumber existing Section 8 as new Section 9."**

3. Insert new Sections 2 and 3 to read, respectively, as follows:

**"Section 2. That Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby supplemented by enacting new Section 8 to read as follows:**

**Section 8. That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.**

**Section 3. That existing Section 8 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby renumbered to new "Section 9".**

Amendments agreed to.

**Ord. No. 1288-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and environmental services necessary to design the construction of new entrance and exit roadways at Cleveland Hopkins International Airport.

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

**Ord. No. 1291-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design improvements to Abrams Creek.

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

1. In Section 1, at the second paragraph, line 1, strike "The" and insert the following:

**"Provided that the Director of Port Control has furnished a copy of the request for proposals to each of the members of the Committee on Aviation and Transportation prior to**

**solicitation of proposals and provided further that the Director has made a presentation to said Committee which identifies the consultants recommended by the Department of Port Control to perform such services and includes a written summary of all of the proposals received as a result of the Department's canvass, the"**

2. In Section 1, at the second paragraph, existing line 5, between "canvass" and "by" insert the following **"by means of a request for proposals"**.  
Amendments agreed to.

**Ord. No. 1319-97.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Abeco-Ayad, Inc., or its designee, to provide economic development assistance to partially finance interior and exterior renovation of a service station, located at 2165 East 55th Street, Cleveland, Ohio.

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

**Ord. No. 81-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.

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

1. In Section 1, lines 5 and 6, strike "July 1, 1996 through June 30, 1997" and insert in lieu thereof the following: **"October 1, 1997 through June 30, 1999"**; and in line 8, after "\$28,710.00" and the comma, insert **"and such other funds as may become available during the contract period"**.

Amendment agreed to.

**Ord. No. 240-98.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, relating to professional services necessary for the acquisition of homes, property maintenance and relocation of residents located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71, Springdale, Westport Avenue, and W. 198th Street.

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

1. In the title, at the end, strike the period and insert the following: **"; to enact new Section 3 and to renumber existing Section 3 as new Section 4."**

2. Insert new Sections 2 and 3 to read, respectively, as follows:

**"Section 2. That Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby supplemented by enacting new Section 3 to read as follows:**

**Section 3. That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.**

**Section 3. That existing Section 3 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby renumbered to new "Section 4".**

Amendments agreed to.

**Ord. No. 307-98.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, relating to the acquisition boundaries of real property located in the vicinity of Cleveland Hopkins International Airport.

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

1. Insert the following Whereas clause before the existing one:

**"Whereas a full effort is to be made by the Administration to tender purchase offers to homeowners before the end of 1998; and"**

Amendment agreed to.

**Ord. No. 315-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997; to supplement said ordinance by adding new Section 2; and to renumber existing Section 3 thereof, relating to a grant from the Ohio Department of Health for the STD (Sexually Transmitted Disease testing) program.

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

**Ord. No. 316-98.**

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 Federation for Community Planning from Ohio Department of Health for the 1998 Immunization Action Plan Program.

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

**Ord. No. 318-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 1998 Cuyahoga County Health Promotion Project.

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

**Ord. No. 319-98.**

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 Federation for Community Plan-

ning for the 1997-98 Health Services for Residents of Public Housing Program.

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

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

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

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

Amendments agreed to.

**Ord. No. 323-98.**

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 5703, 5705, 5709, 5801, 5807 Quincy to St. Paul AME Zion Church.

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

**Ord. No. 324-98.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5804 and 5800 Denison Avenue, S.W., to Joseph J. and Daniel Mayo.

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

**Ord. No. 325-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Marshall Ford West, or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand its operation located at 16100 Lorain Avenue, Cleveland, Ohio.

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

1. In the title, lines 4 and 5, and in Section 1, lines 2 and 3, strike "Marshall Ford West, or their designee," and insert in lieu thereof, in both places, the following: **"Lorain Realty Company, L.L.C."**

2. In the title, line 9, and in Section 1, line 5, strike "its operation" and insert in lieu thereof, in both places, **"the operation of Marshall Ford West"**.

Amendments agreed to.

**Ord. No. 326-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a con-

tract with Accurate Instrument Service Co., or their designee, to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

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

1. In the title, line 5, and in Section 1, line 3, strike ", or their designee,".

Amendment agreed to.

**Ord. No. 327-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with All My Children Day Care Center, Inc., or their designee, to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue.

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

1. In the title, line 5, and in Section 1, line 3, strike ", or their designee,".

Amendment agreed to.

**Ord. No. 328-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Carotech, Inc., or their designee, to provide economic development assistance to partially finance the acquisition of land and construction of a new facility to be located on Walworth Avenue in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

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

1. In the title, lines 4 and 5, and in Section 1, lines 2 and 3, strike ", or their designee," in both places.

Amendment agreed to.

**Ord. No. 356-98.**

By Councilman Cintron.  
An emergency ordinance to vacate a portion of Girard Street N.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. 358-98.**

By Councilman Jackson.  
An emergency ordinance to vacate a portion of Indianola Avenue S.E. hereinafter described.

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

**Ord. No. 360-98.**

By Councilman Johnson.  
An emergency ordinance to vacate a portion of East 92nd Place hereinafter described.

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

**Ord. No. 361-98.**

By Councilman Sweeney.  
An emergency ordinance to vacate a portion of Original Grayton Rd. hereinafter described.

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

**Ord. No. 364-98.**

By Councilman Zone.  
An emergency ordinance to vacate a portion of Adeline Road 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. 368-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance acquisition and for capital improvements to property located at 2275 East 55th Street, Cleveland, Ohio.

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

**Ord. No. 369-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 East 105th Street, Cleveland, Ohio.

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

1. In the title, at the end, strike the period and insert the following: **"and authorizing the Director of Economic Development to apply for and accept an economic development administration grant from the U.S. Department of Housing and Urban Development in conjunction with the project."**

2. In Section 1, line 2, after "Zone" insert **"one or more"**.

3. Insert new Section 2 to read as follows:

**"Section 2. That the Director of Economic Development is hereby authorized to apply for and accept an economic development administration grant in the amount of \$600,000 from the U.S. Department of Housing and Urban Development in conjunction with the ShoreBank project for the purposes set forth in the**

**Executive Summary contained in Section 4 of this ordinance and according thereto; that the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes set forth in the above mentioned executive summary."**

4. Renumber existing Sections 2, 3, 4, 5, 6, 7 and 8 to new "Section 3", "Section 4", "Section 5", "Section 6", "Section 7", "Section 8", and "Section 9".

5. In existing Section 2, line 1, after "loan" insert "and grant".

6. In existing Section 3, strike lines 2 and 3 in their entirety and insert in lieu thereof the following: "exceed a Loan Amount of \$426,000, which shall be used from Fund Nos. 18 SF 001 and 18 SF 003, RL 23752 and a Grant Amount of \$600,000 which shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 2 of this ordinance." Amendments agreed to.

**Ord. No. 434-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Preisler Lumber Co., Inc. to provide economic development assistance to partially finance the redevelopment of its facility located at 2391 Woodhill Road, Cleveland, Ohio.

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

**Ord. No. 468-98.**

By Councilmen Westbrook and Johnson (by departmental request).

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

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

1. In the title, lines 10 and 11, strike the comma after "Control" and the remainder of the title, and insert a period.

2. In Section 1, line 4 and in line 14, strike "two (2) years" and insert in lieu thereof in both places "one year".

Amendments agreed to.

**Ord. No. 473-98.**

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

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

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

**Ord. No. 476-98.**

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

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

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

**Ord. No. 517-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Carotech, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park located in the Cleveland Area Enterprise Zone.

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

**Ord. No. 518-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio 44105.

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

**Ord. No. 519-98.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for development of a corporate office park north of Interstate 480 and west of Grayton Road for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Emerald Research Park, Ltd.

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

1. Insert a new Section 8 to read as follows:

"Section 8. That in the event that the above described property cannot be purchased pursuant to this legislation, this Council shall be notified by the Director of Economic Development prior to the introduction of legislation beginning the eminent domain process, which eminent domain process shall include a public hearing before the Council at the appropriate time."

2. Renumber existing Section 8 to new "Section 9". Amendments agreed to.

**Ord. No. 557-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to service and maintain police aircraft, including installation if necessary, for the Division of Police, Department of Public Safety, for one option to renew for one additional year.

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

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 2039-97.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Glenville Development Corporation, or its designee, to provide a grant to partially finance the exterior and interior renovations of the Faith Building located at 10640 St. Clair Avenue, Cleveland, Ohio.

Read third time. Passed. Yeas 11. Nays 0.

**Ord. No. 311-98.**

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

An emergency ordinance to amend Section 535.18 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 935-96, passed June 18, 1996, relating to rates for water sold through master meters.

Read third time. Passed. Yeas 11. Nays 0.

**Ord. No. 474-98.**

By Councilmen Jackson and Johnson (by departmental request).

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

Read third time. Passed. Yeas 11. Nays 0.

**Ord. No. 506-98.**

By Mayor White.

An emergency ordinance authorizing the Mayor, or his designee, to accept registration fees, enter into contract for the provision of facilities and purchase course supplies and refreshments, in connection with Phase I and II of the James H. Walker Construction Management Training Course to be conducted by the Minority Business Opportunity Committee, Office of Equal Opportunity.

Read third time. Passed. Yeas 11. Nays 0.

**Ord. No. 561-98.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept

special purpose grant funds from the United States Department of Housing and Urban Development to be used to provide funding for the Harvard Community Services Center, the Health and Education Institute of the Olivet Housing and CDC and the Urban League of Greater Cleveland and to enter into contract with various agencies for the implementation of the program.

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

**Ord. No. 618-98.**

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with the Harvard Community Services Center for physical improvements to its facility located at 18240 Harvard Avenue.

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

The Council adjourned at 8:45 p.m. to meet on Monday, May 11, 1998 at 7:00 p.m.



Clerk of Council

### THE CALENDAR

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

#### ORDINANCES

**Ord. No. 1277-97.**

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

An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Michael Baker & Associates for the engineering services necessary to design construction of new Runway 5L-23R at Cleveland Hopkins International Airport.

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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to enter into contract with Michael Baker & Associates for professional engineering services necessary to design construction of new Runway 5L-23R on the basis of its proposal in the total sum of not to exceed \$5.8 million.

**Section 2.** That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22507.

**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. 1279-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road; to enact new Section 8 and to renumber existing Section 8 as new Section 9.

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, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the relocation of Brook Park Road.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance. Prior to such Board of Control selection the Director of Port Control shall notify the Chairman of the Aviation and Transportation Committee, in writing, of the proposed consultant and the pending selection of such consultant by the Board.

**Section 2.** That Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby supplemented by enacting new Section 8 to read as follows:

**Section 8.** That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.

**Section 3.** That existing Section 8 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, is hereby renumbered to new "Section 9".

**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. 1288-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and environmental services necessary to design the construction of new entrance and exit roadways at Cleveland Hopkins International Airport.

**Ord. No. 1291-97.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design improvements to Abrams Creek.

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, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design improvements to Abrams Creek.

**Provided that the Director of Port Control has furnished a copy of the request for proposals to each of the members of the Committee on Aviation and Transportation prior to solicitation of proposals and provided further that the Director has made a presentation to said Committee which identifies the consultants recommended by the Department of Port Control to perform such services and includes a written summary of all of the proposals received as a result of the Department's canvass, the selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Port Control from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by means of a request for proposals by the Director of Port Control for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The contract herein authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.**

**Section 2.** That the costs for such services herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22505.

**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. 1319-97.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Abeco-Ayad, Inc., or its designee, to provide economic development assistance to partially finance interior and exterior renovation of a service station, located at 2165 East 55th Street, Cleveland, Ohio.

**Ord. No. 81-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-eligible children, for the Division of Environment, Department of Public Health.

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 and directed to enter into a contract with the State of Ohio, Department of Health, under which the City will perform environmental assessments for lead hazards in residences occupied by Medicaid-eligible children during the period from **October 1, 1997 through June 30, 1999.** The contract shall provide that the City will receive compensation for performing such assessments in the estimated amount of \$28,710.00 **and such other funds as may become available during the contract period,** and the Director of Finance is hereby authorized to receive and accept such compensation on behalf of the City.

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

**Ord. No. 240-98.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, relating to professional services necessary for the acquisition of homes, property maintenance and relocation of residents located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71, Springdale, Westport Avenue, and W. 198th Street; **to enact new Section 3 and to renumber existing Section 3 as new Section 4.**

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 title and Section 1 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants to provide professional services necessary for the acquisition of homes, property maintenance and relocation of residents located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71 right-of-way, Springdale and Westport Avenues and West 198th Street in Cleveland, for the Department of Port Control.

**Section 1.** That the Director of Port Control is hereby authorized and directed to employ by contract one or more consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the acquisition of homes and the relocation of residents within the boundaries of Forestwood Avenue (north), and Brysdale Avenue (north), Interstate 71 right-of-way (east), Springdale and Westport Avenues (south), and West 198th Street (west) in the City of Cleveland. Said services shall specifically include but not be limited to appraisal services, appraisal reviews, surveys, title work services, escrow services, real estate advisory services, recording services, environmental investigations, and relocation services and all services necessary to effect the relocation of the residents and property maintenance in accordance with FAA rules and regulations.

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

**Section 2. That Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby supplemented by enacting new Section 3 to read as follows:**

**Section 3. That no properties acquired pursuant to this ordinance will be resold to any third parties without the prior approval of Council through the passage of legislation.**

**Section 3. That existing Section 3 of Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance No. 482-96, passed May 6, 1996, is hereby renumbered to new "Section 4".**

**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. 307-98.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, relating to the acquisition boundaries of real property located in the vicinity of Cleveland Hopkins International Airport.

**Whereas a full effort is to be made by the Administration to tender purchase offers to homeowners before the end of 1998; 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 title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue, Brysdale Avenue, Interstate 71 right-of-way, Springdale Avenue and Westport Avenue and West 198th Street in the City of Cleveland; authorizing the Director of Port Control to employ one or more consultants or one or more firms of consultants to provide professional services necessary to perform services including, but not limited to, architectural, engineering, noise measurement and administrative services for sound insulation of homes located in the vicinity of Cleveland Hopkins International Airport; determining the method of making the public improvement of construction for Phase II of the sound insulation improvement program for homes located in the vicinity of Hopkins Airport, and authorizing the Director of Port Control to enter into contract or contracts for the making of such improvements, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

**Section 1.** That the Commissioner of Purchases and Supplies is hereby authorized to purchase all real property, including homes and/or parcels, located within the boundaries of Forestwood Avenue and Brysdale Avenue (north), Interstate 71 right-of-way (east), Springdale Avenue and Westport Avenue (south), and West 198th Street (west), as part of the City's noise abatement program, for the Division of Cleveland Hopkins International Airport, Department of Port Control, located within the following described area, provided that the grant agreement applicable to a particular parcel is executed prior to the purchase of that parcel:

ACQUISITION BOUNDARIES  
CLEVELAND HOPKINS  
INTERNATIONAL AIRPORT

Beginning on the centerline of Rocky River Drive S.W. (width varies) at its intersection with the Westerly prolongation of the Northerly line of the Riverview Subdivision No. 2 as shown by the recorded map in Volume 95, Page 38 of Cuyahoga County Records;

Thence Easterly along said Westerly prolongation and the Northerly line of said Riverview Subdivision No. 2 to its intersection with the Westerly right-of-way line of Interstate Route 71;

Thence Southwesterly along the Westerly right-of-way of said Interstate Route 71 to its intersection with the Southerly line of the Riverview Subdivision No. 2 as aforesaid;

Thence Westerly along the Southerly line of the aforesaid Riverview Subdivision No. 2 and its Westerly prolongation to the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to its intersection with the Easterly prolongation of the Southerly line of the Conger-Helper Realty Company's Home Gardens Allotment as shown by the recorded map in Volume 63, Page 10 of Cuyahoga County Records;

Thence Westerly along the Easterly prolongation and the Southerly line of the said Conger-Helper Realty Company's Home Gardens Allotment and its Westerly prolongation to its intersection with the Easterly line of the C. & D. Southwest Subdivision;

Thence Southerly along the said C. & D. Southwest Subdivision to the Southeast corner of Sublot Number 71 in said Subdivision;

Thence Westerly along said Sublot Number 71 to its intersection with the Easterly line of West 198th Street (70 feet wide);

Thence Southerly along the Easterly line of said West 198th Street to its intersection with the Easterly prolongation of the Southerly line of Elsmere Avenue S.W. (50 feet wide);

Thence Westerly along the Easterly prolongation and the Southerly line of Elsmere Avenue S.W. to its intersection with the Southerly prolongation of the Westerly line of Sublot Number 130 in the C. & D. Southwest Subdivision as aforesaid;

Thence Northerly along the Southerly prolongation and the Westerly line of Sublot Number 130 through 145 both inclusive and the Northerly prolongation thereof to its intersection with the centerline of Midvale Avenue S.W. (50 feet wide);

Thence Easterly along the centerline of Midvale Avenue S.W. to its intersection with the centerline of West 198th Street as aforesaid;

Thence Northerly and Westerly along the centerline of said West 198th Street to its intersection with the centerline of Forestwood Avenue S.W.;

Thence Northerly along the centerline of said West 198th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot Number 15 in the aforesaid C. & D. Southwest Subdivision;

Thence Easterly along the Westerly prolongation and the Northerly line of Sublot Number 15 through 34, both inclusive and the Easterly prolongation thereof to its intersection with the Northerly line of Sublot Number 1 in The West River Subdivision Number 1 as shown in Volume 159, Page 27 of Cuyahoga County Records;

Thence continuing Easterly along Sublot Numbers 1 through 37, both inclusive of said Subdivision, and the Easterly prolongation thereof to its intersection with the centerline of Rocky River Drive S.W.;

Thence Southerly along the centerline of said Rocky River Drive S.W. to the place of beginning.

**Section 2.** That the existing title and Section 1 of Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance No. 2150-95, passed December 18, 1995, are hereby repealed.

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

**Ord. No. 315-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance to amend the title and Section 1 of Ordinance No. 431-97, passed May 19, 1997; to supplement said ordinance by adding new Section 2; and to renumber existing Section 3 thereof, relating to a grant from the Ohio Department of Health for the STD (Sexually Transmitted Disease testing) program.

**Ord. No. 316-98.**

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 Federation for Community Planning from Ohio Department of Health for the 1998 Immunization Action Plan Program.

**Ord. No. 318-98.**

By Councilmen Gordon and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 1998 Cuyahoga County Health Promotion Project.

**Ord. No. 319-98.**

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 Federation for Community Planning for the 1997-98 Health Services for Residents of Public Housing 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 \$106,495.00, and such other funds as may become available during the grant term, from the Federation for Community Planning, to conduct the 1997-98 Health Services for Residents of Public Housing Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 319-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 323-98.**

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 5703, 5705, 5709, 5801, 5807 Quincy to St. Paul AME Zion Church.

**Ord. No. 324-98.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5804 and 5800 Denison Avenue, S.W., to Joseph J. and Daniel Mayo.

**Ord. No. 325-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with **Lorain Realty Company, L.L.C.**, to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand the operation of **Marshall Ford West** located at 16100 Lorain Avenue, Cleveland, Ohio.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with **Lorain Realty Company, L.L.C.**, to provide economic development assistance to partially finance the acquisition and renovation of real property necessary to expand the operation of **Marshall Ford West** located at 16100 Lorain Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 325-98-A.

**Section 3.** That the costs of said contract shall not exceed Three Hundred Thousand Dollars (\$300,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 24265.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

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

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

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

**Ord. No. 326-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Accurate Instrument Service Co. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Accurate Instrument Service, Co. to provide economic development assistance to partially finance the acquisition and renovation of real property located at 4228 West 130th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 326-98-A.

**Section 3.** That the costs of said contract shall not exceed Twenty Four Thousand Dollars (\$24,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 24267.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the prepara-

tion of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

**Ord. No. 327-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with All My Children Day Care Center, Inc. to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with All My Children Day Care Center, Inc. to provide economic development assistance to partially finance the renovation and expansion of its facilities located at 12715 and 12905 Miles Avenue, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 327-98-A.

**Section 3.** That the costs of said contract shall not exceed Eighty Thousand Dollars (\$80,000.00), and shall be paid from Fund No. 17 SF 003, Request No. 23342.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

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

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

**Section 8.** That 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. 328-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Carotech, Inc. to provide economic development assistance to partially finance the acquisition of land and construction of a new facility to be located on Walworth Avenue in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Carotech, Inc. to provide economic development assistance to partially finance the acquisition of land and the construction of a new facility to be located on Walworth Avenue, in the Walworth Run Industrial Park, Cleveland, Ohio 44102.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 328-98-A.

**Section 3.** That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund Nos. 12 SF 954 and 17 SF 008, Request No. 24268.

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

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

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

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

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



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

**Ord. No. 356-98.**

By Councilman Cintron.  
An emergency ordinance to vacate a portion of Girard Street N.W. hereinafter described.

**Ord. No. 358-98.**

By Councilman Jackson.  
An emergency ordinance to vacate a portion of Indianola Avenue S.E. hereinafter described.

**Ord. No. 360-98.**

By Councilman Johnson.  
An emergency ordinance to vacate a portion of East 92nd Place hereinafter described.

**Ord. No. 361-98.**

By Councilman Sweeney.  
An emergency ordinance to vacate a portion of Original Grayton Rd. hereinafter described.

**Ord. No. 364-98.**

By Councilman Zone.  
An emergency ordinance to vacate a portion of Adeline Road S.W. hereinafter described.

**Ord. No. 368-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Tom Paige Real Estate Investment Co. to provide economic development assistance to partially finance acquisition and for capital improvements to property located at 2275 East 55th Street, Cleveland, Ohio.

**Ord. No. 369-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 East 105th Street, Cleveland, Ohio and authorizing the Director of Economic Development to apply for and accept an economic development administration grant from the U.S. Department of Housing and Urban Development in conjunction with the project.

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone one or more contract with ShoreBank Enterprise Group to provide economic development assistance to partially finance capital improvements to property located at 540 East 105th Street, Cleveland, Ohio.

**Section 2.** That the Director of Economic Development is hereby authorized to apply for and accept an economic development administration grant in the amount of \$600,000 from the U.S. Department of Housing and Urban Development in conjunction with the ShoreBank project for the purposes set forth in the

**Executive Summary contained in Section 4 of this ordinance and according thereto; that the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds are hereby appropriated for the purposes set forth in the above mentioned executive summary.**

**Section 3.** That the terms of said loan and grant shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 369-98-A.

**Section 4.** That the costs of said contract shall not exceed a Loan Amount of \$426,000, which shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, RL 23752 and a Grant Amount of \$600,000 which shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 2 of this ordinance.

**Section 5.** That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 18 SF 002.

**Section 7.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited and expended from Fund No. 18 SF 004.

**Section 8.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

**Ord. No. 434-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Preisler Lumber Co., Inc. to provide economic development assistance to partially finance the redevelopment of its facility located at 2391 Woodhill Road, Cleveland, Ohio.

**Ord. No. 468-98.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to clean and maintain sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials, for the various divisions of the Department of Port Control.

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

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

**Section 1.** That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to clean and maintain storm and sanitary sewers, oil water separators, electrical vaults and associated appurtenances, including testing and disposal of waste materials, in the estimated sum of \$200,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

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

**Ord. No. 473-98.**

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

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

**Ord. No. 517-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Carotech, Inc. to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to assist T.H. Martin Duct Systems, Inc. to relocate and expand its operation to Walworth Run Industrial Park located in the Cleveland Area Enterprise Zone.

**Ord. No. 518-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with

Laird Wynn to provide economic development assistance to partially finance the acquisition and renovation of real estate located at 7806 Union Avenue, Cleveland, Ohio 44105.

**Ord. No. 519-98.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for development of a corporate office park north of Interstate 480 and west of Grayton Road for the Department of Economic Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Emerald Research Park, Ltd.

Whereas, the Director of Economic Development has requested the purchase of property, which is located north of Interstate 480 and north of Grayton Road, for development of a corporate office park; and

Whereas, the Director of Economic Development has requested the sale of said property to Emerald Research Park, Ltd. for the public purpose of developing said property; and

Whereas, Emerald Research Park, Ltd. has submitted a proposal which the Director of Economic Development has determined to be a satisfactory means of achieving development of said property; and

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

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

**Section 1.** That notwithstanding and as an exception to the provision of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing a corporate office park:

P.P.N.: 029-02-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Rockport Township Section 4 and bounded and described as follows:

Beginning on the centerline of Hillside Road, a private road, (20 feet wide) distant North 82° 37' 06" East measured along said centerline 30.37 feet from a stone monument at its intersection with the Westerly line of land conveyed to Katy Leoblein by deed dated February 27, 1913 and recorded in Volume 1444, Page 376 of Cuyahoga County Deed Records;

Thence North 1° 35' 36" East and parallel with the Westerly line of land conveyed to said Katy Leoblein 300 feet to a point;

Thence North 82° 37' 06" East 101.24 feet to a point;

Thence South 1° 35' 36" West and parallel with the Westerly line of land so conveyed to said Katy Leoblein 295.13 feet to a point on the centerline of Hillside Road;

Thence South 70° 29' 06" West along the said centerline 22.87 feet to an angle point;

Thence South 82° 37' 06" West continuing along the centerline of Hillside Road 79.63 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Permanent Parcel No. 029-05-005 Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Rockport Township Section No. 4 and more fully described as follows:

Beginning at the Northeastly corner of land conveyed to the Horvitz Company by Dorothy Hutchinson, by deed dated May 19, 1964 and recorded in Volume 11140, Page 397, Cuyahoga County Records, said point being on the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along the Southerly line of land so conveyed to the Horvitz Company as aforesaid, South 84° 12' 40" East, 43.61 feet to an angle point in the Westerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281, Cuyahoga County Deed Records;

Thence along the Westerly line of land so conveyed South 01° 28' 16" West, 63.96 feet to a point at the Northeastly corner of land conveyed to Dorothy Hutchinson by deed dated May 19, 1964 and recorded in Volume 11140, Page 399, Cuyahoga County Deed Records;

Thence Westerly along the Northerly line of land so conveyed, South 89° 39' 51" West, 20.06 feet to the Northwestly corner thereof;

Thence Southerly along the Westerly line of land so conveyed, South 01° 28' 16" West, 216.28 feet to a point;

Thence along the edge of the ravine the following courses and distances:

South 56° 30' 55" West, 42.78 feet;  
South 52° 05' 18" West, 27.99 feet;  
South 81° 56' 53" West, 18.00 feet;  
South 55° 43' 56" West, 30.48 feet;  
North 65° 34' 00" West, 23.72 feet;  
North 64° 07' 43" West, 26.38 feet;  
North 70° 04' 16" West, 30.93 feet;  
North 83° 58' 29" West, 20.78 feet;  
to a tree imbedded with wire at the North edge of a ravine;

Thence Northeastly North 30° 00' 50" East, 261.34 feet to a point;

Thence North 04° 30' 10" East, 80.69 feet to the centerline of Hillside Road, 20 feet wide, proposed;

Thence Easterly along said centerline of Hillside Road, proposed, North 84° 09' 11" East, 42.88 feet to the place of beginning, according to a survey by John E. Dailey, Registered Surveyor No. 5151, be the same more or less, but subject to all legal highways.

Easterly Part of Permanent

Parcel No. 029-05-003

Parcel No. 2  
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and bounded and described as follows:

Beginning on the Northerly line of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records, at a point distant 84.92 feet Westerly measured along said Northerly line from the Northeastly corner thereof;

Thence South 83° 17' 15" West, along the Northerly line of land so conveyed to Dorothy Hutchinson, which is also along the centerline of Hillside Road, a private road, (20 feet wide), 102.62 feet to the Easterly line of land conveyed to The

Horvitz Company by deed dated May 5, 1964 and recorded in Volume 11140, Page 397 of Cuyahoga County Records;

Thence South 00° 16' 40" West along the Easterly boundary line of land so conveyed to The Horvitz Company and along the Westerly boundary line of land so conveyed to Dorothy Hutchinson, as aforesaid, 630.19 feet to the Northerly line of land conveyed to Albert Dunham by deed dated March 11, 1871 and recorded in Volume 188, Page 486a of Cuyahoga County Records;

Thence North 89° 44' 18" East along the Northerly line of land so conveyed to Albert Dunham, 103.07 feet to its intersection with a line drawn Southerly and parallel with the Westerly line of land conveyed to Crown Construction Corporation by deed dated June 30, 1954 and recorded in Volume 8066, Page 532 of Cuyahoga County Records from the place of beginning;

Thence North 00° 10' 12" East along said parallel line, 641.71 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Westerly Part of Permanent

Parcel No. 029-05-003

Parcel No. 3

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4, and bounded and described as follows:

Beginning on the Northerly line of Sublot No. 43 in Alex Fodor Realty Company's-Unis Subdivision, as shown by the recorded plat in Volume 174 of Maps, Page 18 of Cuyahoga County Records at the Southwesterly corner of land conveyed to Dorothy Hutchinson by deed dated October 22, 1954 and recorded in Volume 8213, Page 281 of Cuyahoga County Records;

Thence North 00° 16' 40" East along the Westerly line of land so conveyed to Dorothy Hutchinson, 555.74 feet to a point which is distant 63.96 feet Southerly measured along said Westerly line from an angle therein;

Thence North 89° 43' 20" West at right angles to the Westerly line of land so conveyed to Dorothy Hutchinson, 20.00 feet to a point;

Thence South 00° 16' 40" West and parallel with the Westerly line of land so conveyed to Dorothy Hutchinson, 555.93 feet to the Northerly line of said Sublot No. 43;

Thence North 89° 44' 18" East along the Northerly line of said Sublot No. 43, 20.00 feet to the place of beginning, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Economic Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That all costs of acquisition of land shall be paid from Fund No. 17 SF 652, Request No. 24270.

**Section 4.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Economic Develop-

ment may enter into and execute a project agreement for an on behalf of the City of Cleveland with Emerald Research Park, Ltd. for the acquisition, disposition and private development for the property which is described in Section 1.

**Section 5.** That this Council finds that the conveyance to Emerald Research Park, Ltd. constitutes a public use of said property for the purposes of redevelopment.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the described property in Section 1 to the Emerald Research Park, Ltd., at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyances.

**Section 7.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions (including such restrictive reversionary interests as may be specified by the Board of Control or Director of Law) which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 8.** That in the event that the above described property cannot be purchased pursuant to this legislation, this Council shall be notified by the Director of Economic Development prior to the introduction of legislation beginning the eminent domain process, which eminent domain process shall include a public hearing before the Council at the appropriate time.

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

**Ord. No. 557-98.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to service and maintain police aircraft, including installation if necessary, for the Division of Police, Department of Public Safety, for one option to renew for one additional year.

**BOARD OF CONTROL**

April 29, 1998

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 29, 1998, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 288-98.**

By Director Carmody.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on March 11, 1998 for installation and maintenance of city telephones, products and ancillary equipment for the Division of various divisions of City Government, Department of Finance, pursuant to the authority of Ordinance No. 1174-97, passed by the Council of the City of Cleveland on July 16, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 289-98.**

By Directors Carmody and Staib.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 310-98, passed by the Council of the City of Cleveland on April 6, 1998, the firm of DeCarlo, Paternite and Associates, Inc., 6155 Rockside Road #110, Independence, Ohio 44131, is hereby selected upon the nomination of the Directors of Finance and Public Health from a list of qualified firms available for such employment and after a full and complete canvass as the firm of consultants to provide the professional services necessary to develop software, and perform data programming and data conversion, in conjunction with upgrading the Vital Statistics Computer system in the Bureau of Vital Statistics, Department of Public Health.

Be it further resolved that the Directors of Finance and Public Health are hereby authorized to enter into a written contract with DeCarlo, Paternite and Associates, Inc., for such services, based on the consultant's proposal dated March 2, 1998, in an amount not to exceed One Hundred Five Thousand Dollars (\$105,000.00) which contract shall be prepared by the Director of Law and shall contain such other provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subcontractor by DeCarlo, Paternite and Associates, Inc. is hereby approved:

**SUBCONTRACTOR SERVICES**

The Jared Group  
(MBE - 40%)  
Information management consultants

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 290-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2012-97, passed by the Council of the City of Cleveland on February 2, 1998, H2N Design is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional services to prepare 1997 and 1998 annual reports, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with H2N Design based upon its proposal dated February 20, 1998, which contract shall be prepared by the Director of Law, and which shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$137,378.00, and which shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by H2N Design for the abovementioned professional service is hereby approved:

**SUBCONTRACTOR WORK**

Wester Communications Group  
\$15,000.00 (1997 & 1998) - MBE  
Research & Copywriting

Polk Photography  
\$12,276 (1997 & 1998) - MBE  
Photography

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 291-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1611-96, passed by the Council of the City of Cleveland on December 16, 1996, Dodson-Stilson, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional engineering design services for the Kinsman-Green Supply Main Project, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Dodson-Stilson, Inc. based upon its proposal dated December 18, 1997, as revised by its March 24, 1998 letter, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$340,366.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of

the following subcontractors by Dodson-Stilson, Inc. for the above-mentioned professional service is hereby approved:

SUBCONTRACTOR	WORK
Prime Engineering	30% MBE
KS Associates	7% FBE
City Blue	3% FBE

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 292-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1612-96, passed by the Council of the City of Cleveland on December 16, 1996, Richard Bowen and Associates is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional engineering planning services for the Parma Reservoir Rehabilitation, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Richard Bowen and Associates based upon its proposal dated December 4, 1997, as revised by its March 13, 1998 letter, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$1,396,895.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Richard Bowen and Associates for the above-mentioned professional service is hereby approved:

SUBCONTRACTOR	WORK
John E. Foster	31% MBE
Resource International	11% FBE

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 293-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 2419-90, passed by the Council of the City of Cleveland on December 17, 1990, Dodson-Stilson, Inc. is hereby selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional engineering design ser-

vices for the Warrensville Broadway Supply Main, Section II Project, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Dodson-Stilson, Inc. based upon its proposal dated December 18, 1997, as revised by its March 24, 1998 letter, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal, for an aggregate fee not in excess of \$841,215.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Dodson-Stilson, Inc. for the above-mentioned professional service is hereby approved:

SUBCONTRACTOR	WORK
KS Associates	10% FBE
Ralph Tyler	25% MBE
Prime Engineering	4% MBE
City Blue	2% FBE

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 294-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 95-98, adopted by this Board of Control on February 18, 1998, approving the bid of J & S Landscape Co., for labor and materials to repair tree lawns, for Division of Water, Department of Public Utilities, hereby is rescinded.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 295-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of East Ohio Grass Company, Inc. for the public improvement of Crown Waterworks Plant Site Improvements and Landscaping — Phase I for the Division of Water, Department of Public Utilities, received on February 18, 1998, pursuant to the authority of Ordinance No. 965-93, passed July 14, 1993, for a gross price for the improvement in the aggregate amount of One Hundred Eighty Two Thousand Eight Hundred Twenty Four Dollars (\$182,824.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of

the following subcontractors by East Ohio Grass Company, Inc., for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR	WORK
Barrow Sign	FBE, 1%
Able Fence & Guardrail	FBE, 11%
Choice Construction Co.	MBE, 30%

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 296-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Aaron Landscaping, Inc. for the public improvement of System Expansion Residential Reforestation Program, Spring 1998, item nos. 2A, 2B, 4A, 5A, 6A, 7A, 8A, 9A, 10A, 11A, 14A, 22A, 23A, 24A, 29A, 45A, 46A, 47A, 48A, 49A, 68A, 75A, 77A, 78A, 81A, 83A, 87A, 88A and 96, for the Division of Cleveland Public Power, Department of Public Utilities, received on March 18, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, upon a unit basis for the improvement to be performed as ordered during the period of six months at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Sixty Four Thousand Three Hundred Sixty Four and no/100 Dollars (\$64,364.00), 2% 30 Days, is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 09554 which shall be certified against such contract in the sum of Twenty Nine Thousand Four Hundred Thirty Three and no/100 Dollars (\$29,433.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Aaron Landscaping, Inc. for System Expansion Residential Reforestation Program, Spring 1998 for the above-mentioned public improvement by requirement contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
Wake Forest Contractors, Inc.	\$19,309.00 (MBE)

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman,

Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 297-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Horticultural Associates of Rochester, Inc. for the public improvement of System Expansion Residential Reforestation Program, Spring 1998, item nos. 4B, 6B, 7B, 10B, 11B, 23B, 28B, 29B, 39B, 41B, 45B, 59B, 60B, 87B and 91b, for the Division of Cleveland Public Power, Department of Public Utilities, received on March 18, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, upon a unit basis for the improvement to be performed as ordered during the period of six months at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Fourteen Thousand Ninety and no/100 Dollars (\$14,090.00), Net 30 Days, is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

**Requisition No. 09555**

which shall be certified against such contract in the sum of Fourteen Thousand Ninety and no/100 Dollars (\$14,090.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 298-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R & J Farms, Inc., for the public improvement of System Expansion Residential Reforestation Program, Spring 1998, item nos. 68B, 69B and 83B, for the Division of Cleveland Public Power, Department of Public Utilities, received on March 18, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, upon a unit basis for the improvement to be performed as ordered during the period of six months at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Six Thousand One Hundred Fifteen and no/100 Dollars (\$6,115.00), Net 30 Days, is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

**Requisition No. 09556**

which shall be certified against such contract in the sum of Six Thousand One Hundred Fifteen and no/100 Dollars (\$6,115.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 299-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Schichtel's Nursery, Inc. for the public improvement of System Expansion Residential Reforestation Program, Spring 1998, item nos. 5B, 8B, 9B, 14B, 22B, 24B, 42B, 43B, 44B, 46B, 47B, 48B, 49B, 63B, 75B, 77B, 78B, 81B, 82B and 88B, for the Division of Cleveland Public Power, Department of Public Utilities, received on March 18, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, upon a unit basis for the improvement to be performed as ordered during the period of six months at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Thirty Five Thousand Two Hundred Fifty Nine and no/100 Dollars (\$35,259.00), Net 90 Days, is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

**Requisition No. 09557**

which shall be certified against such contract in the sum of Nineteen Thousand Five Hundred Seven and no/100 Dollars (\$19,507.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 300-98.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Wake Forest Contractors, Inc. for the public improvement of System Expansion Residential Reforestation Program, Spring 1998, item nos. 28A, 39A, 41A,

42A, 43A, 44A, 59A, 60A, 63A, 69A, 82A and 91A, for the Division of Cleveland Public Power, Department of Public Utilities, received on March 18, 1998, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, upon a unit basis for the improvement to be performed as ordered during the period of six months at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Twelve Thousand Seven Hundred Seventy and no/100 Dollars (\$12,770.00), Net 30 Days, is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby authorized to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

**Requisition No. 09558**

which shall be certified against such contract in the sum of Twelve Thousand Seven Hundred Seventy and no/100 Dollars (\$12,770.00).

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against said requirement contract, whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 301-98.**

By Director Konicek.  
Be it resolved, by the Board of Control of the City of Cleveland, that all bids received on March 18, 1998 for System Expansion Residential Reforestation Program, Spring 1998, item nos. 1, 3, 12, 13, 15 thru 21, 25, 26, 27, 30 thru 38, 40, 50 thru 58, 61, 62, 64 thru 67, 70 thru 74, 76, 79, 80, 84, 85, 86, 89, 90 and 92 thru 95, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 1071-93, passed by the Council of the City of Cleveland on June 7, 1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 302-98.**

By Acting Director Sheffield-McClain.

Resolved by the Board of Control of the City of Cleveland that the bid of DeCarlo, Paternite and Associates, Inc., for the following: Phase I — cable distribution system (Items Nos. 5, 6, 9, and 10) for the various divisions of the Department of Port Control, received on the 26th day of February, 1998, pursuant to the authority of Ordinance No. 1275-97, passed September 22, 1997 which on the basis of the order quantity would amount to \$58,106.00, is hereby approved as the lowest and best

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 303-98.**

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Donley's, Inc. for the public improvement of Repairing and Refurbishing the spectator deck for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on December 24, 1997, pursuant to the authority of Ordinance No. 1464-97, passed December 15, 1997, for a gross price for the improvement in the aggregate amount of Eighty Five Thousand, One Hundred Seventy Five and no/100 (\$85,175.00) Dollars, 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 Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 304-98.**

By Acting Director Sheffield-McClain.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Miles Mechanical, Inc. (MBE) for the public improvement of upgrading terminal HVAC systems - Phase I (refrigerants), (Items Nos. 1, 2, 3, 4, 5, 6, and 7) for the Division of Cleveland Hopkins International Airport, Department of Port Control, received on February 4, 1998, pursuant to the authority of Ordinance No. 2241-94, passed May 8, 1995, upon a unit basis for the improvement in the aggregate amount of Two Hundred Forty-Four Thousand and no/100 (\$244,000.00) Dollars, 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 Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 305-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland, that the bid of Medina Tractor Sales Company for an estimated quantity of mowers and trailers (all items) five (5) mowers and one (1) trailer for the Division of Motor Vehicle Maintenance, Department of Public Service for the period of one (1) year beginning with the date of execution of a contract received on March 20, 1998, pursuant to the authority of

Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Eighty Thousand Three Hundred Fifty and no/100 Dollars (\$80,350.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19595 which shall be certified against such contract in the sum of Eighty Thousand Three Hundred Fifty and no/100 Dollars (\$80,350.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 306-98.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland, that all bids received on April 8, 1998 for Ford truck parts and labor (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 151-98, passed by the Council of the City of Cleveland on March 9, 1998 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 307-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sill's Motor Sales Co. for an estimated quantity of mower parts and labor (items 18 and 24) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on April 3, 1998, pursuant to the authority of Ordinance No. 150-98, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately Ten Thousand Five Hundred and no/100 Dollars (\$10,500.00), (2%-30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19607 which shall be certified against such contract in the sum of Two Thousand Five Hundred and no/100 Dollars (\$2,500.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 308-98.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Brooklyn Tractor & Mower Co. for an estimated quantity of mower parts and labor (Items 1, 4, 5, 6, 10, 12, 14, 20, 22, 25, 26, 28, 29, 33, 34, 37, 38 and 40) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on April 3, 1998, pursuant to the authority of Ordinance No. 150-98, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately Two Hundred Eighty Thousand Five Hundred and no/100 Dollars (\$280,500.00), (Net - 10th), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 19606 which shall be certified against such contract in the sum of Forty Thousand and no/100 Dollars (\$40,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 309-98.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of North Coast Distributing, Inc. for an estimated quantity of mower parts and labor (Items 8, 16, 21, 23, 27, 36, 39 and 41) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on April 3, 1998, pursuant to the authority of Ordinance No. 150-98, passed March 9, 1998, which on the basis of the estimated quantity would amount to approximately Thirty Eight Thousand Five Hundred and no/100 Dollars (\$38,500.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Direc-

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

**Requisition No. 19608**

which shall be certified against such contract in the sum of Five Thousand and no/100 Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 310-98.**

By Director Denihan.

Whereas, pursuant to Ordinance No. 2458-92, passed by the Council of the City of Cleveland on January 25, 1993, this Board of Control by its Resolution No. 271-97, adopted April 16, 1997 as amended by Resolution No. 420-97, adopted June 4, 1997, the Director of Public Safety entered into Contract #51954 with New World Systems, for implementation of an integrated Records Management System ("RMS") for the Division of Police, Department of Public Safety; and

Whereas, the City of Cleveland now desires to delete certain items and add items in the City of Cleveland Contract No. 51954 for the Records Management System as set forth in New World's Proposal dated April 14, 1998, at no change in cost, now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution Nos. 271-97, and 420-97 adopted April 16, 1997 and June 4, 1997, respectively, by this Board of Control, authorizing contract with New World Systems for project management, systems integration, licensing, and certain other professional, support, software and development services, for implementation of an integrated Records Management System ("RMS") for the Division of Police, Department of Public Safety, is hereby amended to accept the changes to City of Cleveland Contract number 51954 in accordance with the Contractor's Proposal dated April 14, 1998 including substitution of Exhibit A.

Be it further resolved that all other provisions of said Resolution Nos. 271-97 and 420-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 311-98.**

By Director Denihan.

Whereas, pursuant to Ordinance No. 2458-92, passed by the Council of the City of Cleveland on January 25,

1993, this Board of Control by its Resolution No. 271-97, adopted April 16, 1997 as amended by Resolution No. 420-97, adopted June 4, 1997, the Director of Public Safety entered into Contract #51953 with International Business Machines Corporation ("IBM"), for implementation of an integrated Records Management System ("RMS") for the Division of Police, Department of Public Safety; and

Whereas, the City of Cleveland now desires to delete certain items and add items in the City of Cleveland Contract No. 51953 for the Records Management System as set forth in Exhibit 7, Fax dated April 10th, 1998, at no change in cost, now therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution Nos. 271-97, and 420-97 adopted April 16, 1997 and June 4, 1997, respectively, by this Board of Control, authorizing contract with IBM for project management, systems integration, licensing, and certain other professional, support, software and development services, for implementation of an integrated Records Management System ("RMS") for the Division of Police, Department of Public Safety, is hereby amended to accept the changes to City of Cleveland Contract number 51953 by substituting Exhibit 7 dated April 10, 1998.

Be it further resolved that all other provisions of said Resolution Nos. 271-97 and 420-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 312-98.**

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Great Lakes Computer Corp., for an estimated quantity of printers, (all items), for the of the Department of Public Safety, for the period of two (2) years beginning with the date of execution of a contract, received on April 22, 1998, pursuant to the authority of Ordinance No. 2458-92, passed January 25, 1993, which on the basis of the estimated quantity would amount to Eighty-Four Thousand, Seven Hundred Sixty-Nine and no/100 Dollars (\$84,769.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No: 68241**

Various items of printers, as specified which shall be certified against such contract in the sum of Seventy Four Thousand, Forty-Five and no/100 Dollars (\$74,045.00).

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

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 313-98.**

By Director Jackson.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 11, 1998 for Gym Floor Refinishing for the Division of Recreation, Department of Parks, Recreation & Properties, pursuant to the authority of Ordinance No. 162-97, passed by the Council of the City of Cleveland on April 14, 1998 be and the same are hereby rejected.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 314-98.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 122-15-036 located on Croton Avenue in Ward 5; and

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

Whereas, Ohio Department of Transportation, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Ohio Department of Transportation for the sale and development of Permanent Parcel No. 122-15-036 located on Croton Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is hereby determined to be not less than the

Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Directors Summers, Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Smith, Directors Jackson, Hamilton, Nolan, Acting Director Huth and Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 315-98.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corporation for an estimated quantity of labor and materials to repair tree lawns (all items) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 31st day of December, 1997, pursuant to the authority of Ordinance No. 809-97, passed June 9, 1997 on the basis of the estimated quantity would amount to Six Hundred Fifty Eight Thousand Three Hundred Fifteen Dollars (\$658,315.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 01993 which shall be certified against such contract in the sum of Two Hundred Fifty Thousand Dollars (\$250,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Utilicon Corporation, for the contract authorized hereby is approved:

NAME	MBE/FBE
Dan-Ray Construction	35% (MBE)

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, MAY 18, 1998**

**9:30 A.M.**

**Calendar No. 98-72:** 7209 St. Clair Ave., N.E.

Gillespie Mechanical Inc., owner, c/o Matt Gillespie, appeal to change use of an existing 132' x 130' one and four-story masonry irregular shaped nonconforming manufacturing/office building to a contractor's storage office and shop at the basement and first floor level and to various artist studios on the 2nd, 3rd, and 4th floors, all on a 174' x 187' corner parcel lot located in a Local Retail District on the Northwestern corner of East 73rd Street and St. Clair Ave. and bounded by East 72nd Street and East 73rd Street and St. Clair Ave. at 7209 St. Clair Ave.; said uses being contrary to the retail use limitations of Section 343.01 but subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 98-73:** 16100 Lakeshore Blvd., N.E.

Montlack Realty, owner, c/o Michael Montlack and tenant Pop-eye's Chicken and Biscuits c/o Van McCurley, appeals to erect a 14' x 11' 154 sq. ft. free standing pole sign on a 138' x 139' irregular shaped parcel located in a General Retail Business District at 16100 Lakeshore Blvd.; said sign being contrary to the Signs regulations where the maximum allowed sq. footage is 50 sq. ft. for a free standing sign and 154 sq. ft. is proposed contrary to Section 350.14 of the Codified Ordinances.

**Calendar No. 98-77:** 4532 West 146th Street

Mary Ann Amata, owner appeals to erect a 10' x 17'-6" wood frame deck in front of an existing 27' x 29' one-family dwelling house on a 40' x 120' lot located in a Two-Family District at 4532 West 146th Street; said use being contrary to the Yard Encroachments Permitted Regulations of Section 357.13(B)(4) of the Codified Ordinances.

**Calendar No. 98-78:** 8202-8208 Detroit Ave., N.W.

George Zampunis owner, appeals to convert an existing 57' x 64' irregular shaped 2-story masonry stores and 7 dwelling unit building, located on a 57' x 106' irregular shaped corner lot located in a General Retail Business District, into 3 additional efficiency apartments (for a total of 10 dwelling units), located on the Northeastly corner of West 83rd Street and Detroit Ave. at 8202-8208 Detroit Ave.; said use being contrary to the Required Parking Spaces Regulations of Section 349.04 and contrary to the 8"

sideyard required on the East by Section 357.09 and subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

**Calendar No 98-79:** 2061 West 10th Street

Bosan's Restaurant Inc., owner, c/o Ricardo Sandoval appeal to change use of an existing 24' x 74' two-story masonry 3-dwelling unit and 1 store building to a restaurant with 2 dwelling units and erect an 18' x 26' "L" shaped outdoor dining patio with 5-6 tables for 2, all on an irregular shaped 50' x 95' lot located in a Multi-Family District corner parcel bounded by W. 10th and Thurman Ave. at 2061 West 10th Street; said use being contrary to Section 327.02 and 337.08 and the Required Interior Side Yards regulations where 8' is required and 3' is proposed by Section 357.09 and 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, MAY 4, 1998**

At the Meeting of the Board of Zoning Appeals on Monday, April 27, 1998, the following appeals were heard by the Board, and, on Monday, May 4, 1998 were decided by the Board.

The following appeals were **Granted:**

**Calendar No. 98-56:** 519 Literary Road.

**Calendar No. 98-57:** 527 Literary Road.

**Calendar No. 98-58:** 603 Literary Road.

**Calendar No. 98-59:** 607 Literary Road.

**Calendar No. 98-60:** 609 Literary Road.

**Calendar No. 98-61:** 611 Literary Road.

**Calendar No. 98-62:** 615 Literary Road.

The above appeals had the same requests:

Tremont Ridge, Phase 1, Limited Partnership, owner, c/o Deane Malaker, appealed to erect a 20' x 40' 3-story two-family dwelling house and a 20' x 20' detached private garage.

**Calendar No. 98-74:** 2603 Vestry Avenue, N.W.

Lutheran Medical Center, owner, c/o John Brockett, appealed to construct a 139 car accessory off-street parking lot with a driveway and maneuvering areas. (Conditional grant).

**Calendar No. 98-44:** 11814 McGowan Avenue, S.W.

David Gribble owner, appealed to erect a 10' x 24' one-story structure and a 13' x 20' one-story structure to an existing 14' x 20' private garage.



The following appeal was **Withdrawn**:

**Calendar No. 98-31:** 4901 Fleet Avenue.

The following appeal was **Postponed** to May 18, 1998 by request of the appellant:

**Calendar No. 98-53:** 800 East 200th Street.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
April 29, 1998

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

\* \* \*

**Docket A-22-98.**

RE: Appeal of Puritas Place Apartments, Inc., Owner of the Property located on the premises known as 19350 Puritas Avenue from a NOTICE OF VIOLATION — RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated December 23, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 19350 Puritas Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

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**Dockets A-29-98.**

RE: Appeal of John W. Hickey, Owner of the Property located on the premises known as 3792-94 West 25th Street from a NOTICES OF VIOLATION of the Commissioner of the Division of Building and Housing dated January 12, 16, and 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date on Docket A-29-98, noting that the stair plan is to be reviewed by the Division of Building and Housing; the docket will be rescheduled in thirty days (30 das.).

\* \* \*

**Docket A-38-98.**

RE: Appeal of The Aetna Welding Co., Inc., Owner of the Property located on the premises known as 4613 Broadway Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated February 3, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two months (2 mos.) in which to obtain permits and abate the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-39-98.**

RE: Appeal of The Bank of New York, Mortgagee of the Residential Property located on the premises known as 3292 West 91st Street from a 30 DAY M/S CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 15, 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 30 DAY M/S CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four months (4 mos.) in which to obtain permits and abate the violations; the property must be maintained boarded and secured and the grounds debris free during that 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 further action. All other provisions of the 30 DAY M/S CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by September 13, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-40-98.**

RE: Appeal of Harbourton Mortgage Co., Mortgagee of the Residential Property located on the premises known as 1784 Hillview Road from a 72 HOUR FIRE CONDEMNATION ORDER/MS of the Commissioner of the Division of Building and Housing dated February 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 72 HOUR FIRE CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations; the property must be maintained boarded and secured and the grounds debris free during that 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 further action. All other

provisions of the 72 HOUR FIRE CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 13, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-42-98.**

RE: Appeal of Stella Hunter, Owner of the Residential Property located on the premises known as 10728 Superior Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated March 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 REMAND the property at 10728 Superior Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

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**Docket A-45-98.**

RE: Appeal of Golden Bullion Enterprises Inc., Owner of the Property located on the premises known as 13501-03 St. Clair Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated February 23, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-45-98 has been POSTPONED; to be rescheduled for May 13, 1998.

\* \* \*

**Docket A-48-98.**

RE: Appeal of John Latimer, Owner of the Residential Property located on the premises known as 16801 Fairfax Avenue from a FORTHWITH CONDEMNATION/MS of the Commissioner of the Division of Building and Housing dated March 13, 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 FORTHWITH CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations; the property must be maintained boarded and secured and the grounds debris free during that 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 further action. All other provisions of the FORTHWITH CONDEMNATION ORDER/MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in

full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 13, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-55-98.**

RE: Appeal of Josephine Walker, Owner of the Residential Property located on the premises known as 1917 East 75th Street from a LETTER of the Commissioner of the Division of Building and Housing dated March 20, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date on Docket A-55-98; the docket will be rescheduled in thirty days (30 das.).

\* \* \*

**Docket A-56-98.**

RE: Appeal of Emerald Homes, Inc., Owner of the Residential Property located on the premises known as 1762 East 63rd Street from a NOTICE OF VIOLATION — GENERAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated January 16, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1 mo.) in which to obtain permits and abate the violations, the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

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**Docket A-57-98.**

RE: Appeal of Robert T. Gielski, Owner of the Property located on the premises known as 8748 Broadway Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated November 24, 1997, 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 DENY the Appellant's request for variance and to require that the hazard presented to the Board be abated in a manner satisfactory to the Division of Fire; the property is REMANDED at this time to the Division of Fire for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

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**Docket A-63-98.**

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 1945 East 97th Street from an

ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated March 16, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action taken on Docket A-63-98 this date; to be rescheduled for May 13, 1998.

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**Docket A-66-98.**

RE: Appeal of Mike Stevens, Owner of the Property located on the premises known as 1100 West 9th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated April 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 and permit occupancy of the premises as requested with the following provisions:

(1) That the occupancy will be limited to two hundred-eighty (280) people;

(2) That there is no standing in the stairwells, noting that any standing will be done outside the building to leave the stairwells unobstructed;

(3) To grant the variance to the structure, noting that the structure is two-by-five and made of tongue and groove wood planks on approximately twelve-by-fourteen of unprotected steel;

(4) To grant the variance to the facility, noting that this is an existing building that is fully sprinklered and that hardship does not affect the health, safety or welfare. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Saunders, Sullivan. Nays: Mr. Bowes. Absent: Mr. Williams.

\* \* \*

**Docket A-69-98.**

RE: Appeal of Riveredge Dentistry, Owner of the Property located on the premises known as 3865 Rocky River Drive from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated April 22, 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 OBBC 1014.3 and permit the chair lift to be installed as indicated; that the one rail will remain and that the remaining rail is against the wall; that the one seat folds up against the stairs to 35 inches, and also requiring that the operation of the chair be more than a lift the people on the chair seat and that all others are out of the way at all the times during the occupancy. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-70-98.**

RE: Appeal of The Cleveland Restoration Society, Owner of the Property located on the premises known as 3751 Prospect Avenue from an ADJUDICATION ORDER of

the Commissioner of the Division of Building and Housing dated April 7, 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 and permit the building to be altered and constructed as depicted on the drawings, noting that it is a historic building precluding strict compliance, and noting that the stairs to be constructed are to be enclosed and noting that the elevator is 33 foot run has been assured by the provider and that similar variances have been possible; and that the front entrance can be maintained without canopies, noting that the owner will and promises to maintain them in a safe condition. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

A-397-98—Acappella (Karen Hel-dorfer)

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

\* \* \*

Separate motions were entered by Mr. Sullivan and seconded by Mr. Bowes 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-3-98—Cleo Basinger  
L-4-98—Larry J. Meyers

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

\* \* \*

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

A-33-98—Ann Shotwell

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

\* \* \*

**APPROVAL OF AMENDED RESOLUTION:**

Separate motions were entered by Mr. Saunders and seconded by Mr. Bowes for Approval and Adoption of the Amended 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):

Dockets A-9-98/A-16-98—Associated Estates Corporation:

FROM: . . . find that if the bars are to remain on the bedroom windows, they are to be releasable in a manner satisfactory to the City to present no safety hazard as an emergency means of egress and to REMAND the completion of the violations to the Division of Building and Housing for supervision and further action . . . .

TO: . . . find that if the bars are to remain on the bedroom windows, they are to be releasable in a manner satisfactory to the City to present no safety hazard as an emergency means of egress, and to REMAND the completion of the violations to the Division of Building and Housing for supervision and further action, noting that June 30, 1998 is an agreed upon final date for abatement of the violations . . . .

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

\* \* \*

**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:

April 15, 1998

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

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to

the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

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

WEDNESDAY, MAY 13, 1998

**Landscaping For The Consolidated Rental Car Facility,** for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR THE NON-REFUNDABLE FEE OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 7, 1998, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

**Unarmed, Uniformed Security Guards,** for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 507-98, passed by the Council of the City of Cleveland.

April 29, 1998 and May 6, 1998

THURSDAY, MAY 21, 1998

**Turnout Gear — Item 5 — Leather Bunker Boots,** for the Division of Fire, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of the City of Cleveland, 1976.

May 6, 1998 and May 13, 1998

FRIDAY, MAY 22, 1998

**Summer Lunch Program,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 617-98, passed by the Council of the City of Cleveland.

**Food Products, Beverages, Condiments and Paper Products,** for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 617-98, passed by the Council of the City of Cleveland.

**New Cleveland Browns NFL Football Stadium, Bid Package No. SD — Suite Electrical Work,** for the

Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, CLEVELAND, OHIO 44114 FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY. THE CHARGE WILL BE WAIVED FOR THOSE HOLDERS OF PLANS PREVIOUSLY PURCHASED FOR BID PACKAGE NO. 8D. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO RECEIVE DOCUMENTS.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 14, 1998, 10:00 A.M. IN THE HUBER, HUNT AND NICHOLAS JOBSITE TRAILER (ENTER OFF WEST THIRD ACROSS FROM THE CONSTRUCTION SITE).

May 6, 1998 and May 13, 1998

THURSDAY, MAY 28, 1998

**Roof Repairs,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2014-97, passed by the Council of the City of Cleveland, January 26, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 14, 1998, 10:00 A.M. AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.

**City Hall Carpet Replacement — Community Development,** 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 (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 19, 1998, 10:00 A.M. AT CLEVELAND CITY HALL, LAKESIDE AVENUE, CLEVELAND, OHIO.

May 6, 1998 and May 13, 1998

FRIDAY, JUNE 5, 1998

**New Cleveland Browns NFL Football Stadium, Bid Package No. 8H — Broadcast Cabling/Security System,** for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, CLEVELAND, OHIO 44114 FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED OR CASHIER'S CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRE-

SENT TO THE DESIGNATED PRINTER TO RECEIVE DOCUMENTS.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON WEDNESDAY, MAY 20, 1998, 10:00 A.M. IN ROOM 211 OF CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 6, 1998 and May 13, 1998

**WEDNESDAY, JULY 1, 1998**

**New Cleveland Browns NFL Football Stadium, Bid Package No. 12 — Scoreboard**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, CLEVELAND, OHIO 44114 FOR THE **NON-REFUNDABLE FEE** OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED OR CASHIER'S CHECK ONLY. PROSPECTIVE BIDDERS WILL RECEIVE A VOUCHER TO PRESENT TO THE DESIGNATED PRINTER TO OBTAIN DOCUMENTS.

A **MANDATORY PRE-BID MEETING** WILL BE HELD ON WEDNESDAY, MAY 20, 1998, 10:00 A.M. IN ROOM 211 OF CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 6, 1998 and May 13, 1998

### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 705-98.**

**By Councilman Cimperman.**

**An emergency resolution objecting to the transfer of ownership and location of a D2, D2X, D3 and D3A Liquor Permit to 1275 W. Main Ave. 2nd Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 5853053, Merlins Cave Inc., DBA Mama Sez, 7507-11 Detroit Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 1914774, Danczak Enterprises Inc., 1275 W. Main Ave., 2nd Fl., Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership and location of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 5853053, Merlins Cave Inc., DBA Mama Sez, 7507-11 Detroit Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 1914774, Danczak Enterprises Inc., 1275 W. Main Ave., 2nd Fl., Cleveland, Ohio 44113 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 April 20, 1998.

Effective April 29, 1998.

**Res. No. 783-98.**

**By Councilman Westbrook.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 7403 Denison Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 1171120, CRT Partners Inc., DBA Century Tavern & Restaurant, 7403 Denison Ave., 1st Fl. Bsmt. & Patio, Cleveland, Ohio 44102, to Permit No. 6619699, Oz Schilling Inc., DBA Century Sports Bar & Grill, 7403 Denison Ave., Cleveland, Ohio 44102; 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 D5 Liquor Permit from Permit No. 1171120, CRT Partners Inc., DBA Century Tavern & Restaurant, 7403 Denison Ave., 1st Fl. Bsmt. & Patio, Cleveland, Ohio 44102, to Permit No. 6619699, Oz Schilling Inc., DBA Century Sports Bar & Grill, 7403 Denison Ave., Cleveland, Ohio 44102 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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 785-98.**

**By Councilmen Cintron, Britt, Cimperman, Coats, Dolan, Jackson, Jones, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, White and Zone.**

**An emergency resolution opposing State House Bill 168 which bill will repeal Ohio's prevailing wage law.**

Whereas, Ohio's current prevailing wage law requires public authorities engaging in construction of public improvements to ensure that the worker's employed on the project are paid the "prevailing rate of wages"; and

Whereas, if passed, House Bill 168 will repeal Ohio's prevailing wage law;

Whereas, Section 197 of the Charter of the City of Cleveland requires that all persons employed by a contractor under contract with the City of Cleveland "be paid wages which

are not less than are paid by the City of Cleveland for similar or like work; but if said City has not established a rate of wages for any particular class of work to be performed under the terms of this contract, than said employees shall be paid wages not less than are generally paid therefor by others employing union labor in said City"; 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 this Council urges the Ohio State Legislature and Governor Voinovich to reject House Bill 168 which will repeal Ohio's prevailing rate of wages and determines this to be in the public's best interest.

**Section 2.** That the Clerk of Council transmit copies of this resolution to Governor Voinovich, House Speaker Davidson and the Cuyahoga County delegation.

**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 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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 786-98.**  
**By Councilman Coats.**  
**An emergency resolution joining in recognizing April 28, 1998 as Worker's Memorial Day.**

Whereas, April 28, 1998, is Worker's Memorial Day to honor and recognize all those workers who have died in the workplace; and

Whereas, we stand today in recognition of all those laborers who have died on the job, especially our colleagues of the City of Cleveland who have died over the years;

Now, therefore, be it resolved by the Council of the City of Cleveland:

**Section 1.** That this Council hereby stands today in recognizing April 28, 1998 as Worker's Memorial Day in honor of all persons who have died while on the job and urge all citizens of Cleveland to remember those workers who have died while making our community a better place to live.

**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 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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 400-97.**  
**By Councilman Sweeney.**  
**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 676B.01 to 676B.05 and 676B.99 thereof, relating to garage and residential personal property sales.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 676B.01 to 676B.05 and 676B.99 thereof, to read, respectively, as follows:

**CHAPTER 676B**  
**GARAGE AND RESIDENTIAL**  
**PERSONAL PROPERTY SALES**

**Section 676B.01 Definitions**

(a) "Garage Sale or other Residential Personal Property Sale" shall mean all general sales, open to the public, conducted from or on a residential premises in any residential zone as defined by the Zoning Ordinance of the City, for the purpose of disposing of personal property, including, but not limited to, all sales commonly referred to as "garage", "lawn", "yard", "attic", "porch", "room", "backyard", "patio", "flea market", or "rummage sale.

(b) "Personal Property" shall mean property which is owned, utilized and maintained by an individual or members of his or her residence and which has been acquired in the normal course of living in or maintaining a residence.

**Section 676B.02 Property Permitted to be Sold**

No person, whether as owner, lessee, manager, occupant or any agent thereof, shall sell, offer for sale, conduct or permit a sale of property other than personal property at a garage sale or other residential personal property sale.

**Section 676B.03 Exceptions**

The provisions of this chapter shall not apply to an officer executing process or order of any court having jurisdiction within the State of Ohio for selling property, directed by law, court order or local process to be sold on the property where the same is located or to the sale or offering for sale of personal property as defined herein.

**Section 676B.04 General Regulations**

(a) No garage or other residential personal property sales shall be permitted except between the hours of 10:00 a.m. and 6:00 p.m., nor shall exceed more than four (4) consecutive days in duration.

(b) No more than three (3) garage or other residential personal property sales shall be conducted or permitted on or at a residential premises, as defined by Section 676B.01, during any year unless permitted by the Director of Public Safety or the Director's designee after obtaining the approval of the City Councilmember for that ward.

(c) A garage or other residential personal property sale conducted or managed on or at a residential premises, whether directly or indirectly, by any person other than the owner, lessee, manager, occupant or agent thereof, of the premises where said sale is conducted shall be included for purposes of calculation of the number of garage or other residential property sales permitted under this section.

**Section 676B.05 Prohibitions**

No person whether as owner, lessee, manager, occupant or any agent thereof, or any person other than the owner, lessee, manager, occupant or agent thereof, shall conduct, permit or manage whether,

directly or indirectly, a garage sale, or other residential personal property sale in violation of Sections 676B.02 or divisions (a) or (b) of Section 676B.04.

**Section 676B.99 Penalty**

Whoever violates any of the provisions of this chapter shall be guilty of a minor misdemeanor, and shall be fined not less than one hundred dollars (\$100.00). The fine set forth herein is mandatory and shall not be suspended by the court in whole or in part. Each day upon which a violation occurs or continues shall constitute a separate offense and shall be punishable as such hereunder.

**Section 2.** That the Director of Public Safety shall report to the Public Safety Committee of Council one year after the passage of this legislation on the success and workability of this Codified Ordinance Chapter, which shall include recommendations as to amendments needed, if any.

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 295-98.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of asphalt concrete 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 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 asphalt concrete 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 21340)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 296-98.**

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

**An emergency ordinance authorizing and directing the procurement by requirement contract of large capacity trucks and operators, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the rental of large capacity trucks and operators in the approximate amount as procured during the preceding year, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of 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 procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21347)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 297-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of manhole risers, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of manhole risers 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 21344)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 299-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of gutter brooms and gutter broom sets, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of gutter brooms and gutter broom sets 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 21339)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 302-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of emulsion and emulsion service management, for the Division of Streets, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of emulsion and emulsion service management 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 21345)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 329-98.**

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

**An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1998 Title III-B G.O.W., Supportive Services, Chore Worker Program.**

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

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

**Section 1.** That the Director of Aging is hereby authorized to apply for and accept a grant in the amount of \$106,739, from the Western Reserve Area Agency on Aging, to conduct the 1998 Title III-B G.O.W., Supportive Services, Chore Worker Program, for the purposes set forth in the application and according thereto; that the Director of Aging is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 329-98-A, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$9,792.00, payable from Fund No. 01-20-01-0901, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 428-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of Galion equipment parts, and the labor to install if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized

and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of Galion equipment parts, and the labor to install if necessary, 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 24126)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 431-98.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, and labor and materials necessary to repair existing equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of hydraulic cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, and labor and materials necessary to repair existing equipment 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 22925)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 433-98.**

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

**An emergency ordinance authorizing and directing the purchase by contract of labor, materials and equipment to clean the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period not to exceed eighteen months.**

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 contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor, materials and equipment to clean the West Side Market, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

**Section 2.** That the cost of said contract hereby authorized shall not exceed eighteen months and shall be paid from Fund No. 67 SF 500, Request No. 20242.

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 507-98.  
By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of unarmed uniformed security guards, 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 and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of unarmed uniformed security guard services in the estimated sum of \$400,000, 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 22993)

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 606-98.  
By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with International Business Machines Corporation for computer software, for the Division of Information System Services, Department of Finance, for a period of one year with a one year option to renew.**

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

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

**Section 1.** That it is hereby determined that the specified products are non-competitive and cannot be obtained from any source other than International Business Machines Corporation. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said International Business Machines Corporation on the

basis of its proposal dated January 13, 1998, for the license of the computer software known as MVS/370, for a one (1) year term commencing January 1, 1998, with one (1) option, exercisable by the Director of Finance, to renew for an additional one (1) year term commencing January 1, 1999, and cancelable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21615.

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 615-98.  
By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into contract with City Year to perform community service work and to work in collaboration with area non-profit agencies, for the Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with City Year to perform community service work and to work in collaboration with area non-profit agencies, in the total sum of One Hundred Thousand Dollars (\$100,000), payable from Fund No. 01-70-04-0380, Request No. 21120, for the Department of Parks, Recreation and Properties.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 616-98.  
By Councilmen Polensek, Willis and Johnson (by departmental request).**

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

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into contract with Salvation Army (Temple

Corps), 17625 Grovewood Avenue, Cleveland, Ohio, or its designee, for professional services necessary to administer and facilitate recreational services in the Collinwood Community in Ward 11, in the total sum of \$50,000 payable from Fund No. 01-70-04-0380, Request No. 21423, for the Department of Parks, Recreation and Properties.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 617-98.  
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 Ohio Department of Education for the 1998 Summer Food Program; authorizing and directing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with not to exceed twelve non-profit organizations for the implementation of said 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 and directed to apply for and accept a grant in the amount of \$250,000.00, from the Ohio Department of Education, to conduct the 1998 Summer Food 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. 617-98-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 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 three months (June, July and August, 1998) for the breakfast, lunch and snack program to be served at not to exceed nineteen City recreation centers and not to exceed twelve non-profit agencies, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit



an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

**Section 4.** 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 21427)

**Section 5.** That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of the Department of Parks, Recreation and Properties is hereby authorized to make written contracts with the following agencies and such additional agencies as determined by said Director for implementation of the 1998 Summer Food Program:

Broadway School of the Arts  
Community Faith Non-Denominational  
Greater Love Baptist Church  
Our Lady of Mt. Carmel  
Salvation Army  
Second Calvary  
St. Paul AME  
Broken Pieces Fellowship Church  
Christian Family Outreach  
Youth Opportunities Unlimited  
MLK Tot Lot  
Mt. Sinai Baptist Church

**Section 6.** That the Director of Parks, Recreation and Properties shall provide a list of sites where the 1998 Summer Food Program will be implemented within thirty (30) days of the effective date of passage of this ordinance.

**Section 7.** That the cost of said contract hereby authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted pursuant to Section 1 of this ordinance, Request No. 21427.

**Section 8.** 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 various natural foods, food products, beverages, condiments and paper products as set forth in detail on file in the Office of the Division of Purchases and Supplies and attached to Request No. 21425, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine.

**Section 9.** 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 21425)

**Section 10.** That, notwithstanding the provisions of Section 181.24 of

the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contracts authorized by Section 3 and 8 of this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

**Section 11.** 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 April 27, 1998.

Effective April 30, 1998.

**Ord. No. 778-98.**  
**By Councilmen Britt and Willis.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle Incorporated to stretch banners on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 15, 1998 to June 15, 1998, inclusive, publicizing Parade the Circle Celebration.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to University Circle Incorporated to install, maintain and remove a banner on Martin Luther King Jr. Drive (east of the Cleveland Museum of Natural History), on Stokes Boulevard and on Cedar Hill for the period from May 15, 1998 to June 15, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 779-98.**  
**By Councilman Cintron.**  
**An emergency ordinance to vacate a portion of Penn Court (within St. Ignatius Campus), and an unnamed alley west of West 30th Street hereinafter described.**

Whereas, on the 9th day of February, 1998, the Council of the City of Cleveland adopted Resolution No. 2196-97, declaring its intention to vacate a portion of Penn Court (within the St. Ignatius campus) and an Unnamed Alley West of West 30th Street, hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 2196-97 has been served upon the owners of all the property abutting Penn Court (within the St. Ignatius campus), and an Unnamed Alley West of West 30th Street 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 Penn Court (within the St. Ignatius campus) and an Unnamed Alley West of West 30th Street, 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 Penn Court (within the St. Ignatius campus), and an Unnamed Alley West of West 30th Street, 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 Penn Court (within the St. Ignatius campus) Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all that portion of an unnamed alley, sometimes known as Penn Court, S.W. (16.00 feet wide) lying Northeasterly of the following described line:

Beginning on the Northwesterly line of said unnamed alley, at its intersection with the Northeasterly line of a parcel of land conveyed to the St. Ignatius Development Corporation by deed dated June 29, 1989, and recorded in Volume 89-3210, Page 51 of Cuyahoga County Records; thence South 31°-10'-00" West along the Southeasterly prolongation of said Northeasterly line, 8.00 feet to its intersection with the centerline of said unnamed alley; thence South 58°-50'-00" West along said centerline, 2.20 feet to its intersection with the Northwesterly prolongation of the Northeasterly line of a parcel of land conveyed to the City of Cleveland by deed dated January 2, 1975, and recorded in Volume 12730, Page 563 of Cuyahoga County Records; thence South 26°-04'-36" East, along said prolongation, 8.03 feet to the Southeasterly line of said alley.

AND An Unnamed Alley West of West 30th Street Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of that portion of an Unnamed Alley (11.67 feet wide), located North of Lorain Avenue and South of Carroll Avenue, lying Southwesterly of the Southwesterly line of West 30th Street (as vacated by Ordinance No. 1351-78 and shown by the recorded plat in Volume 223 of Maps, Page 46 of Cuyahoga County Records) and extending to its Southwesterly terminus, 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 Divi-

sion of Light and Power, and Ameritech equipment.

The description of easement is as follows:

That all that portion of Penn Court (within the St. Ignatius campus) Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being all that portion of an unnamed alley, sometimes known as Penn Court, S.W. (16.00 feet wide) lying Northeasterly of the following described line:

Beginning on the Northwesterly line of said unnamed alley, at its intersection with the Northeasterly line of a parcel of land conveyed to the St. Ignatius Development Corporation by deed dated June 29, 1989, and recorded in Volume 89-3210, Page 51 of Cuyahoga County Records; thence South 31°-10'-00" West along the Southeasterly prolongation of said Northeasterly line, 8.00 feet to its intersection with the centerline of said unnamed alley; thence South 58°-50'-00" West along said centerline, 2.20 feet to its intersection with the Northwesterly prolongation of the Northeasterly line of a parcel of land conveyed to the City of Cleveland by deed dated January 2, 1975, and recorded in Volume 12730, Page 563 of Cuyahoga County Records; thence South 26°-04'-36" East, along said prolongation, 8.03 feet to the Southeasterly line of said alley.

AND An Unnamed Alley West of West 30th Street Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of that portion of an Unnamed Alley (11.67 feet wide), located North of Lorain Avenue and South of Carroll Avenue, lying Southwesterly of the Southwesterly line of West 30th Street (as vacated by Ordinance No. 1351-78 and shown by the recorded plat in Volume 223 of Maps, Page 46 of Cuyahoga County Records) and extending to its Southwesterly terminus.

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 Penn Court (within the St. Ignatius campus), and an Unnamed Alley West of West 30th Street, herein provided by sending him a copy of this ordinance.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 780-98.**

**By Councilman Jackson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Young Audiences of Greater Cleveland, Inc. to stretch banners across Carnegie Avenue at E. 65th Street for the period from May 11, 1998 to June 1, 1998, inclusive, publicizing their Third Annual Children's Run for the Arts.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Young Audiences of Greater Cleveland, Inc., to install, maintain and remove a banner on Carnegie Avenue at E. 65th Street for the period from May 11, 1998 to June 1, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 781-98.**

**By Councilman Melena.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to La Sagrada Familia Church to stretch banners at 7719 Detroit Ave. and at the intersection of Lake Ave. and Detroit for the period from June 2, 1998 to June 22, 1998, inclusive, publicizing The La Sagrada Familia Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to La Sagrada Familia Church to install, maintain and remove a banner at 7719 Detroit Ave. and at the intersection of Lake Ave. and Detroit for the period from June 2, 1998 to June 22, 1998, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 782-98.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing and directing the Clerk of Council to enter into contract without competitive bidding with Digex, Incorporated for the provision of high-speed access to the Internet.**

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 noncompetitive and cannot be secured from any source other than Digex, Incorporated. Therefore, the Clerk of Council is hereby authorized to make a written contract with said Digex, Incorporated upon the basis of its proposal dated April 14, 1998 for the materials and services necessary to provide the Council with high-speed, burstable access to the Internet for one year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Council.

**Section 2.** That the cost of said contract so hereby authorized shall not exceed \$25,000 and shall be paid from the funds appropriated for use by the Council.

**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 April 27, 1998.

Awaiting the approval or disapproval of the Mayor.

#### REPRINT

**Ord. No. 2122-96.**

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

**An emergency ordinance establishing a Community Reinvestment Area in the area of East 84th Street and Crawford Road, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.**

Whereas, Section 3735.65 et seq. of the Ohio Revised Code authorities municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at 1847 Crawford Road is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at 1847 Crawford Road and will furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

**Section 1.** That based upon the information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the area located at 1847 Crawford Road (Permanent Parcel No. 119-04-056) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

**Section 2.** That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 et seq. of the Ohio Revised Code.

**Section 3.** That the rehabilitation of a nineteen (19) unit apartment complex located at 1847 Crawford

Road in the Community Reinvestment Area set forth in Section 1 is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the rehabilitation activities described above.

**Section 4.** That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 et seq. of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 et seq. of the Ohio Revised Code and this ordinance.

**Section 5.** That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

**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 December 16, 1996.

Effective December 24, 1996.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 27, 1998**

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

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

**Wednesday, April 29, 1998**

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

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

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**Water Pollution Control Division**

Combination cleaners — purchase labor and materials to repair and maintain — Water  
Pollution Control Division (O 817-98)..... 638

**West Side Market**

Authorizing and Directing - purchase by contract of labor, materials and equipment - West  
Side Market - Division of Convention Center and Stadium, Department of Parks,  
Recreation and Properties. (O 433-98) ..... 667

**Western Reserve Area Agency on Aging**

Chore Worker Program — accept grant in the amount of \$106,739 from Western Reserve Area  
Agency on Aging — \$9,792.00 City matching share. (O 329-98)..... 667