

The City Record

Official Publication of the City of Cleveland

May the Seventh, Nineteen Hundred and Ninety-Seven

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Charles L. Patton, Jr.
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	John C. Skrha
14	Helen K. Smith
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	Charles L. Patton, Jr.	2986 Ripley Road	44120
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	John C. Skrha	5100 Broadway Avenue	44127
14	Helen K. Smith	3016 Carroll Avenue	44113
15	Merle E. 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

MAYOR-Michael R. White
 LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
 Barry Withers, Executive Assistant for Administration
 Judith Zimomra, Executive Assistant for Service
 Kenneth Silliman, Executive Assistant for Economic Development
 Richard Werner, Executive Assistant for Governmental Affairs.
 Susan E. Axelrod, Executive Assistant for Communications and Support Services
 Linda Willis, Director, Office of Equal Opportunity

DEPT. OF LAW - Sharon Sobol Jordan, Director of Law, Room 106;
 Karen E. Martines, Law Librarian; Criminal Branch-Justice Center, 8th Fl., Court Towers, 1200 Ontario
 Carolyn Watts-Allen, Chief Asst. Prosecutor
 Lessie M. Milton, Chief Counsel

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

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

DEPT. OF PORT CONTROL - William F. Cunningham, Jr., Director, Cleveland Hopkins International Airport, 5300 Riverside Drive;
 Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner
 Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Henry Guzmán, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner, 5600 Carnegie Avenue.
 Streets - Randell T. Scott, Commissioner, Room 25
 Engineering and Construction - J. Christopher Nielson, Acting Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
 Architecture - Kenneth Nobile, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building 1925 St. Clair Avenue.
DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building, 1925 St. Clair Avenue
 Environment - Joseph W. Jasper, Jr., Commissioner, Mural Building, 1925 St. Clair Avenue
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, Room 230.
DIVISIONS - Police - Rocco Pollutro, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
 Fire - Robert M. Derrit, Acting Chief, 1645 Superior Avenue
 Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
 Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
 Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.

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

Parking Facilities - Michael Cox, 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 - M. Fallon, Commissioner, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT -Terri Hamilton, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
 Neighborhood Services - Jack F. Krumhansl, Acting Commissioner.
 Neighborhood Development - Terri Hamilton, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

DEPT. OF AGING - Rm. 122, Delores A. Lynch, Director

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

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

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

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Anthony Costanzo, Sec'y.

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

BOARD OF REVISION OF ASSESSMENTS - Law Director, Sharon Sobol Jordan; Pres. Finance Director, _____, Director Sec'y. Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Henry Guzmán, Service Director; Law Director, Sharon Sobol Jordan, Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director, Sharon Sobol Jordan, Utilities Director, Michael Konicek; President of Council, Jay Westbrook.

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

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

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, _____, Councilman Jay Westbrook.

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

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

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

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 Salvatore R. Calandra	13A
Judge Colleen C. Cooney	14A
Judge C. Ellen Connolly	15C
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	12B
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	14C
Judge Gerald F. Sweeney	13D
Judge Robert S. 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 Referee

The City Record



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WEDNESDAY, MAY 7, 1997

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CITY COUNCIL

MONDAY, MAY 5, 1997

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Johnson, Chairman; Rybka, Vice Chairman; Patton, Robinson, Sweeney, White.

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

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; _____, Vice Chairman; Britt, Johnson, Melena, Moran, Smith, Sweeney, Westbrook, White.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** Patton, Chairman; Robinson, Vice Chairman; Gordon, Jackson, Lewis, Melena, Polensek.

MONDAY

2:00 P.M.—**Finance Committee:** Westbrook, Chairman; Polensek, Vice Chairman; Britt, Coats, Johnson, Lewis, Patton, Robinson, Rybka, Smith.

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; _____, Vice Chairman; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

1:30 P.M.—**Legislation Committee:** Willis, Chairman; Melena, Vice Chairman; Dolan, Johnson, Rybka, Sweeney, White.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Smith, Chairman; _____, Vice Chairman; Dolan, Patton, Sweeney, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Dolan, Gordon, Jackson, Moran, Patton, Patton, Zone.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Dolan, Lewis, Moran, Patton, Willis, Zone.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; Gordon, Moran, White, Zone.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio May 5, 1997.
The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Dolan, Gordon, Jackson, Johnson, Lewis, Melena, Moran, Patton, Polensek, Robinson, Rybka, Skhra, Smith, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, Holland, Willis, Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Eugene W. Ward, Jr., Pastor of Greater Love Missionary Baptist Church. Pledge of Allegiance.

MOTION

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

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 752-97.

Re: Transfer of Ownership Application - 4168398 - Iveo Inc. dba Francis Tavern, 5901 Francis Avenue. (Ward 12). Received.

File No. 753-97.

Re: Transfer of Ownership Application - 4155529 - Is Grocery Inc., 9200 Wade Park Avenue, Unit A30 and 40. (Ward 7). Received.

File No. 754-97.

Re: Transfer of Ownership Application - 4143808 - I 90 LTD LLC, 812 Huron Road, first floor and unit 6R3. (Ward 13). Received.

File No. 755-97.

Re: Transfer of Ownership Application - 44099330005 - Jukebox Junction Inc. dba Polish Village, 3795 East 71st Street, first floor and basement. (Ward 12). Received.

File No. 756-97.

Re: Transfer of Ownership Application - 6773142 - Payne Cafe Inc. dba Payne Cafe, 3528 Payne Avenue, first floor. (Ward 13). Received.

File No. 757-97.

Re: Transfer of Ownership Application - 7154903 - R A Bradley Inc. dba Country Club Lounge, 13835 Lorain Avenue. (Ward 20). Received.

File No. 758-97.

Re: Transfer of Ownership Application - 7638541 - Emil I. Said dba My Place Restaurant, 3553 West 117th Street. (Ward 19). Received.

File No. 759-97.

Re: Transfer of Ownership Application - 2844693 - 4690 West 130th Street Inc. dba Little Keg, 4690 West 130th Street. (Ward 20). Received.

File No. 760-97.

Re: Transfer of Ownership and Location Application - 86801350010 - Suhad Corp., 2850 West 25th Street. (Ward 14). Received.

File No. 761-97.

Re: Transfer of Location - 000450800051 - A. Jay Inc., 1575 Merwin Avenue. (Ward 13). Received.

File No. 762-97.

Re: New Application - 2177554 - Dina Inc. dba Dina Food Mart, 9503 Denison Avenue. (Ward 18). Received.

File No. 763-97.

Re: New Application - 6826153 - Ellanora Perry, 1210 East 79th Street. (Ward 7). Received.

File No. 764-97.

Re: Transfer of Ownership Application - 8458622 - Squid Inc. dba Lola Bistro and Wine Bar, 900 Literary Road, first floor and basement. (Ward 13). Received.

File No. 765-97.

Re: Transfer of Ownership Application - 3036394 - Garden Valley Food Inc., 7001 Kinsman Road. (Ward 5). Received.

File No. 766-97.

Re: Transfer of Ownership Application - 2717131 - Fileout Inc. dba Suite Togo, 10802-04 Cedar Avenue. (Ward 9). Received.

COMMUNICATIONS

File No. 767-97.

From the Greater Cleveland Growth Association re:1996 Annual Report. Received.

File No. 768-97.

From the Greater Cleveland Growth Association re:1997-1998 Action Plan. Received.

File No. 769-97.
From Michael D. Polensek, Chairman, Public Safety Committee re: HUD Information Request. Received.

File No. 770-97.
From Michael D. Polensek, Chairman, Public Safety Committee re: March 1997 Ward Traffic Enforcement Report. Received.

File No. 771-97.
From James Stuart, Economic Development Commissioner re: Eaton Corporation moving into the City of Brook Park, draft Copy of agreement and application. Received.

File No. 772-97.
From the Supreme Court of the State of Ohio re: The State of the Judiciary, before the 122nd General Assembly, February 12, 1997. Received.

File No. 773-97.
From the Civil Service Commission re: Revised rules of the Civil Service Commission. Received.

File No. 774-97.
From the Cuyahoga County Board of Elections re: Letter received from the Clerk of Council dated April 29, 1997 and enclosed 1,752 petitions. Received.

File No. 775-97.
From the Department of Public Utilities re: Renovation of Stones Levee Pump Station Contract No. 48190. Received.

File No. 776-97.

March 7, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Dr. Amir Soas for appointment to the Community Relations Board as a public representative. This appointment is effective immediately upon approval by Council and will expire on March 31, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White
Mayor

Received.
Referred to Committee on Mayor's Appointments.

CONDOLENCE RESOLUTIONS

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

Res. No. 827-97. Winnie Thompson.

Res. No. 828-97. Rev. McJunkin.

Res. No. 829-97. Dean Cook.

CONGRATULATORY RESOLUTIONS

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

Res. No. 830-97. David L. Buchioni.

Res. No. 831-97. Johnny Vadnal and the Vadnal Family.

Res. No. 832-97. Pastor Richard Brown.

Res. No. 833-97. Rosemary Dever.

RESOLUTIONS OF APPRECIATION

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

Res. No. 834-97. Detective George J. Ciulla.

Res. No. 835-97. Patrolman Robert Jones.

Res. No. 836-97. Detective Edward A. Gray.

Res. No. 837-97. Detective Edward Kovacic.

Res. No. 838-97. Detective George E. Stitt.

Res. No. 839-97. Sergeant Ruth M. Lanier.

RESOLUTION OF RECOGNITION

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

Res. No. 840-97. Father Otis Winchester.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 784-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Mary and William Seawright, or their designee, to provide economic development assistance to partially finance exterior and interior renovation of property at 7508 Cedar 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 an Empowerment Zone Business Opportunity contract with Mary and William Seawright, or their designee, to provide economic development assistance in the form of a loan and rebate to partially finance the exterior and interior renovation of property at 7508 Cedar Avenue, Cleveland, Ohio.

Section 2. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone Debt Service Reserve Account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 3. That the costs of said contract shall not exceed a Loan Amount of \$58,500.00 and a Rebate Amount equal to forty percent (40%) of the Loan Amount. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22289. The Rebate Amount shall be paid from the funds identified in Section 2 in the Debt Service Reserve Account, Fund No. 18 SF 003.

Section 4. That the Director of

Economic Development is hereby authorized and directed to accept collateral pursuant to the requirements of the EZ BOP program 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. 18 SF 002.

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. 18 SF 004.

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. 785-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Charles Scott, or his designee, to provide economic development assistance to partially finance exterior and interior renovation of property at 8933 Cedar 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 an Empowerment Zone Business Opportunity contract with Charles Scott, or his designee, to provide economic development assistance in the form of a loan and rebate to partially finance the exterior and interior renovation of property at 8933 Cedar Avenue, Cleveland, Ohio.

Section 2. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone Debt Service Reserve Account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 3. That the costs of said contract shall not exceed a Loan Amount of \$78,300.00 and a Rebate Amount equal to forty percent (40%) of the Loan Amount. The Loan shall be paid from Fund Nos.

18 SF 001 and 18 SF 003, Request No. 22287. The Rebate Amount shall be paid from the funds identified in Section 2 in the Debt Service Reserve Account, Fund No. 18 SF 003.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral pursuant to the requirements of the EZ BOP program 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. 18 SF 002.

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. 18 SF 004.

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. 786-97.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation and/or reconstruction of Bosworth Road and Harvard Avenue to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvements; and to authorize the Director of Public Service to cause payment of the City of Cleveland's share to the County of Cuyahoga for its portion of said improvements.

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 declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The rehabilitation and/or reconstruction of Bosworth Road from Bellaire Road to Lorain Avenue and the rehabilitation and/or reconstruction of Harvard Avenue from Broadway Avenue to East 116th Street (the "Improvements").

Section 2. That the City hereby

proposes to cooperate with the County in the cost of the Improvements by assuming and contributing the entire cost and expense of the Improvements less any funds administered by the Ohio Public Works Commission which are used for the Improvements, and less the County's portion of the cost of the Improvements.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvements.

Section 4. That upon completion of the Improvements, the City thereafter will:

a) Keep the affected highway open to traffic at all times;

b) Maintain the Improvements in accordance with the provisions of the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code unless otherwise controlled by City ordinance or resolution; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvements in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvements shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvements, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvements in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvements is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvements, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvements and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate lim-

its of the City, as may be necessary to conform to the Improvements, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvements, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly with the operations of the contractor or contractors constructing the Improvements, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvements shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" are met.

k) That no rule or regulation may be enacted restricting the use of the Improvements by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway.

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County to proceed with the Improvements.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvements, which agreement shall contain without limitation terms substantially similar to the following:

a) That the City will prepare or cause to be prepared construction plans and specifications for the Improvements, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will supervise and administer or cause to be supervised and administered the construction contract for the Improvements, will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvements the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvements, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvements and not provided for elsewhere in the agreement, the County will do so,

provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said construction.

d) That the City hereby agrees to participate with the County in the cost of the Improvements by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvements shall be financed from the aforesaid funds.

f) That if funds administered by the Ohio Public Works Commission are used for these projects, the amount of such funds will be deducted from designated project costs prior to the application of the participatory percentages specified in this Agreement. That within the Corporate Limits of the City, the City shall contribute twenty percent (20%) of the cost of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the projects or agrees to enter into escrow agreements with the Board of County Commissioners prior to awards of contracts for the Improvements.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvements.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvements, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Cuyahoga County Engineer is hereby requested to include additional curbs, sidewalks, driveway aprons, curb ramps, catch basins and catch basin pipes, which are not provided for elsewhere in the project agreement and is a replacement of, an addition to, or a repair to that which now exists, in his plans and specifications for the improvements of the above projects. The City of Cleveland agrees to assume the entire cost of any expenses incurred by the Cuyahoga County Engineer for the additional curbs, sidewalks, driveway aprons, curb ramps, catch basins and catch basin pipes to the projects.

Section 11. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvements.

Section 12. That this Council hereby authorizes payment to the County of Cuyahoga for the City's share of the cost of the Improvements.

Section 13. That the payment authorized in the above section shall be paid from Fund Nos. 20 SF 312, 20 SF 322 and 20 SF 334, Request No. 21934.

Section 14. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 787-97.

By Councilman Coats.

An emergency ordinance to amend Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1547-90, passed April 8, 1991, relating to land reutilization programs.

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

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

Section 1. That Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1547-90, passed April 8, 1991, is hereby amended to read as follows:

Section 183.021 Land Reutilization Programs

(a) The Director of Community Development shall administer a Land Reutilization Program established pursuant to RC Chapter 5722 and adopted and implemented by Ordinance No. 2076-76, passed October 25, 1976, and shall, pursuant thereto, perform the duties specified in RC 5722.06. If land acquired as part of the Land Reutilization Program is sold, it shall be sold according to the terms of RC Chapter 5722, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of such land, as the Board of Control shall authorize; **the deed conveying such land shall include a covenant that, in the event a non-owner-occupied residential structure on such land is razed by the City, such land shall revert to the City;** and such land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(b) If a member of Council disapproves in writing to the use of the following process for selling Land Reutilization Program property in his or her ward and files his or her written disapproval in File No. 1547-90-A, then the following process shall not be used for the selling of such property in his or her ward.

(c) The Commissioner of Purchases and Supplies when directed by the Director of Community Development with the prior consent of the member or members of Council in whose ward or wards the land to be sold is located, is authorized to sell any land which is acquired as part of the Land Reutilization Program to an abutting or adjacent landowner if such and is either less than forty-eight hundred (4,800) square feet or less than forty (40) feet of street frontage and if the landowner

er purchasing the land is neither tax delinquent or has any existing Building or Housing Code violations. The consideration for any land sold pursuant to the authority of this division shall be fixed by the Board of Control in accordance with division (a) of this section. Each instrument of conveyance shall contain such provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(d) Any land which is acquired as part of the Land Reutilization Program and not authorized to be sold by the Director of Community Development in accordance with division (c) of this section shall only be sold when authorized by ordinance passed by the Council.

Section 2. That existing Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1547-90, passed April 8, 1991, is hereby repealed.

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

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

Ord. No. 788-97.

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

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

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

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

Section 1. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, tree planting, road side beautification, and all other street improvements in each of the districts established by the Director of Community Development for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 2. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 1 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate

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

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, resurfacing, grading, curbing, catch basins, sidewalks, handicap ramps, reconstructing tree lawns, and other street improvements in each of the districts established by the Director of Community Development for the Divisions of Streets and Engineering and Construction, Department of Public Service, by the direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 4. That the Directors of Public Service and Community Development are 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 items comprising the necessary supplies and materials for the improvement set forth in Section 3, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Streets, Department of Public Service.

Section 5. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, and recreation areas, including the installation of lighting, signs, streetscapes and related improvements, in each of the districts established by the Director of Community Development for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 6. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 5 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 7. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating parks, playgrounds, swimming pools, community centers, senior citizens' centers, recreation centers, and recreation areas in each of the districts established by the Director of Community Development for the Division of Maintenance, Department of Parks, Recreation and Properties, by the direct employment of the necessary labor and the purchase or rental of

the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 8. That the Directors of Parks, Recreation and Properties and Community Development are 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 items comprising the necessary supplies and materials for said improvement set forth in Section 7, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Maintenance, Department of Parks, Recreation and Properties.

Section 9. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating retention basins, culverts, sewers, catch basins, manholes and appurtenances, in each of the districts established by the Director of Community Development for the Division of Water Pollution Control, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 10. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 9 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 11. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of Light and Power, Department of Public Utilities, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 12. That the Directors of Public Utilities and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 11 with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided however that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 13. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing lighting on streets, parking lots, and recreation areas in each of the districts established by the Director of Community Development for the Division of

Light and Power, Department of Public Utilities, by direct employment of the necessary labor and the purchase or rental of the necessary supplies and materials for the making of said improvement, with a separate accounting as to each improvement so made.

Section 14. That the Director of Public Utilities 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 items comprising the necessary supplies and materials for said improvement set forth in Section 13, including the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Light and Power, Department of Public Utilities.

Section 15. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: furnish and plant trees in Year XXIII Community Development Block Grant areas established by the Director of Community Development, for the Division of Parks Maintenance, Department of Parks, Recreation and Properties.

Section 16. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating swimming pools, recreation, community, and senior citizens' centers, including the installation of signs, in the Year XXIII Community Development Block Grant districts established by the Director of Community Development for the Division of Architecture, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 17. That the Directors of Public Service and Community Development are hereby authorized and directed to enter into contract for the making of the improvement set forth in Section 16 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 18. That the Director of Public Service 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 items comprising the necessary supplies, equipment, and materials for the improvement set forth in Section 16, including the installation and the rental of necessary equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Architecture, Department of Public Service.

Section 19. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Engineering and Construction, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 20. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of resurfacing, constructing, reconstructing, grading, draining, curbing, catch basins, tree lawns, streets, tree planting, roadside beautification, and all other improvements to streets and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Streets, Department of Public Service. That the Directors of Public Service and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 21. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract

duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 22. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating of parks, playgrounds, swimming pools, including the installation of signs, and all other improvements to recreation areas and their appurtenances in the various Block Grant eligible areas, exclusive from the work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 23. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of retention basins, culverts, sewers, catch basins, manholes and their appurtenances, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Water Pollution Control, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment

required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 24. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing sidewalks, handicap ramps, curbing and reconstructing treelawns in areas of the City of Cleveland determined eligible by the Directors of Community Development and Public Service. The Directors of Community Development and Public Service are hereby authorized to enter into public improvement requirement contract with the lowest bidder after advertising for all such work ending on June 30, 1998, upon a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specified districts within the City.

Section 25. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, rehabilitating, and installing streets, parking lots, recreation area lighting and their appurtenances in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Light and Power, Department of Public Utilities. That the Directors of Public Utilities and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 26. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of planting trees and installing accessories in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Parks and Urban Forestry, Department of Parks, Recreation and Properties. That the Directors of Parks, Recreation and Properties and Community Development are hereby authorized to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed

price for items not subject to competitive bidding. Separate requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 27. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings, including the installation of signs, in the various Community Development Block Grant eligible areas, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the improvement.

Section 28. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are hereby authorized and directed to enter into contract for the making of the public improvement set forth in Section 27 with the lowest responsible bidder after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract for a gross price. Upon request of said directors the contractor shall furnish a correct schedule of unit prices, including profit and overhead, upon all items constituting units of said improvement.

Section 29. That the Directors of Public Service, Parks, Recreation and Properties, and Community Development are 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: furniture and equipment to be utilized in conjunction with the making of the public improvement authorized in Section 27 above.

Section 30. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing, reconstructing, and rehabilitating of community centers, senior citizens' centers, recreation centers, and other public buildings in the various Community Development Block Grant eligible areas, including the installation of recreational equipment, exclusive from any work to be performed pursuant to any other section of this or any other ordinance, by public improvement requirement contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the Division of Maintenance, Department of Parks, Recreation and Properties. That the Director of Parks, Recreation and Properties and Community Development are hereby authorized and directed to make a written requirement contract with the lowest responsible bidder after competitive bidding for all of such work estimated to be done during the twelve-month period ending June 30, 1998, upon a unit basis, the unit prices for which shall include all labor, material and equipment required therefor, with no fixed price for items not subject to competitive bidding. Separate

requirement contracts may be let for the work to be done in each of the districts established by the Director of Community Development.

Section 31. That the Directors of Public Service, Parks, Recreation and Properties, Public Utilities and Community Development are hereby authorized and directed to employ by contract one or more architectural or engineering consultants or firms of architectural or engineering consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to prepare plans and specifications for and to oversee the public improvements authorized by the various sections of this ordinance. The selection of the consultants for such services shall be made by the Board of Control upon the nomination of the director or directors authorized to enter into the contract for the making of the public improvement from a list of qualified consultants available for such employment as may be determined after a full and complete canvass 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, and certified by the Director of Finance.

Section 32. That the Director of Finance shall certify the contracts authorized by Sections 19 through 26, inclusive, and Section 30 of this ordinance in the amount set forth in the initial requisition and thereafter he shall certify all orders placed by the Commissioner of Purchases and Supplies pursuant to the requisition issued against any such contract.

Section 33. That the costs of the improvements or contracts hereby authorized shall be paid from Fund Nos. 14 SF 021, 14 SF 022 and 14 SF 023.

Section 34. 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, Public Utilities, Public Service, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Properties and Recreation, Public Utilities, Public Service, City Planning, Finance.

Ord. No. 789-97.

By Councilmen Jackson and Westbrook (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 XXIII, from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year XXIII Community Development Block Grant Plan as set forth in File No. 161-97-A, pursuant to Ordinance No. 161-97, passed March 24, 1997; 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 023.

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 generat-

ed 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. 790-97.

By Councilmen Jackson and Westbrook (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 023, Request No. 23074.

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. 791-97.

By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with the Center for Employment Training-Cleveland Inc. to partially finance an employment training program which will offer job training and support services to the long-term unemployed and will serve Empowerment Zone residents.

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 the Center for Employment Training-Cleveland Inc. including subcontracts with the Urban League of Greater Cleveland and Vocational Guidance Services in an amount not to exceed \$300,000 to partially finance an employment training program which will offer job training and support services to the long-term unemployed and will serve Empowerment Zone residents.

Section 2. That the contract authorized in Section 1 shall be paid from Fund No. 18 SF 007 Request No. 22293.

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 Economic Development, Finance, Law; Committees on Community Development, Finance.

Ord. No. 792-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6618 Lexington Avenue to Catholic Charities Facilities Corp.

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. 106-14-079, as more fully described in Section 2 below, to Catholic Charities Facilities Corp.

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

P.P. No. 106-14-079

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 34 feet of Sublot No. 116 in L. W. Sapp's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 3 of Maps, Page 44 of Cuyahoga County Records, and being 34 feet front on the Southerly side of Lexington Avenue and extending back 194 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

Ord. No. 793-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1709-11 East 82 Street to Cheryl R. Towns.

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. 106-23-023 and 106-23-024, as more fully described in Section 2 below, to Cheryl R. Towns.

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

P. P. No. 106-23-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in W.E. and Cornelia F. Pedrick's Re-Subdivision of part of Eliza Hough and others' Subdivision of part of Original One Hundred Acre Lot Nos. 391 and 392, as shown by the recorded plat of said Re-Subdivision in Volume 5 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Easterly line of East 82nd Street, (formerly Genesee Avenue), at a point 200 feet Northerly from its intersection with the Northerly line of Hough Avenue, N.E. (formerly Hough Avenue); thence Easterly parallel to the Northerly line of Hough Avenue, N.E., 103 feet to the Easterly line of said Sublot No. 4; thence Southerly along the Easterly line of said Sublot No. 4, 38 feet; thence Westerly parallel to the Northerly line of Hough Avenue, N.E., 103 feet to the Easterly line of East 82nd Street; thence Northerly along the Easterly line of East 82nd Street, 38 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 106-23-024

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 4 in Pedrick's Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 19 of Cuyahoga County Records, and bounded and described as follows: Beginning on the Easterly line of 82nd Street (formerly Genesee Avenue) at a point distant 124 feet Northerly, measured along said Easterly line, from the Northerly line of Hough Avenue, N.E.; thence Northerly along the Easterly line of East 82nd Street, 38 feet; thence Easterly parallel with the Northerly line of Hough Avenue, N.E., 103 feet to the Easterly line of said Sublot No. 4; thence Southerly along the Easterly line of said Sublot No. 4, 38 feet; thence Westerly parallel with the Northerly line of Hough Avenue, N.E., 103 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

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

Ord. No. 794-97.

By Councilman Melena.

An emergency ordinance designating Myron's Commercial Buildings as a Cleveland Landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Myron's Commercial Buildings as a landmark; and

Whereas, a public hearing pursuant to Chapter No. 161.04 (b) (2) was held on April 24, 1997 to discuss the proposed designation of Myron's Commercial Buildings as a landmark; and

Whereas, the Commission has recommended designation of Myron's Commercial Buildings as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That Myron's Commercial Buildings, whose street address in the City of Cleveland is 5800-10 Detroit Avenue, N.W., also known as Cuyahoga County Auditor's permanent parcel numbers 002-12-034 and 002-12-033 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Ord. No. 795-97.

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

An emergency ordinance authorizing the sale of real property as part

of the Land Reutilization Program and located at 11908 Kinsman Road to King Baker.

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). 130-21-034, as more fully described in Section 2 below, to King Baker.

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. 130-21-034

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 2 in John E. Dean's Allotment of part of Original One Hundred Acre Lot No. 444, as shown by the recorded plat in Volume 14 of Maps, Page 22 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southwesterly line of Kinsman Road, S.E. at the most Northerly corner of Sublot No. 2; thence Southeasterly along said Southwesterly line of Kinsman Road, S.E. 52.237 feet to the Easterly line of Sublot No. 2; thence Southerly along said Easterly line of Sublot No. 2, 145.32 feet; thence Westerly on a line at right angles to said Easterly line of Sublot No. 2, 50 feet to the Westerly line of Sublot No. 2; thence Northerly along said Westerly line of Sublot No. 2, 160.465 feet the place of beginning, 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 Direc-

tor 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. 796-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Middough Management, or its designee, to provide economic development assistance to partially finance the acquisition of land and buildings necessary to expand their corporate headquarters, located at 1901 and 1815 East 13th Street and 1300 and 1412-1426 Chester 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 Middough Management, or its designee, to provide economic development assistance to partially finance the acquisition of land and buildings necessary to expand their corporate headquarters, located at 1901 and 1815 East 13th Street and 1300 and 1412-1426 Chester 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. 796-97-A.

Section 3. That the costs of said contract shall not exceed One Million Dollars (\$1,000,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 23313.

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.

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

Ord. No. 797-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Michelle Stanich, or her designee, to provide economic development assistance to partially finance exterior and interior improvements at 3334 Prospect 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 an Empowerment Zone Business Opportunity contract with Michelle Stanich, or her designee, to provide economic development assistance in the form of a loan and rebate to partially finance the exterior and interior improvements at 3334 Prospect Avenue, Cleveland, Ohio.

Section 2. That the Director of Economic Development shall, pursuant to the authority of Ordinance No. 82-96, passed April 1, 1996, put Economic Development Initiative Grant funds in an amount equal to the Loan Amount in the Empowerment Zone Debt Service Reserve Account created by that ordinance. Said grant funds shall be paid from Fund No. 18 SF 003.

Section 3. That the costs of said contract shall not exceed a Loan Amount of \$94,487.00 and a Rebate Amount equal to forty percent (40%) of the Loan Amount. The Loan shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 22293. The Rebate Amount shall be paid from the funds identified in Section 2 in the Debt Service Reserve Account, Fund No. 18 SF 003.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept collateral pursuant to the requirements of the EZ BOP program 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. 18 SF 002.

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. 18 SF 004.

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. 798-97.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1018-95, passed June 19, 1995, relating to a development agreement with Whiskey Island Partners Limited Partnership, or its designee, for the Whiskey Island Marina 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 Section 1 of Ordinance No. 1018-95, passed June 19, 1995, is hereby amended to read as follows:

Section 1. That the proposal of Whiskey Island Partners Limited Partnership is hereby approved and the Mayor and the Director of Economic Development are hereby authorized to enter into a development agreement with Whiskey Island Partners Limited Partnership, or its designee, for the development known as the Whiskey Island Marina project. The development agreement shall provide that the City agrees to purchase an improved easement to serve as a public roadway extension to be described therein, provided the extension meets all applicable City requirements, and provided further, that this Council authorizes and the City sells general obligation bonds or notes in 1996 for the purposes that include a public roadway improvement. Said costs to the City shall not exceed \$1,500,000.00.

Section 2. That existing Section 1 of Ordinance No. 1018-95, passed June 19, 1995, is hereby repealed.

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

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

Economic Development, Public Service, City Planning, Finance.

Ord. No. 799-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, and Ordinance No. 323-97, passed March 24, 1997, relating to the purchase, lease or lease with option to purchase of trucks, vans, passenger cars and heavy equipment.

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

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

Section 1. That Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, and Ordinance No. 323-97, passed March 24, 1997, is hereby amended to read as follows:

Section 1. That the Director of Public Service is hereby authorized to make a written contract or contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of trucks, vans, passenger cars and heavy equipment for use by the various departments and divisions of the City, as detailed in the document entitled "Listing of 1996 Vehicle Purchases" contained in File No. 918-96-D. For each type of vehicle listed under the column entitled "Description" on the document to said file, the vehicle(s) shall be purchased solely for the use of the department or division listed under the column entitled "Division," the total cost of each type of vehicle shall not exceed the total amount listed under the column entitled "Total Estimated Cost" and the cost of each type of vehicle shall be paid solely from the funds identified under the appropriate column. The total amount of all purchases pursuant to this ordinance shall not exceed \$6,216,270.00. Bids shall be taken in such a 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 2. That existing Section 1 of Ordinance No. 918-96, passed June 18, 1996, as amended by Ordinance No. 1476-96, passed August 14, 1996, and Ordinance No. 323-97, passed March 24, 1997, is hereby repealed.

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

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

Ord. No. 800-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of tree trimming equipment and tree trimming equipment with operators, for the various divisions

of the Department of Port Control, for a period not to exceed two years.

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

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

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

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 22584)

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

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

Ord. No. 801-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of snow removal equipment and snow removal equipment with operators, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of the rental of snow removal equipment and snow removal equipment

with operators in the approximate amount as procured during the preceding term, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

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 22582)

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

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

Ord. No. 802-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain and repair the fuel and oil water separators, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

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

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 22581)

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

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

Ord. No. 803-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the rental of grading equipment and grading equipment with operators, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

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

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 22583)

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

from and after the earliest period allowed by law.

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

Ord. No. 804-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the City of Cleveland's participation in state contracts awarded by the Ohio Department of Transportation.

Whereas, Section 5513.01(B) provides the opportunity for counties, townships, municipal corporations and other political subdivisions to participate in contracts of the Ohio Department of Transportation for the purchase of machinery, materials, supplies and other articles; and

Whereas, authority is now desired to participate in the Ohio Department of Transportation contracts for the purchase of machinery, material, supplies or other articles; and

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

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

Section 1. That the Director of Finance hereby requests authority in the name of the City of Cleveland to participate in the Ohio Department of Transportation contracts for the purchase of machinery, materials, supplies or other articles pursuant to Revised Code Section 5513.01(B).

Section 2. That the Director of Finance is hereby authorized to agree in the name of the City of Cleveland to be bound by all contract terms and conditions as the Ohio Department of Transportation prescribes.

Section 3. That the Director of Finance is hereby authorized to agree in the name of the City of Cleveland to directly pay vendors, under each such contract of the Ohio Department of Transportation in which it participates, for items it receives pursuant to the contract, and the Director of Finance does hereby agree to directly pay the vendor.

Section 4. That the Director of Finance agrees to hold the Director of Transportation and the Ohio Department of Transportation harmless for any claim or dispute arising out of participation in a contract pursuant to Revised Code Section 5513.01(B).

Section 5. That the Clerk of Council is hereby directed to transmit a certified copy of this ordinance to the Ohio Department of Transportation for filing in that office.

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 Finance, Law; Committee on Finance.

Ord. No. 805-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in various professional organizations for the year 1997.

Whereas, this ordinance consti-

tutes 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 cause payment of 1997 membership dues of the City of Cleveland to be made to the Mayors and Managers Association, from Fund No. 01-99-98-0233, Request No. 23215.

Section 2. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to the United States Conference of Mayors, from Fund No. 01-99-98-0237, Request No. 23215.

Section 3. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to the National League of Cities, from Fund No. 01-99-98-0238, Request No. 23216.

Section 4. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to the Downtown Development Corporation, from Fund No. 01-99-98-0230, Request No. 23216.

Section 5. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to the Ohio Municipal League, from Fund No. 01-99-98-0231, Request No. 23219. Said membership dues will include forty-five (45) subscriptions to Cities and Village Magazine.

Section 6. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to Build Up Greater Cleveland, from Fund No. 01-99-98-0239, Request No. 23219.

Section 7. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland to be made to NOACA, from Fund No. 01-99-98-0232, Request No. 23220.

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 Finance, Law; Committee on Finance.

Ord. No. 806-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into an amendment to Contract No. 49027 with the Cleveland Housing Network to provide for additional lead abatement services.

Whereas, pursuant to Ordinance No. 921-95, passed July 19, 1995, Council authorized the Director of Public Health to enter into an agreement with the Cleveland Housing Network for the "Scattered Site Project" to perform lead abatement on a maximum of eighty (80) houses

for low and moderate-income persons; and

Whereas, additional lead abatement services are required to complete the work; and

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

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

Section 1. That the Director of Public Health is hereby authorized to enter into an amendment to Contract No. 49027 with the Cleveland Housing Network to perform additional lead abatement services for low and moderate-income persons and to increase the amount of the contract by \$250,000, for a total of \$1,235,704. Said increase shall be paid from Fund No. 13 SF 360, RL 21826.

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

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

Ord. No. 807-97.
By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to maintain and repair elevators located at various health centers, for the Division of Health, Department of Public Health, for a two year period.

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

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

Section 1. That the Director of Public 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: labor and materials necessary to maintain, on a monthly basis, and repair elevators located at J. Glen Health Center, McCafferty Health Center and Miles Broadway Health Center, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Health, Department of Public Health, for a two year period.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 01-50-05-0612, Request No. 21000.

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

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

Ord. No. 808-97.
By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into a contract with the Center for Employment Training-Cleveland, Inc. for training services for the disadvantaged and employment and training assistance for dislocated workers under the Job Training Partnership Act.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized to enter into a contract with the Center for Employment Training-Cleveland, Inc., including subcontracts with the Urban League of Greater Cleveland and Vocational Guidance Services, in an amount not to exceed \$300,000, for the delivery of job training services for the disadvantaged and employment and training assistance for dislocated workers under the Job Training Partnership Act.

Section 2. That the contract authorized in Section 1 shall be paid from Fund Nos. 15 SF 071, 15 SF 075 and 15 SF 073, Request Nos. 22944 and 22945.

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

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

Ord. No. 809-97.
By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to restore treelawns, trim trees, and remove dead trees and stumps, for the various divisions of the Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to restore treelawns, trim trees, and remove dead trees and stumps in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in such manner as to permit an

award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

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 23398)

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. 810-97.
By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform a study of the Cleveland water distribution system and prepare a comprehensive model.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to employ by contract one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform a study of the Cleveland water distribution system and prepare a comprehensive model.

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

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 23397.

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. 811-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Meyer snow plow and spreader parts, including labor for installation, 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 Meyer snow plow and spreader parts, including labor for installation, 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 22897)

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

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

Ord. No. 812-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Neighborhood Centers Association to implement edu-

ational, recreational and cultural programs in various school buildings during evening hours.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement with Neighborhood Centers Association to implement educational, recreational and cultural programs in various school buildings during evening hours in accordance with the recommendations and pilot program proposed by the schools as Neighborhood Resources Committee of the Cleveland Summit on Education, in an amount not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00), payable from Fund No. 01-70-04-0380, Request No. 20284.

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

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

Ord. No. 813-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a twelfth amendment to Lease Agreement No. 35620 to extend the term of the existing Lease Agreement for the rental of Broadway YMCA facilities at 11300 Miles Avenue.

Whereas, pursuant to Ordinance No. 1759-85, passed June 24, 1985, the Director of Parks, Recreation and Properties entered into Lease Agreement No. 35620 with the Young Men's Christian Association for the rental of the Broadway YMCA facilities located at 11300 Miles Avenue for the purpose of providing recreational facilities and activities for the City's youth; and

Whereas, pursuant to Ordinance No. 1165-86, passed June 16, 1986, Ordinance No. 1255-87, passed June 8, 1987, Ordinance No. 1052-88, passed June 6, 1988, Ordinance No. 1037-89, passed September 11, 1989, Ordinance No. 1112-90, passed June 18, 1990, Ordinance No. 1368-91, passed June 17, 1991, Ordinance No. 1657-92, passed November 9, 1992, Ordinance No. 1309-93, passed June 14, 1993, Ordinance No. 373-94, passed April 18, 1994, Ordinance No. 260-95, passed March 27, 1995, and Ordinance No. 490-96, passed May 6, 1996, the term of said agreement was extended for respective one-year periods; and

Whereas, the City wishes to further extend said agreement until December 31, 1997, for an additional fee of \$55,000.00; 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

Parks, Recreation and Properties is hereby authorized to enter into a twelfth amendment to Lease Agreement No. 35620 with the Young Men's Christian Association ("YMCA") for the continued rental of the Broadway YMCA facilities located at 11300 Miles Avenue, Cleveland, Ohio 44105 for the purpose of providing recreational facilities and activities for the City's youth.

Section 2. That said twelfth amendment shall extend the term of the agreement for one year to December 31, 1997, and shall increase the rent due under the Lease Agreement by \$55,000.00 for a total rent due of \$675,000.00. Said increase shall be paid from Fund No. 01-70-04-0380, Request No. 20288.

Section 3. That said twelfth amendment shall be prepared and approved by the Director of Law and shall contain such provisions as the Director of Law shall deem necessary to protect the public interest.

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

Ord. No. 814-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with the National Junior Tennis League of Cleveland to provide a summer tennis program.

Whereas, the City does not provide a summer tennis program at its summer recreational centers, but desires to support such a program; and

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into a contract during June through August, 1997, with the National Junior Tennis League of Cleveland to provide youth tennis services.

Section 2. That the cost of such contract shall not exceed \$25,000.00 and shall be paid from Fund No. 01-70-04-0380, Request No. 20285.

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. 815-97.
By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football 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 enter into contract with the Cleveland Municipal Football Association to conduct a City-wide football program, in an amount not to exceed \$43,000, payable from Fund No. 01-70-04-0380, Request No. 20283.

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

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

Ord. No. 816-97.
By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to provide cleaning services at the West Side Market, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, for a period of 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 requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of eighteen months for the necessary items of labor and materials necessary to provide cleaning services for the West Side Market 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 Convention Center and Stadium, 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 eighteen months 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 20235)

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. 817-97.
By Councilmen Polensek, Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a contract with Salvation Army, for administrating 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 a 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. 20282, 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.

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

FIRST READING ORDINANCES REFERRED

Ord. No. 818-97.
By Councilman Coats.
An ordinance to change the Use, Area and Height Districts of lands bounded by E. 149 Street/E. 152 Street/St. Clair Avenue/approximately 950' south of St. Clair Avenue. (Map Change No. 1940, Sheet No. 7).

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

Section 1. That the Use, Area, and Height Districts of lands bounded and described as follows,

Beginning at the intersection of the southwesterly extension of the southeasterly line of Sublot No. 18

in the Ben Gray Subdivision as recorded in Volume 18, Page 8 of the Cuyahoga County Map Records and the center line of East 149 Street; thence northwesterly along said center line of East 149 Street to the center line of St. Clair Avenue, N.E.; thence northeasterly along said center line of St. Clair Avenue, N.E. to the center line of East 152 Street; thence southerly along said center line of St. Clair Avenue, N.E. to its intersection with the easterly extension of a line located approximately nine hundred fifty (950) feet south of the intersection of St. Clair Avenue, N.E. and East 152 Street; thence westerly along said easterly extension and along said line to its intersection with said southeasterly line of said Sublot No. 18; thence southwesterly along said southeasterly line of said Sublot No. 18 and along said southwesterly extension to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Shopping Center Use District, a 'C' Area District and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1940, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 819-97.
By Councilman Moran.
An ordinance to change the Use and Area Districts of lands on the southwesterly corner of Oak Park Avenue, S.W. and the southeasterly corner of Pearl Road, S.W. (Map Change No. 1939, Sheet No. 3).

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

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

Beginning at the intersection of the northwesterly extension of the southwesterly line of Sublot No. 1 in the Brownleigh Park (H. A. Stahl Properties Co.) Subdivision as recorded in Volume 86, Sheet No. 32 of the Cuyahoga County Map Records and the center line of Pearl Road, S.W.; thence northeasterly along said center line of Pearl Road, S.W. to the center line of Oak Park Avenue, S.W.; thence southeasterly along said center line of Oak Park Avenue, S.W. to its intersection with the northeasterly extension of a line located approximately two hundred forty nine and fourteen hundredths (249.14) feet southeast of the southeasterly line of Pearl Road, S.W.; thence southwesterly along said northeasterly extension and along said line which is parallel to and approximately two hundred forty nine and fourteen hundredths (249.14) feet southeast of said southeasterly line of Pearl Road, S.W. to its intersection with the northerly line of Sublot No. 27 in said Brownleigh Park (H. A. Stahl Properties Co.) Subdivision; thence westerly along said northerly line of said Sublot No. 27 and continuing west-

erly along the northerly line of Sublot No. 26 in said Brownleigh Park (H. A. Stahl Properties Co.) Subdivision to its intersection with the northeasterly line thereof; thence northwesterly along said northeasterly line of said Sublot No. 26 and continuing northwesterly along the northeasterly line of Sublot No. 25 in said Brownleigh Park (H. A. Stahl Properties Co.) Subdivision to its intersection with the southeasterly line of said Sublot No. 1; thence southwesterly along said southeasterly line of said Sublot No. 1 to its intersection with said southwesterly line thereof; thence northwesterly along said southwesterly line of said Sublot No. 1 and along its northwesterly extension to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1939, Sheet No. 3 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 820-97.

By Councilman Polensek.

An ordinance to change the Use and Area Districts of lands on the northerly side of Damon Avenue, N.E. and East 161 Street. (Map Change No. 1941, Sheet No. 7).

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

Section 1. That the Use and Area Districts of lands bounded and described as follows,

Beginning at the intersection of the center line of Damon Avenue, N.E. and the southerly extension of the westerly line of Sublot No. 418 in the Eastwood Subdivision as recorded in Volume 31, Page 37 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 418 to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 418 and continuing easterly along the northerly lines of Sublots Nos. 417, 416, 415, 414 and 413 in said Eastwood Subdivision to its intersection with the easterly line thereof; thence southerly along said easterly line of said Sublot No. 413 to its intersection with said center line of Damon Avenue, N.E.; thence westerly along said center line of Damon Avenue, N.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Business District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1941, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of

Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 821-97.

By Councilman Rybka.

An ordinance to change the Use and Height Districts of lands between Broadway, Aetna, and Forman. (Map Change No. 1945, Sheet No. 6).

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

Section 1. That the Use and Height Districts of lands bounded and described as follows,

Beginning at the intersection of the center line of Forman Avenue, S.E. and the center line of Broadway; thence northwesterly along said center line of Broadway to its intersection with the center line of Aetna Road, S.E.; thence southeasterly along said center line of Aetna Road, S.E. to said center line of Forman Avenue, S.E.; thence southwesterly along said center line of Forman Avenue, S.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Use District and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1945, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 822-97.

By Councilman Smith.

An ordinance to change the Use and Area Districts of lands from West 28 Street to West 26 Street between Carroll Avenue and McLean Court. (Map Change No. 1944, Sheet No. 1).

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

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

Beginning at the intersection of the center line of McLean Court and the center line of West 28 Street; thence northwesterly along said center line of West 28 Street to its intersection with the center line of Carroll Avenue; thence northeasterly along said center line of Carroll Avenue to its intersection with the center line of West 26 Street; thence southeasterly along said center line of West 26 Street to said center line of McLean Court; thence southwesterly along said center line of McLean Court to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Indus-

try Use District and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1944, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 823-97.

By Councilman Sweeney.

An ordinance to change the Use, Area, and Height Districts of lands on the westerly side of Rocky River Drive to Grayton Road from the north side of Forestwood to I-480 and on the easterly side of Rocky River Drive to the Freeway and from the north side of Drysdale Avenue to south side of Midvale Avenue. (Map Change No. 1942, Sheet No. 13).

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

Section 1. That the Use, Area, and Height Districts of lands bounded and described as follows,

**PROPOSED
CLEVELAND BUSINESS
PARK-WEST
PARCEL 1 - WEST**

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of the West Riverdale Subdivision No. 1 as recorded in Volume 159, Page 27 of Cuyahoga County Records; all of the West Riverside Subdivision No. 3 as recorded in Volume 176, Page 17 of Cuyahoga County Records; all of Home Gardens Allotment No. 1 as recorded in Volume 63, Page 10 of Cuyahoga County Records; all of Home Garden Allotment No. 2 as recorded in Volume 67, Page 35 of Cuyahoga County Records; all of The C and D Subdivision I as recorded in Volume 174, Page 34 of Cuyahoga County Records; all of The C and D Subdivision II as recorded in Volume 184, Page 72 of Cuyahoga County Records; and all of the Riverside Park Subdivision as recorded in Volume 71, Page 30 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 and 4 of Original Rockport Township, and bounded and described as follows:

Beginning at an iron pin found in a monument box at the intersection of the centerline of Rocky River Drive and the easterly extension of the southerly line of The Homeway Subdivision as recorded in Volume 70, Page 27 of Cuyahoga County Records, thence North 89 degrees, 5 minutes, 47 seconds West along the easterly extension of the southerly line of The Homeway Subdivision as aforesaid, 43.93 feet to the principal place of beginning;

Thence South 25 degrees, 20 minutes, 05 seconds West along the westerly right of way line of Rocky River Drive (80 feet wide), 1530.23 feet to a angle point on the wester-

ly right of way line of Rocky River Drive;

Thence South 58 degrees, 08 minutes, 31 seconds West, 32.79 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 00 degrees, 55 minutes, 46 seconds West, 25.00 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence North 89 degrees, 04 minutes, 14 seconds West, 27.69 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 00 degrees, 55 minutes, 46 seconds West, 25.00 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 31 degrees, 50 minutes, 28 seconds East, 26.56 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 25 degrees, 20 minutes, 05 seconds West, 217.46 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 58 degrees, 07 minutes, 51 seconds West, 32.80 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 00 degrees, 55 minutes, 46 seconds West, 25.00 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence North 89 degrees, 04 minutes, 14 seconds West, 27.66 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 00 degrees, 55 minutes, 46 seconds West, 25.00 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 31 degrees, 44 minutes, 41 seconds East, 26.56 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 25 degrees, 20 minutes, 05 seconds West, 88.22 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 25 degrees, 03 minutes, 00 seconds West, 224.83 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 54 degrees, 55 minutes, 23 seconds West, 35.78 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence North 89 degrees, 02 minutes, 50 seconds West, 22.27 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence South 00 degrees, 57 minutes, 10 seconds West, 25.00 feet to an angle point on the westerly right of way line of Rocky River Drive;

Thence along the arc of a circle deflecting to the right, having a radius of 20.00 feet whose chord bears South 23 degrees, 52 minutes, 37 seconds East, 30.15 feet to an arc distance of 34.16 feet to a point therein;

Thence South 25 degrees, 03 minutes, 00 seconds West, 190.24 feet along the westerly right of way line of Rocky River Drive to a point of intersection with the northerly limited access (L/A) line of Interstate Route 480 (I-480);

Thence North 89 degrees, 27 minutes, 34 seconds West along said L/A line, 178.60 feet to an iron pin found at an angle point herein;

Thence South 02 degrees, 23 minutes, 04 seconds West along said L/A line, 35.16 feet to an iron pin found at an angle point therein;

Thence South 73 degrees, 16 minutes, 00 seconds West along said L/A line, 98.98 feet to an iron pin found at an angle point therein;

Thence South 84 degrees, 29 minutes, 35 seconds West along said

L/A line, 683.06 feet to an angle point therein;

Thence North 79 degrees, 27 minutes, 50 seconds West along said L/A line, 381.90 feet to an iron pin found at an angle point therein;

Thence North 79 degrees, 25 minutes, 45 seconds West along said L/A line, 289.15 feet to an iron pin found at an angle point therein;

Thence North 70 degrees, 18 minutes, 48 seconds West along said L/A line, 386.56 feet to an angle point therein;

Thence North 63 degrees, 04 minutes, 21 seconds West along said L/A line, 260.93 feet to an iron pin found at an angle point therein;

Thence North 61 degrees, 52 minutes, 17 seconds West along said L/A line, 403.33 feet to an iron pin found at an angle point therein;

Thence North 68 degrees, 33 minutes, 27 seconds West along said L/A line, 599.74 feet to an iron pin found at an angle point therein;

Thence North 48 degrees, 22 minutes, 18 seconds West along said L/A line, 99.48 feet to an angle point therein;

Thence North 28 degrees, 48 minutes, 47 seconds West along said L/A line, 102.32 feet to an iron pin found at an angle point therein;

Thence North 31 degrees, 22 minutes, 23 seconds West along said L/A line, 153.88 feet to a nail found at an angle point therein;

Thence North 09 degrees, 06 minutes, 27 seconds West along said L/A line, 444.28 feet to an angle point therein;

Thence North 11 degrees, 11 minutes, 06 seconds West along said L/A line, 43.67 feet to an angle point therein;

Thence North 28 degrees, 32 minutes, 28 seconds West along said L/A line, 46.37 feet to an angle point therein;

Thence North 00 degrees, 56 minutes, 48 seconds East along said L/A line, 86.60 feet to a point on the westerly line of the C and D Southwest Subdivision II as recorded in Volume 184, Page 72 of Cuyahoga County Records;

Thence North 00 degrees, 56 minutes, 48 seconds East along said Subdivision, 479.88 feet to a point of intersection with the aforementioned L/A line;

Thence North 36 degrees, 28 minutes, 43 seconds East along said L/A line, 113.65 feet to angle point therein;

Thence South 29 degrees, 13 minutes, 42 seconds East, 4.40 feet to a point at the northwest corner of Sublot No. 16 in the aforementioned C and D Southwest Subdivision II;

Thence North 46 degrees, 54 minutes, 01 seconds East, 213.84 feet to a point at the northwest corner of Sublot No. 15 in the aforementioned C and D Southwest Subdivision II;

Thence South 86 degrees, 22 minutes, 19 seconds East, 211.15 feet to a point at the northeast corner of Sublot No. 12 in the aforementioned C and D Southwest Subdivision II;

Thence North 01 degrees, 06 minutes, 06 seconds East, 118.00 feet to an iron pin found at an angle point therein;

Thence South 89 degrees, 17 minutes, 53 seconds East, 2535.27 feet to an iron pin found at the intersection of the centerline of West 190th Street and the northerly line of The West Riverside No. 1 Subdivision as recorded in Volume 159, Page 27 of Cuyahoga County Records;

Thence South 89 degrees, 05 minutes, 47 seconds East, 1532.80 feet to

a point being the principal place of beginning, containing within said boundaries 8,578,480 square feet (196.9348 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Described parcel includes the right of way of Forestwood Avenue, (60 feet wide), Midvale Avenue (50 feet wide), Springdale Avenue (50 feet wide), Maplewood Avenue (50 feet wide), West 200th Street (50 feet wide), West 202nd Street (50 feet wide), and parts of West 185th Street (50 feet wide), West 188th Street (50 feet wide), West 190th Street (70 feet wide), West 192nd Street (50 feet wide), West 194th Street (50 feet wide) and West 198th Street (50 feet wide).

**PROPOSED
CLEVELAND BUSINESS
PARK EAST
PROPERTY NORTH OF PHASE I
MID-BRYS 1**

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Riverview Subdivision No. 2 as recorded in Volume 95; Page 38 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and is bounded and described as follows:

Beginning at an iron pin found at the intersection of the westerly right of way line of State Highway 713 and the southerly line of aforesaid Riverview Subdivision No. 2;

Thence South 88 degrees, 55 minutes, 19 seconds East, 101.32 feet to a point; and the principal place of beginning of the following described parcel;

Thence North 10 degrees, 20 minutes, 02 seconds East, along the easterly right of way line of State Highway No. 713, 135.18' feet to a point of curvature therein;

Thence along the arc of a circle deflecting to the right, having a radius of 37.69.72 feet whose chord bears North 14 degrees, 10 minutes, 14 seconds East, 504.49 feet and an arc distance of 504.87 feet to a point of intersection with the northerly line of the aforesaid Riverview Subdivision No. 2;

Thence South 88 degrees, 55 minutes, 19 seconds East along said line, 1920.91 feet to a point;

Thence South 01 degrees, 04 minutes, 41 seconds West, 62.00 feet to a point;

Thence South 44 degrees, 54 minutes, 33 seconds West, 57.76 feet to a point;

Thence South 44 degrees, 54 minutes, 37 seconds West, 30.96 feet to a point;

Thence North 88 degrees, 55 minutes, 19 seconds West, 218.56 feet to a point;

Thence South 01 degrees, 04 minutes, 41 seconds West, 144.00 feet to a point;

Thence South 33 degrees, 19 minutes, 23 seconds West, 49.66 feet to a point;

Thence North 88 degrees, 55 minutes, 19 seconds West, 13.50 feet to a point;

Thence South 01 degrees, 04 minutes, 41 seconds West, 21.40 feet to a point;

Thence South 33 degrees, 19 minutes, 38 seconds West, 74.96 feet to a point;

Thence South 33 degrees, 19 minutes, 52 seconds West, 48.72 feet to a point;

Thence North 88 degrees, 55 minutes, 19 seconds West, 54.00 feet to a point;

Thence South 01 degrees, 04 minutes, 41 seconds West, 123.80 feet to a point;

Thence South 13 degrees, 36 minutes, 22 seconds West, 64.54 feet to a point;

Thence North 88 degrees, 55 minutes, 19 seconds West, 1602.94 feet along aforesaid southerly line of the Riverview Subdivision No. 2 to the principal place of beginning, containing within said boundaries, 1,066,797 square feet (24.4903) acres of land, be the same more or less. Bearings used are based on an assumed meridian and are used to indicate angles only.

Described parcel includes part of the right of way of Midvale Avenue (60 feet wide) and part of West 180th Street (50 feet wide) and part of Brysdale Avenue (60 feet wide).

**PROPOSED
CLEVELAND BUSINESS
PARK EAST
PROPERTY NORTH OF PHASE I
MID-BRYS 2**

LEGAL DESCRIPTION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Riverview Subdivision No. 2 as recorded in Volume 95; Page 38 of Cuyahoga County Records. The parcel is further known as being part of Section No. 3 of Original Rockport Township, and is bounded and described as follows:

Beginning at an iron pin found at the intersection of the westerly right of way line of State Highway 713 and the southerly line of aforesaid Riverview Subdivision No. 2;

Thence North 88 degrees, 55 minutes, 19 seconds West, 73.22 feet to a point on the easterly right of way line of Rocky River Drive;

Thence North 25 degrees, 20 minutes, 05 seconds East, 210.37 feet along said line to a point;

Thence South 64 degrees, 39 minutes, 55 seconds East, 18.61 feet to a point;

Thence along the arc of a circle deflecting to the left, having a radius of 3869.72 feet whose chord bears South 10 degrees, 35 minutes, 38 seconds West, 35.13 feet and an arc distance of 35.13 feet to a point;

Thence South 10 degrees, 20 minutes, 02 seconds West, 151.48 feet to the principal place of beginning, containing within said boundaries 8,686 square feet (0.1194 acres) of land, be the same more or less. Bearings used are based on an assumed meridian and are used to indicate angles only.

and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District, a 'C' Area District, and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1942, Sheet No. 13 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That this ordinance

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

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

Ord. No. 824-97.

By Councilman Sweeney.

An ordinance to change the Use and Area Districts on both sides of Hilltop Drive in the Emerald Park site. (Map Change No. 1943, Sheet No. 13)

Whereas, the subject property is a largely vacant site located in immediate proximity to an interstate highway, an international airport and an aerospace research facility; and

Whereas, the property is, therefore, well-suited to research-oriented and commercial development; and

Whereas, the property is also bordered by public park land, a river, and single family housing; and

Whereas, any non-residential development occurring on the subject property must be sited and designed in a manner which is not detrimental to the nearby residential and open space uses; and

Whereas, special land use, site planning and design controls will be necessary to ensure proper development of the site; now therefore

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

Section 1. That the Use and Area Districts of lands bounded and described as follows,

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 at a point on the Westerly line of Original Grayton Road, said point being the Southeasterly corner of a parcel of land conveyed to the City of Cleveland by deed dated March 25, 1940 and recorded in Volume 5080, Page 180 of Cuyahoga County Records, also being the Northeasterly corner of Sublot No. 1 of the Grayton Village Subdivision as shown in Volume 154, Page 22 of Cuyahoga County Map Records;

Thence South 86° 07' 32" West along the Northerly line of said Sublot 1, 100.38 feet to the Northwest corner of said Sublot 1;

Thence North 00 57' 46" West along the Easterly line of Sublot 2 in the said Grayton Village Subdivision, 161.77 feet to the Northeast corner of said Sublot 2;

Thence South 89 44' 18" West along a Northerly line of said Grayton Village Subdivision, 468.12 feet to the Northwest corner thereof;

Thence South 00 10' 12" West along a Westerly line of said Grayton Village Subdivision, 240.00 feet;

Thence South 89° 44' 18" West along a Northerly line of said Grayton Village Subdivision, 25.00 feet;

Thence South 00° 10' 12" West along a Westerly line of said Grayton Village Subdivision, 150.00 feet to the Southwest corner of said Grayton Village Subdivision;

Thence North 89° 44' 18" East along the Southerly line of said Grayton Village Subdivision and along the Northerly line of Alex Fodor Realty Company-Unit Subdivision as shown in Volume 174, Page 18 of Cuyahoga County Map Records, 546.33 feet to a point on the said Westerly line of Original Grayton Road;

Thence North 22° 33' 53" East

along said Westerly line of Original Grayton Road, 152.14 feet;

Thence North 04° 35' 04" West along said Westerly line, 94.60 feet to a point and the place of beginning, be the same more or less but subject to all legal highways and containing 4.7722 acres of land.

This legal is based on a map prepared by Mackay Engineering and Surveying Company dated December 12, 1996 and written by Louise A. Veverka, P. S. #7513.

And as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Business District, and a "C" Area District.

Section 2. That said changed designation of lands described in Section 1, shall be conditioned upon a site development plan, including a map and accompanying narrative material, submitted and approved in accordance with the provisions of Section 333.02 of the Codified Ordinances and shall be subject to such terms, conditions and provisions as shall satisfy all pertinent rules and regulations of the Federal Aviation Administration, as well as all obligations under the Trust Indenture from the City to Cleveland Trust Company, as trustee, dated November 1, 1976, as amended.

Section 3. That the time period within which a Building Permit for such development must be issued, as established in division (b) of Section 333.02 is hereby extended from six (6) months to eighteen (18) months; and, further, that such requirement shall be met if Building Permits have been issued for at least two (2) main buildings within the eighteen (18) month period following the effective date of the Zoning Map amendment.

Section 4. If less than fifty percent (50%) of the land within the site development plan area has been developed five (5) years after the effective date of the Zoning Map amendment, City Council may act to cause the zoning of any undeveloped parcels to revert to the classification that existed prior to the approval of the Zoning Map amendment.

Section 5. That the City Planning Commission may approve amendments to the site development plan if, in the determination of the Commission, such amendments are generally consistent with the initial Plan and will not adversely affect nearby properties or other properties within the site development plan area; and, further, that the Commission notifies the City Council member in whose ward the property is located and provides such Council member with an opportunity to testify during the Commission meeting(s) at which such amendments are considered.

Section 6. That no Building Permit shall be issued for new construction of main buildings within the area described in Section 1 without approval by the City Planning Commission. The City Planning Commission shall review all permit applications on the basis of the approved site development plan, including a map and accompanying narrative materials, as well as in accordance with general principles of site planning and architectural design.

Section 7. That said changed designation of lands described in Section 1 shall be identified as Map Change 1943, Sheet No. 13 and shall be made upon the Building Zone

Maps of the City of Cleveland along with a notation regarding the "site development plan" and shall be on file in the office of the Clerk of Council and in the office of the City Planning Commission by the appropriate person designated for such purpose with the City Planning Commission.

Section 8. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 825-97.

By Councilman Lewis.

An emergency resolution urging Governor Voinovich, the State Auditor, the Board of County Commissioners and the County Auditor to audit the tax payments of gas and oil well operators and collect delinquent taxes for the benefit of the Cleveland public schools.

Whereas, Ohio law classifies oil and natural gas as real property subject to real property taxes; and

Whereas, state law requires Ohio counties to compile a list annually of oil and gas wells throughout the state; and

Whereas, the only oil and gas wells in county records are those reported by the operators of the wells; and

Whereas, a similar honor system is used to assess the proper taxes to be paid since the data used to compile the taxes is supplied by the suppliers and not audited by the county or state; and

Whereas, it is estimated that only a fraction of the returns are being filed by the well operators and only a fraction of the tax due is being paid; and

Whereas, there is little initiative for counties to trace delinquent producers since about 80% of the money collected would go to public schools, not the county; and

Whereas, strict enforcement of the tax laws with respect to oil and gas wells in Cuyahoga County could be a badly needed source of revenue for the Cleveland school system; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that all potential sources of revenue to benefit the Cleveland public schools must be explored; now, therefore,

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

Section 1. That this Council urges Governor Voinovich, the State Auditor, the Board of County Commissioners and the County Auditor to audit the tax payments of gas and oil well operators and collect delinquent taxes for the benefit of public school systems, including the Cleveland public schools.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor Voinovich, the State Auditor, the Board of County Commissioners and the County Auditor.

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

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

Referred to Director of Law; Committee on Finance.

Res. No. 826-97.

By Councilmen Lewis and White.
An emergency resolution urging the Cleveland Board of Education, the Superintendent of the Cleveland public school system and to reopen Aviation High School and Mayor White to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.

Whereas, Benjamin Davis High School, also known as Aviation High School, has not been utilized by the Cleveland public school system during the 1996-97 school year due to the school system's continuing financial crises; and

Whereas, the 99th Fighter Squadron, today known as the Tuskegee Airmen, fought with distinction during World War II throughout the Mediterranean and European theaters; and

Whereas, the successors of these distinguished pilots can provide the support and resources necessary to restore Aviation High School as a source of aviation training for Cleveland school children; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or welfare in that a restored Aviation High School can be a source of valuable training and future jobs for Cleveland's youth; now, therefore,

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

Section 1. That this Council urges the Cleveland Board of Education, the Superintendent of the Cleveland public school system and Mayor White to reopen Aviation High School and to work with the Tuskegee Airmen to utilize the school solely for aviation training and support services.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the members of the Cleveland Board of Education and the Superintendent of the Cleveland public schools.

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

Referred to Director of Law; Committee on Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 777-97.

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 12, 1997 to May 23, 1997, inclusive, publicizing their Second 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 12, 1997 to May 23, 1997, 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 banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 778-97.

By Councilman Lewis.

An emergency ordinance to amend Section 1 of Ordinance No. 452-97 relating to the issuance of a permit for the 3K Race and Parade on May 10, 1997, sponsored by the Thurgood Marshall Recreation Center.

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

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

Section 1. That Section 1 of Ordinance No. 452-97, passed March 24, 1997, by the same is hereby amended to read as follows:

"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 3K Race and Parade, sponsored by the Thurgood Marshall Recreation Center, on May 10, 1997, with the 3K Race beginning at Crawford and Hough Avenue, west on Hough to E. 79th St., north on E. 79th St. to Addison, northeast on Addison to Wade Park, east on Wade Park to E. 82nd, south on E. 82 to Hough, east on Hough to Crawford and finish in front of Thurgood Marshall Recreation Center; and the Race to begin at Crawford and Hough Ave., west on Hough to E. 79th, north on E. 79th to Wade Park, east on Wade Park to E. 82nd St., south on E. 82 to Hough, east on Hough to Crawford and finish in front of the Thurgood Marshall Recreation Center, 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 Section 1 of Ordinance No. 452-97, passed March 24, 1997, be and the same is hereby repealed.

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

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. 779-97.

By Councilman Skrha.

An emergency ordinance consenting and approving the issuance of a permit for a 5K race for United Way Services on July 13, 1997, sponsored by Cleveland Cliff, presented by General Mills and produced by IMG.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a race for United Way Services, sponsored by Cleveland Cliff, presented by General Mills and produced by IMG, on July 13, 1997. The runners leave the venue and head West down North Marginal Road - runners must stay to the right side of the road (heading West). Cross over 9th Street and run past the Rock Hall & Science Center - runners must stay to the right side of the road (heading West). At the first traffic light (off ramp), runners reach the turnaround point - the median can be used as the divider (sectioned off with cones). The route is then run in the opposite direction down Erieside Ave. (East) past the Science Center & Rock Hall, across 9th Street* - runners must stay on the north side of the road*. (*Unless Erieside Ave. can be shut down for the 5K time period). Continue east on North Marginal Road. Enter the VIP Chalet Parking area (same point exit heading west). Continue east through the parking lot, finishing in front of the Media Center, 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 and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the

issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 780-97.

By Councilman Smith.

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 25, 1997 to June 25, 1997, inclusive, publicizing their Summer Carnival.

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 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 25, 1997 to June 25, 1997, 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 banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 781-97.

By Councilman Zone.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Karen Coffman).

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council,

expressed by ordinance, is a prerequisite to peddle upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19: Karen Coffman.

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

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

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

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

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

Ord. No. 782-97.

By Councilman Zone.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Roger Keenan).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19: Roger Keenan.

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

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

Section 4. That this ordinance is hereby declared to be an emergency

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

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

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

Ord. No. 783-97.

By Councilman Zone.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Johnny R. Waddell).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19 at the locations specified: West 117th Street and Lorain Avenue.

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

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

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 2150-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary for the design, layout, printing, and/or other marketing, advertising and designing services for various publications, for the Department of Port Control.

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

Ord. No. 49-97.

By Councilmen Patton and Polensek (by departmental request).

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to No Right Turns during certain hours.

Approved by Directors of Public Safety, Law; Relieved of Committee on Legislation; Recommended by Committee on Public Safety.

Ord. No. 115-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland Neighborhood Development Corporation to administer an industrial retention and expansion program.

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

1. Insert the following new Whereas clause after the existing second one: "**Whereas, through Ordinance No. 56-94, passed June 13, 1994, as amended by Ordinance No. 2123-96, passed February 10, 1997, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and**"

2. In Section 1, line 4, after "Program" insert a period and strike the remainder of the section.

3. Insert a new Section 2 to read as follows:

"Section 2. That the costs of said contract shall not exceed One Hundred Eighty Thousand Dollars (\$180,000) and, provisions of Ordinance No. 56-94, passed June 13, 1994, as amended by Ordinance No. 2123-96, passed February 10, 1997, to the contrary notwithstanding, shall be from the NDIF, Fund No. 10 SF 501"

4. Rename existing Section 2 to new "Section 3".

Amendments agreed to.

Ord. No. 116-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 998 Parkwood to Choice Construction Company, Inc.

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

Ord. No. 122-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program

and located at Mentor Avenue to Greater Cleveland Habitat for Humanity.

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

Ord. No. 165-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1098 Ansel Road and 1102 Ansel Road to Shirle Crumbs aka Shirle L. Crumbs.

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

Ord. No. 166-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1910 East 81 Street and 1908 East 81 Street to William E. and Dolores Harper.

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

Ord. No. 167-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1549 East 84 Street to Susan D. Whatley.

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

Ord. No. 168-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1847 East 86 Street to James and Estella McCrary.

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

Ord. No. 169-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8212 Wade Park Avenue to Allie M. McClerkin.

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

Ord. No. 170-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6706 Zoeter Avenue to Christine Conner.

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

Ord. No. 253-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located in the area North of Cedar, South of Quincy, West of East 90 Street and East of East 93 Street to Fairfax Renaissance Development Corporation or its designee.

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

Ord. No. 398-97.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.56 thereof, relating to authorizing the Director of Public Safety to enter into agreements with the Ohio Department of Public Safety for the Police Division to conduct the "Third Grade Safety Belt Program."

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

Ord. No. 399-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of automotive parts and supplies for the repair, replacement and maintenance of airport maintenance vehicles and equipment, 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.

Ord. No. 422-97.

By Councilmen Jackson and Westbrook (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 Program.

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

Ord. No. 547-97.

By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Economic Development to enter into contract with the National Development Council for training of the staff of the community-based development organizations in the Empowerment Zone and the staff of the City Empowerment Zone of Department of Economic Development.

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

Ord. No. 558-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues, fees and assessments of the City of Cleveland in the Airport Council International - North America and the American Association of Airport Executives for the years 1997 and 1998.

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

Ord. No. 673-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide computerized financial data for the Division of Treasury, Department of Finance.

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

Ord. No. 727-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Titles II and III of the Job Training Partnership Act and to appropriate such funds to provide for administration of the JTPA program by the Department of Personnel and Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 728-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts for training services for the disadvantaged and employment and training assistance for dislocated workers under the Job Training Partnership Act; and to enter into contracts for delivery of the Adult Training Program under the Job Training Partnership Act.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

SECOND READING EMERGENCY RESOLUTIONS

Res. No. 55-97.

By Councilman Zone (by request).
An emergency resolution declaring the intention to vacate a portion of Adeline Road, S.W.

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

Res. No. 56-97.

By Councilman Skrha (by request).

An emergency resolution declaring the intention to vacate a portion of Houston Avenue S.W.

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

Res. No. 346-97.

By Mayor White and Councilman Skrha (by departmental request).

An emergency resolution declaring the intention to vacate a portion of East 12th Street.

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 687-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into an agreement with Office Team, a division of Robert Half International, Inc., for temporary employee services.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 256-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract or contracts of solid waste disposal services, for the Division of Waste Collection and Disposal, Department of Public Service.

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

Ord. No. 335-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of hand held meter reading equipment, for the Division of Water, Department of Public Utilities.

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

Ord. No. 397-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for Humphrey Park Facility expansion project at 16009-16011 Damon Avenue, for the Division of Property Management, Department of Parks, Recreation and Properties.

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

Ord. No. 424-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of filters and filtering media for heating, ventilating and air conditioning systems, for the Division of Property Management, Department of Parks, Recreation and Properties for a period of two years.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 425-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of swimming pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 426-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance ratifying and approving the emergency replacement of cleaning companies for janitorial services for cleaning the interior and exterior of the West Side Market in accordance with the Mayor's Emergency Purchase letter of November 1, 1996.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 551-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed two years.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 552-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of de-icer, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed two years.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 553-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of replacement equipment and parts necessary to repair playground equipment, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed two years.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 554-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of Urban Forest property maintenance services for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 555-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of various types of small equipment, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for a period not to exceed two years.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 556-97.
By Councilmen Johnson and Westbrook (by departmental request).
An emergency ordinance to amend Section 3 and Section 6 of Ordinance No. 1284-96, passed October 14, 1996, as amended by Ordinance No. 2120-96, passed November 25, 1996, relating to the public improvement of constructing, rehabilitating, expanding or otherwise improving parks, recreation facilities, the West Side Market parking lot, Luke Easter Park, Tremont Valley Park and park maintenance buildings, and professional services necessary therefor.
Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 557-97.
By Councilmen Smith, Johnson and Westbrook (by departmental request).
An emergency ordinance determining the method of making the public improvement of constructing a public parking facility located at West 24th Street and Bridge Avenue; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of consultants to provide professional services related to this improvement.
Read third time. Passed. Yeas 21. Nays 0.

MOTION

The Council adjourned at 8:30 p.m. to meet on Monday, May 12, 1997 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. 2150-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide services necessary for the design, layout, printing, and/or other marketing, advertising and designing services for various publications, for the Department of Port Control.

Ord. No. 49-97.
By Councilmen Patton and Polensek (by departmental request).

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to No Right Turns during certain hours.

Ord. No. 115-97.
By Councilmen Patmon, Jackson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland Neighborhood Development Corporation to administer an industrial retention and expansion program.

Whereas, the City of Cleveland has determined that a citywide industrial retention and expansion initiative program ("the Program") will create jobs and employment opportunities for City residents, alleviate physical and economic deterioration, elimination and/or prevent the recurrence of blight, stimulate economic revitalization and improve the tax base, all of which are positive factors and in the best interest of the City and its residents; and

Whereas, the City desires to enter into a contract with Cleveland Neighborhood Development Corporation ("CNDC") to administer the Program; and

Whereas, through Ordinance No. 56-94, passed June 13, 1994, as amended by Ordinance No. 2123-96, passed February 10, 1997, the City established the Neighborhood Development Investment Program and the Neighborhood Development Investment Fund (NDIF) for the purpose of stimulating the development of major opportunities for job creation, retention, and expansion in the City's neighborhoods; and

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into contract with CNDC to provide professional services necessary to administer the Program for the Program.

Section 2. That the costs of said contract shall not exceed One Hundred Eighty Thousand Dollars (\$180,000) and, provisions of Ordinance No. 56-94, passed June 13, 1994, as amended by Ordinance No. 2123-96, passed February 10, 1997, to the contrary notwithstanding, shall be from the NDIF, Fund No. 10 SF 501.

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. 116-97.
By Councilmen Patmon, Jackson, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 998 Parkwood to Choice Construction Company, Inc.

Ord. No. 122-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Mentor Avenue to Greater Cleveland Habitat for Humanity.

Ord. No. 165-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1098 Ansel Road and 1102 Ansel Road to Shirle Crumbs aka Shirle L. Crumbs.

Ord. No. 166-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1910 East 81 Street and 1908 East 81 Street to William E. and Delores Harper.

Ord. No. 167-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1549 East 84 Street to Susan D. Whatley.

Ord. No. 168-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1847 East 86 Street to James and Estella McCrary.

Ord. No. 169-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8212 Wade Park Avenue to Allie M. McClerkin.

Ord. No. 170-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6706 Zoeter Avenue to Christine Conner.

Ord. No. 253-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located in the area North of Cedar, South of Quincy, West of East 90 Street and East of East 93 Street to Fairfax Renaissance Development Corporation or its designee.

Ord. No. 398-97.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.56 thereof, relating to authorizing the Director of Pub-

lic Safety to enter into agreements with the Ohio Department of Public Safety for the Police Division to conduct the "Third Grade Safety Belt Program."

Ord. No. 399-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of automotive parts and supplies for the repair, replacement and maintenance of airport maintenance vehicles and equipment, for the various divisions of the Department of Port Control, for a period not to exceed two years.

Ord. No. 422-97.

By Councilmen Jackson and Westbrook (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 Program.

Ord. No. 547-97.

By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Economic Development to enter into contract with the National Development Council for training of the staff of the community-based development organizations in the Empowerment Zone and the staff of the City Empowerment Zone of Department of Economic Development.

Ord. No. 558-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues, fees and assessments of the City of Cleveland in the Airport Council International - North America and the American Association of Airport Executives for the years 1997 and 1998.

Ord. No. 673-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide computerized financial data for the Division of Treasury, Department of Finance.

Ord. No. 727-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept allocations of grants from the State of Ohio Bureau of Employment Services under Titles II and III of the Job Training Partnership Act and to appropriate such funds to provide for administration of the JTPA program by the Department of Personnel and Human Resources.

Ord. No. 728-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts for training services for the

disadvantaged and employment and training assistance for dislocated workers under the Job Training Partnership Act; and to enter into contracts for delivery of the Adult Training Program under the Job Training Partnership Act.

RESOLUTIONS**Res. No. 55-97.**

By Councilman Zone (by request).
An emergency resolution declaring the intention to vacate a portion of Adeline Road, S.W.

Res. No. 56-97.

By Councilman Skrha (by request).

An emergency resolution declaring the intention to vacate a portion of Houston Avenue S.W.

Res. No. 346-97.

By Mayor White and Councilman Skrha (by departmental request).

An emergency resolution declaring the intention to vacate a portion of East 12th Street.

BOARD OF CONTROL

April 25, 1997

The special meeting of the Board of Control convened in the Mayor's office on Friday, April 25, 1997, at 4:00 p.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Acting Director Richiuto, Directors Staib, Denihan, Spellman, Hamilton, Warren and Lynch.

Absent: Director Nolan.

Others: Willie Williamson, Acting Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolution was adopted.

Resolution No. 317-97.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Independence Excavating, Inc. for the public improvement of New Cleveland Brown NFL Stadium mass excavation and piling, all items and alternate No. 1, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on April 24, 1997, pursuant to the authority of Ordinance No. 304-96, passed March 8, 1996, for a gross price, for the improvement in the aggregate amount of Eleven Million Five Hundred Ninety-Four Thousand and no/100 (\$11,594,000.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Independence Excavating, Inc. for the New Cleveland Browns NFL Stadium mass excavation and pilings, hereby is approved:

Granger Trucking
\$225,000.
MBE

Granger Trucking
\$1,150,000.
MBE

- Arnold Trucking Co.
\$25,000.
MBE
- Thompson Ground Development
\$25,000.
MBE
- Alpha Omega Chemical
\$150,000.
MBE
- Central Concrete Company
\$1,500,000.
MBE
- Perk Company
\$220,000.
MBE
- KLE Construction
\$246,400.
MBE
- Autumn Industries
\$50,000.
FBE
- Ohio Diversified Services
\$705,000.
FBE
- L.T. Services
\$20,000.
FBE
- Able Contracting Group
\$5,000.
FBE
- Rivera Construction Co.
\$400,000.
FBE

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Acting Director Richiuto, Directors Staib, Denihan, Spellman, Hamilton, Warren and Lynch.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

BOARD OF CONTROL

April 30, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 30, 1997, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Absent: None.

Others: William Moon, Commissioner, Purchases and Supplies.

On motion, the following resolutions were adopted.

Resolution No. 318-97.

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland that all bids received on February 21, 1997 for Paper Stock and Envelopes - all items for the Division of Printing and Reproduction, Department of Finance, pursuant to the authority of Ordinance No. 225-97, passed by the Council of the City of Cleveland on April 7, 1997, be and the same are hereby rejected.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Kon-

icek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 319-97.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Julian Supply Corp. for an estimated quantity of service fittings (items 1-3, 5, 6, 8, 9, 11, 13, 14, 27, 33-40 and 47) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 26th day of December, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Four Thousand Three Hundred Fifty Six and 60/100 Dollars, (\$104,356.60), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00523 which shall be certified against such contract in the sum of Thirty Thousand Dollars, (\$30,000.00).

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 320-97.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Julian Supply Corp. for an estimated quantity of valves and appurtenances (items 49, 90, 98, 110) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 5th day of February, 1997, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Forty Nine Thousand Six Hundred Forty Seven Dollars, (\$49,647.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00528 which shall be certified against such contract in the sum of Twenty Thousand Dollars, (\$20,000.00).

Said requirement contract shall

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 321-97.

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of Arrow Builders Supply Co., Inc. for an estimated quantity of various sewer maintenance appurtenances-vitrified clay pipe for the Division of Water Pollution Control, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 26th day of March, 1997, pursuant to the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Thirty-nine thousand one hundred twenty and 74/100 Dollars, (\$39,120.74), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into 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. 104108 which shall be certified against such contract in the sum of Thirty-nine thousand one hundred twenty and 74/100 Dollars, (\$39,120.74).

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, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 322-97.

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of Air Conditioning Enterprises, Inc. for an estimated quantity of Service and maintenance of various heating and air conditioning equipment for the Division of Water Pollution Control, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 12th day of March, 1997, pursuant to the authority of Ordinance No. 1457-96, passed September 23, 1996, which on the basis of the estimated quantity would amount to Eighty thousand and 00/100 Dollars, (\$80,000.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a require-

ment 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. 104109 which shall be certified against such contract in the sum of Fifty thousand and 00/100 Dollars, (\$50,000.00).

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, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 323-97.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of Jack Doheny Supplies Ohio, Inc. for the following: TV Inspection System for the Division of Water Pollution Control, Department of Public Utilities, received on the 20th day of March, 1997, pursuant to the authority of Ordinance No. 1603-96, passed October 28, 1996, which on the basis of order quantities would amount to \$22,457.00 (Net 30 Days) is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 324-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Insulator Maintenance Co., Inc. for an estimated quantity of labor and materials to clean and test insulators, bushings and lightning arrestors, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 20th day of March, 1997, pursuant to the authority of Ordinance No. 363-96, passed April 1, 1996, which on the basis of the estimated quantity would amount to Sixty One Thousand Six Hundred Seventy and no/100 Dollars, (\$61,670.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 08663 which shall be certified against such contract in the sum of Nineteen Thousand Four Hundred Eighty-Eight and no/100 Dollars, (\$19,488.00).

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 325-97.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the bid of Action Automatics, Inc. for an estimated quantity of Labor and materials to repair and maintain automatic doors (Item Nos. 1, 2, 3, and 5 (at 26% discount off list)) for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of contract received on the 18th day of December, 1996, pursuant to the authority of Ordinance No. 428-95, passed May 1, 1995, which on the basis of the estimated quantity would amount to Forty-two thousand two hundred and no/100 (\$42,200.00) Dollars, (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098844 which shall be certified against such contract in the sum of Eight thousand five hundred and no/100 (\$8,500.00) Dollars.

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 326-97.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Dittler Brothers, Inc., except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of Layout, printing, and distribution of the Cleveland Flight Guide (Item No. 1) for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of a contract received on the 20th day of February, 1997, pursuant to the authority of Ordinance No. 2147-96, passed April 14, 1997, which on the basis of the estimated quantity would amount to One hundred sixty thousand eight hundred and no/100 (\$160,800.00) Dollars, (2% 30 Days), is hereby affirmed and

approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098846 which shall be certified against such contract in the sum of Thirty-two thousand and no/100 (\$32,000.00) Dollars.

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 327-97.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of Logical Services, Inc. (MBE), for an estimated quantity of Layout, printing, and distribution of the Cleveland Flight Guide (Item No. 2) for the various divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of a contract received on the 20th day of February, 1997, pursuant to the authority of Ordinance No. 2147-96, passed April 14, 1997, which on the basis of the estimated quantity would amount to Seventy-four thousand four hundred and no/100 (\$74,400.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 098845 which shall be certified against such contract in the sum of Fifteen thousand and no/100 (\$15,000.00) Dollars.

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

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 328-97.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Independence Excavating, Inc. approved as lowest responsible bidder, pursuant to Ordinance No. 304-96 passed on March 8,

1996, and Board of Control Resolution No. 317-97, adopted April 25, 1997, for the mass excavation and pilings for the new Cleveland Browns Stadium, for the Department of Parks, Recreation and Properties, hereby is approved:

- Alfieri Trucking
- Mid America
- Martin Enterprises
- Obon Trucking
- Morabito Trucking
- Berkel (Piling)
- Collinwood Concrete
- Medina Supply
- Allega Concrete
- Regulatory Contractors, Inc. LLC
- Ohio Bulk
- All Erection
- Carlisle Equipment
- GRL & Associates
- North Coast Laboratories

Yeas: Mayor White, Acting Director Marks, Directors Carmody, Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Terry, Director Spellman, Acting Director Resseger, Directors Nolan, Warren and Lynch.
 Nays: None.
 Absent: None.

JEFFREY B. MARKS,
 Secretary

CIVIL SERVICE NOTICES

General Information

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

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date stated 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 19, 1997

9:30 A.M.

Calendar No. 97-81: 9717 Larnder Ave., N.W.

Ralph Pavicic, owner, to erect a 21' x 21' 1 story frame one family dwelling house on a 32' x 47' lot located in a B-Two Family District at 9717 Larnder Ave.; there being no accessory off-street parking space

on said lot contrary to Section 349.04 and the floor area of said proposed dwelling house being 480 square feet contrary to the 950 square feet minimum of Section 355.04 and the proposed dwelling house to be 13' from the rear property line instead of 20' as required by Section 357.08 of the Codified Ordinances.

Calendar No. 97-82: 2818 Chatham Ave., S.W.

St. Ignatius High School, owner, c/o Don Grace, to use as an athletic field the irregular shaped acreage corner through lot located in a Two Family District on the northeast corner of Chatham Ave. and W. 29 St. and extending through to W. 28 St. and known as 2818 Chatham Ave.; said proposed use being subject to the approval provisions of Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 97-83: 2910 Chatham Ave., S.W.

St. Ignatius High School, owner, c/o Don Grace, to use as an athletic field the irregular shaped acreage corner through lot located in a Two Family District on the northeast corner of Chatham Ave. and W. 30 St. and extending through to the northwest corner of Chatham Ave. and W. 29 St. and known as 2910 Chatham Ave.; said usage being subject to the approval provisions of Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 97-84: 3010 Chatham Ave., S.W.

St. Ignatius High School, owner, c/o Don Grace, to use as an athletic field the 145' x 297' irregular shaped corner lot located in a Two Family District on the northwest corner of Chatham Ave. and W. 30 St. and known as 3010 Chatham Ave.; said usage being subject to the approval provisions of Sections 337.02 and 337.03 of the Codified Ordinances.

Calendar No. 97-73: 9707 Steinway Ave., S.E.

Buckeye Homes II, a limited partnership, owner, c/o Mary Beth Monty, to erect a 30' x 40' two story frame one family dwelling house with a one story attached private garage on a 40' x 121' lot located in a Two Family District at 9707 Steinway Ave.; said proposed dwelling house to be located 7.6' from the neighboring dwelling to the west at 9703 Steinway Ave. contrary to the 10' distance requirement of Sections 357.09 and 337.23 of the Codified Ordinances.

HUNTER MORRISON,
 Acting Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 5, 1997

At the Meeting of the Board of Zoning Appeals, on, Monday, April 28, 1997, the following appeals were heard by the Board, and decided on Monday, May 5, 1997.

The following appeals were **Granted:**

Calendar No. 97-62: 7204 Cedar Avenue, S.E.

Pernel Jones Funeral Home Inc., owner, c/o Pernel Jones Sr., to erect

a 125' x 56' one-story masonry and frame funeral home building and construct additional parking areas. (Conditional Grant)

Calendar No. 97-64: 4114 John Avenue, N.W.

LDJ Foods Inc. dba Marshall McCarron Tavern, c/o L. Ernsberger, appealed, under authority of Section 76-6 of the Charter of the City of Cleveland from the refusal to issue a Pool Room License.

Calendar No. 97-65: 4114 John Avenue

L. Ernsberger dba Marshall McCarron, appealed, under authority of Section 76-6 of the Charter of the City of Cleveland from the refusal to issue a Coin Operated Amusement Device License.

The following appeal was heard on April 7, 1997 and **Granted:**

Calendar No. 97-32: 971 E. 141st Street

William Askew and Glendora Askew, owners, to convert to a rooming house with 10 rooming occupancies.

The following appeal was **Withdrawn:**

Calendar No. 97-44: 10300 Carnegie Avenue, S.E.

The following appeal was **POSTPONED** to a indefinite date.

Calendar No. 97-57: 1690 Columbus Road, N.W.

The following appeal was **POSTPONED** to May 27, 1997.

Calendar No. 97-12: 4141 West 130th Street.

HUNTER MORRISON,
 Acting Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 16, 1997

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-139-96.

RE: Appeal of Alan Landy, Owner of the Property located on the premises known as 4000 East 71st Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated August 8, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date; the docket will remain open, with the comment for the record that the progress is satisfactory and that the compliance will be achieved when the fire detection system is installed and approved; to be rescheduled for approximately July 9, 1997.

Docket A-12-97.

RE: Appeal of Full Life Church of God In Christ, Owner of the Property located on the premises known as 9324 Union Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated December 30, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-12-97 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-25-97.

RE: Appeal of Michael P. Socha, Owner of the Property located on the premises known as 20617 Hillside Road from a NOTICE OF VIOLATION - RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated January 17, 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 grant the Appellant six months (6 mos.) in which to abate the violations, and to REMAND the property at 20617 Hillside Road to the Division of Building and Housing for supervision and 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.

* * *

Docket A-27-97.

RE: Appeal of James J. Stalker, Owner of the Property located on the premises known as 3343 West 63rd Street from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated January 14, 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 grant the Appellant three months (3 mos.) in which to 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-31-97.

RE: Appeal of Thespian Dean, Owner of the Property located on the premises known as 11202-16 Superior Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 21, 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 modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six months (6 mos.) in which to obtain permits and

abate the violations; permits are to be obtained within two months (2 mos.) and to request a written report from the inspector indicating the progress on the property in two months (2 mos.). 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 CONDEMNATION NOTICE 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 November 14, 1997. 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-32-97.

RE: Appeal of Robert Edward Thaxton, Owner of the Residential Property and Swimming Pool located on the premises known as 4717 Wetzel Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 12, 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 grant the variance and permit the swimming pool to remain in its present location, noting that the pool pre-existed in that same location; and to waive payment of the late filing fees in view of the fact that it was a replacement pool not by the original owner. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-33-97.

RE: Appeal of Zainab Malik, Owner of the Property located on the premises known as 11422 Orville Avenue (aka 1392-98 East 115th Street) from a 7 DAY VACATE ORDER of the Commissioner of the Division of Building and Housing dated February 28, 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 uphold the Commissioner's 7 DAY VACATE ORDER and require vacation of the premises; reoccupancy can occur on a suite-by-suite basis as they are deemed safe and acceptable by the Building Department; and to grant the Appellant six months (6 mos.) in which to obtain permits and abate the violations, the property is to remain 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 7 DAY VACATE ORDER 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 November 14, 1997. 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-34-97.

RE: Appeal of Cleo Fluellen, Owner of the Property located on the premises known as 12905-13 Miles Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 6, 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 require the Appellant to obtain permits for demolition of the property located at 12913 Miles Avenue and to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six months (6 mos.) in which to obtain permits and abate the violations on the property located at 12905 Miles Avenue. 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 CONDEMNATION NOTICE 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 November 14, 1997. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-37-97.

RE: Appeal of Wilbur Earle Keller Sr., Owner of the Property located on the premises known as 11239 Superior Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 12, 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 modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE 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

sance conditions of the premises by means of demolition if abatement of the violations is not completed by August 14, 1997. 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-39-97.

RE: Appeal of Rosita Turner, Owner of the Property located on the premises known as 2208 East 36th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 14, 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 modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six months (6 mos.) in which to obtain permits and abate the violations, and to require that the property remain 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 CONDEMNATION NOTICE 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 November 14, 1997. 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-40-97.

RE: Appeal of Richard Maron, Owner of the Property located on the premises known as 322-40 Euclid Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing revised March 5, 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 grant the requested variances as follows:

Section 1010.4:

To grant the variance to provide emergency escape for each sleeping room on floors 2 and 3, noting that the building has achieved the equivalent safety of a sprinklered building and that the building is governed under Article 34.

Section 3408.6.7:

To grant the variance to the proposed HVAC system, noting that the HVAC systems are single resident systems and that the only systems that connect the building are the toilet exhaust and the corridor make-up air, which under Article 34 interpretations by the Board do not constitute a HVAC system. 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-41-97.

RE: Appeal of Penelope Vlahopoulos, Owner of the Property located on the premises known as 1342 West 54th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 18, 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 appeal request for a six month (6 mos.) "Extension of Time", the property is REMANDED 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.

* * *

Docket A-43-97.

RE: Appeal of 9300 Quincy Avenue, Inc., Owner of the Property located on the premises known as 9806-16 Quincy Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated February 20, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-43-97 has been POSTPONED; to be rescheduled for a later date

* * *

Docket A-44-97.

RE: Appeal of Stephen S. Spackey, Owner of the Property located on the premises known as 5113 Herman Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 26, 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 appeal and to REMAND the property at 5113 Herman 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.

* * *

Docket A-45-97.

RE: Appeal of Banc One Mortgage Corp., Mortgagee of the Property located on the premises known as 3284 East 128th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 26, 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 the time to modify the Commissioner's CONDEMNATION

NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two months (2 mos.) in which to obtain permits and abate the violations, and to require that the property remain boarded and secured and the grounds debris free during that period of time, with weekly inspections by the owner's representative to assure that the security is maintained. 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 CONDEMNATION NOTICE 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 July 14, 1997. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-46-97.

RE: Appeal of Ella Omilian, Owner of the Property located on the premises known as 3966 East 64th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 26, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-46-97 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-85-97.

RE: Appeal of Flannery's Pub of Cleveland, Ltd., Owner of the Property located on the premises known as 323 Prospect Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated April 25, 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 find that the occupancy grade is an A-3 restaurant rather than an A-2 night club, noting that the occupancy posting should reflect that and that the posting should be done immediately. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

OTHER BOARD BUSINESS:

Inspection Services in the City of Cleveland.

Dames & Moore - A Dames & Moore Group Company
32111 Aurora Road
Solon, Ohio 44139

A motion is in order at this time to permit Dames & Moore to become an accredited testing agency autho-

alized to provide construction observation and testing for projects within the City of Cleveland. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- L-3-97—Charles H. Demooy.
- A-13-97—Federal Home Loan Mortgage Corp.
- A-14-97—Federal Home Loan Mortgage Corp.
- A-21-97—Charles Pearson.
- A-30-97—Dale J. Toth Sr.
- A-33-97—Edward Whatley.
- A-52-97—Cleveland Hopkins Airport.
- A-77-97—David Cook.

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 16, 1997

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."

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 14, 1997

Sound System, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-94, passed by the Council of the City of Cleveland, November 21, 1994.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 6, 1997, 10:00 A.M. AT LUKE EASTER RECREATION CENTER, 3155 MARTIN LUTHER KING DRIVE, CLEVELAND, OHIO.

April 30 and May 7, 1997

FRIDAY, MAY 16, 1997

Gasoline, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 202-96, passed by the Council of the City of Cleveland, March 24, 1997.

Items for the City-Wide Street Name Sign Program, for the Division of Traffic Engineering, Department of Public Safety.

April 30 and May 7, 1997

WEDNESDAY, MAY 28, 1997

Rental of Flasher Safety Lights, Arrow Bars and Traffic Control Devices, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1456-96, passed by the Council of the City of Cleveland, September 23, 1996.

Police Uniforms — Winter Jackets, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, 1976.

Horse Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 119-97, passed by the Council of the City of Cleveland, March 24, 1997.

April 30 and May 7, 1997

THURSDAY, MAY 29, 1997

Rock Salt, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 215-97.

Maintain and Replace Interior Plants, for the various Divisions of the Department of Port Control, as authorized by Ordinance No. 627-96, passed by the Council of the City of Cleveland, June 10, 1996.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 15, 1997, 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, 5300 RIVERSIDE DRIVE.

Residential Sound Insulation Program (Group H), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, passed by the Council of the City of Cleveland, June 19, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 15, 1997, 2:00 P.M., 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE IN CLEVELAND HOPKINS PASSENGER TERMINAL BUILDING.

April 30 and May 7, 1997

FRIDAY, MAY 30, 1997

One (1) Cab and Chassis with Aerial Device, Used or Demonstration Unit, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 918-96, 1476-96 and 323-97, passed by the Council of the City of Cleveland, June 18, 1996.

April 30 and May 7, 1997

THURSDAY, JUNE 5, 1997

SSI Tack Coat Material, for the Division of Street Maintenance, Department of Public Service, as authorized by Ordinance No. 209-97, passed by the Council of the City of Cleveland, March 24, 1997.

Traffic Cones and Safety Drums, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 205-97, passed by the Council of the City of Cleveland, March 24, 1997.

Guard Rail Elements, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 213-97, passed by the Council of the City of Cleveland, March 24, 1997.

Plow Blades and Curb Bumpers, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 206-97, passed by the Council of the City of Cleveland, March 24, 1997.

Cold Mix Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 207-97, passed by the Council of the City of Cleveland, March 24, 1997.

April 30 and May 7, 1997

WEDNESDAY, MAY 21, 1997

Unarmed, Uniformed Security Guard Services, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 384-97, passed by the Council of the City of Cleveland, April 23, 1997.

May 7 and May 14, 1997

THURSDAY, MAY 22, 1997

Sundorf Lot Employee Parking, Cleveland Hopkins International Airport, for the Department of Port Control.

PLANS AND SPECIFICATIONS MAY BE OBTAINED FROM ROBERT P. MADISON INTERNATIONAL INC., 2930 EUCLID AVENUE, CLEVELAND, OHIO 44115 FOR A **NON-REFUNDABLE FEE OF \$60.00**. A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 14, 1997, 10:00 A.M., IN THE R.O.C. BUILDING AT CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO, 44135. SEALED BIDS WILL BE RECEIVED UNTIL THE DEADLINE AT CONTINENTAL AIRLINES, R.O.C. BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135-ATTENTION BILL FRASER.

Refurbish the Exterior of Burke Lakefront Airport Terminal Building, for the Department of Port Control, as authorized by Ordinance No. 928-96, passed by the Council of the City of Cleveland, June 18, 1996.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 15, 1997, 2:00 P.M. IN THE CONFERENCE ROOM, TERMINAL BUILDING, AT BURKE LAKEFRONT AIRPORT, NORTH MARGINAL ROAD.

May 7 and May 14, 1997

THURSDAY, MAY 29, 1997

New Cleveland Browns NFL Football Stadium - General Requirements, 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, 601 LAKESIDE AVENUE FOR THE **NON-REFUNDABLE COST OF \$25.00** CERTIFIED OR CASHIER'S CHECK ONLY. BIDDERS MAY THEN OBTAIN DOCUMENTS FROM THE DESIGNATED PRINTER. A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 21, 1997, 10:00 A.M. IN ROOM 211 OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

Cleveland Municipal Court Carpet Replacement, for the Department of Finance on behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 2042-96, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 20, 1997, 9:30 A.M. AT THE CLEVELAND JUSTICE CENTER, 1200 ONTARIO, 11TH FLOOR COURT ADMINISTRATOR'S OFFICE, CLEVELAND, OHIO.

Cleveland City Hall Mayor's Office Furniture, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 20, 1997, 2:00 P.M. IN ROOM 517, DIVISION OF ARCHITECTURE, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 7 and May 14, 1997

FRIDAY, MAY 30, 1997

Various Food for Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 217-97, passed by the Council of the City of Cleveland, April 14, 1997.

Rockefeller Lagoon Reconstruction Site Improvements, for the Division of Research, Planning and Development, Department of

Parks, Recreation and Properties, as authorized by Ordinance Nos. 1284-96, 2120-96 and 556-97, passed by the Council of the City of Cleveland.

A DEPOSIT OF TWENTY FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, MAY 21, 1997, 9:00 A.M. AT BURKE LAKEFRONT AIRPORT, FIRST FLOOR CONFERENCE ROOM, NORTH MARGINAL ROAD, CLEVELAND, OHIO.

May 7 and May 14, 1997

WEDNESDAY, JUNE 4, 1997

New Cleveland Browns NFL Football Stadium - Concrete Structures and Slabs, 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, 601 LAKESIDE AVENUE FOR THE **NON-REFUNDABLE COST OF \$250.00** CERTIFIED OR CASHIER'S CHECK ONLY. BIDDERS MAY THEN OBTAIN DOCUMENTS FROM THE DESIGNATED PRINTER. A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 20, 1997, 2:00 P.M. IN ROOM 230B OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.

May 7 and May 14, 1997

THURSDAY, JUNE 5, 1997

Asphalt Concrete Material, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 210-97, passed by the Council of the City of Cleveland, March 24, 1997.

May 7 and May 14, 1997

FRIDAY, JUNE 6, 1997

HVAC Controls and Equipment, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1598-96, passed by the Council of the City of Cleveland, February 10, 1997.

One (1) Cab and Chassis with De-Icer Tanker, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

One (1) Fork Lift Truck, for the Division of Motor Vehicle Maintenance,

nance, Department of Public Service, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 12, 1995.

May 7 and May 14, 1997

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 676-97.
By Councilmen Johnson and Westbrook (by departmental request).

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the downtown area of the City of Cleveland by replacing, maintaining, trimming and removing shade trees in and along the streets thereof.

Whereas, this Council did, on the 13th day of May, 1996, duly adopt Resolution No. 336-96, amended by Ordinance No. _____, passed _____, declaring therein the necessity of improving portions of the downtown area of the City of Cleveland by planting, trimming, creating or excavating cutouts for shade trees, and other related activities, in and along the streets thereof; and

Whereas, pursuant to said resolutions, the estimated assessments for said improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of said resolution and of the filing of said estimated assessments has been duly served upon all property owners to be assessed in the manner provided by law; and

Whereas, written objection to said estimated assessments have been filed by one or more such property owners; and

Whereas, this 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 Dorothy M. Miller, Jan Dean, and Faye Callahan, three disinterested freeholders of said City, be and the same hereby are appointed as an assessment equalization board to hear and determine all written objections filed in accordance with law to the estimated assessments heretofore filed with the Clerk of this Council pursuant to Resolution No. 376-96, amended by Ordinance No. _____, of this Council. Said board is hereby authorized and directed to equalize such assessments as it deems proper to conform to the standards prescribed by Resolution No. 376-96, amended by Ordinance No. _____, and by law.

Section 2. That the assessment equalization board shall meet at 10:00 o'clock, a.m. on the 9th day of May, 1997, at the Third Floor Conference Room of the Cleveland Convention Center, 500 Lakeside Avenue, for the purposes aforesaid, and upon completion of such hearing and any adjournments thereof, shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council be and she hereby is authorized and directed to notify, by certified mail, each person who has filed

timely written objection to said estimated assessments of the time and place of the hearing of the assessment equalization board.

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

Adopted April 28, 1997.
Effective April 30, 1997.

Res. No. 708-97.
By Councilman Robinson.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3608 East 131st Street, and repealing Res. No. 533-97, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3608 E. 131st Street, by Res. No. 533-97, adopted April 7, 1996; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 3608 E. 131st Street, be and the same is hereby withdrawn and Res. No. 533-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 337-97.
By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of dishwashing, laundry, general cleaning and hygiene supplies for the Division of Correction, Department of Public Health, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Health 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 years for the necessary items dishwashing, laundry, general cleaning and hygiene supplies in the approximate amount as purchased

during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Correction, Department of Public Health. 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 years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

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 21831)

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 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 401-97.
By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1130-93, passed May 24, 1993, as amended by Ordinance No. 1711-96, passed October 28, 1996, relating to upgrading the computer system for the Department of Law.

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

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

Section 1. That Section 2 of Ordinance No. 1130-93, passed May 24, 1993, as amended by Ordinance No. 1711-96, passed October 28, 1996, is hereby amended to read as follows:

Section 2. That the cost of said contract and services hereby authorized shall be paid from Fund Nos. 10 SF 006, 52 SF 001, 54 SF 001 and 58 SF 001, Request No. 06485.

Section 2. That existing Section 2 of Ordinance No. 1130-93, passed May 24, 1993, as amended by Ordinance No. 1711-96, passed October 28, 1996, is hereby repealed.

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

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 563-97.
By Councilman Westbrook (by departmental request).

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 the James H. Walker Construction Management Training Course to be conducted by the Minority Business Development Center, Office of Equal Opportunity.

Whereas, the Office of Equal Opportunity is required, pursuant to Section 123.08 of the Codified Ordinances of Cleveland, Ohio, 1976, and the MBE/FBE Code contained in Chapter 187 thereof, to hold periodic training seminars to assist minority and female business firms; and

Whereas, from March 18, 1997 through May 22, 1997, the Office of Equal Opportunity through the Minority Business Development Center, will be sponsoring the James H. Walker Construction Management Training Course; and

Whereas, the Council of the City of Cleveland has determined that collection of fees and provision of facilities, course supplies, refreshments and a graduation dinner in connection with said training course constitute a public purpose; and

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

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

Section 1. That the Mayor, or his designee, is hereby authorized to accept a registration fee of Two Hundred Dollars (\$200.00) from every registrant attending the James H. Walker Construction Management Training Course, being held March 18, 1997 through May 22, 1997; to enter into contract with Case Western Reserve University for seminar facilities; and to purchase course supplies, refreshments and food required for the training course and graduation dinner. Such facilities, services and food shall be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Minority Business Development Center, Office of Equal Opportunity, using fees collected for registration, and paid from Fund No. 13 SF 001, Request No. 23210.

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 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 657-97.
By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance to amend the second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 1227-96, adopted June 18, 1996, relating to the control of blight and disease of shade trees by planting, trimming, removing shade trees, and other related activities, in and along the streets of portions of Shaker Boulevard in the City of Cleveland; establishing a district for

said purpose in accordance with the provisions of Section 727.011 of the Revised Code; and providing for the assessment of the cost and expense of such work upon benefited property in such district.

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

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

Section 1. That the second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 1227-96, adopted June 18, 1996, are hereby amended to read, respectively, as follows:

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during the 1997 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, or removing shade trees and other related activities in and along a portion of Shaker Boulevard in the City of Cleveland during a 12-month period beginning during 1997 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council; and

Section 1. That it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants thereof to control the blight and disease of shade trees within public rights of way by planting, trimming, or removing shade trees, and other related activities (collectively, "Tree Maintenance") in and along a portion of Shaker Boulevard in the City of Cleveland for a 12-month period beginning during 1997.

Section 2. That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1997 Shaker Boulevard Tree Maintenance District" which shall include all territory within the following boundaries:

**BOUNDARIES OF SHAKER
BOULEVARD TREE
MAINTENANCE DISTRICT**

Being all that portion of Shaker Boulevard S.E. (190 feet wide) extending Easterly from the Easterly line of Woodhill Road S.E. to the Southerly-prolongation of the Easterly line of East 130th Street (50 feet wide).

Section 4. That the entire cost of such Tree Maintenance in the 1997 Shaker Boulevard Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1997 Shaker Boulevard Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages

resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

Section 2. That existing second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 1227-96, adopted June 18, 1996, 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.

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 667-97.
By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance to amend the second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 376-96, adopted May 13, 1996, relating to the control of blight and disease of shade trees by planting, trimming, removing shade trees, and other related activities, in and along the streets of portions of the City of Cleveland; establishing a district for said purpose in accordance with the provisions of Section 727.011 of the Revised Code; and providing for the assessment of the cost and expense of such work upon benefited property in such district.

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

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

Section 1. That the second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 376-96, adopted May 13, 1996, are hereby amended to read, respectively, as follows:

Whereas, it is immediately urgent and necessary that work be authorized for the purpose of controlling blight and disease of shade trees within public rights of way by planting, trimming, creating or excavating cutouts for shade trees, and other related activities in and along the streets of the downtown area of the City of Cleveland during the 1997 season; and

Whereas, the Director of Parks, Recreation and Properties has recommended to Council the planting, trimming, creating or excavating cut-outs for shade trees and other related activities in and along the streets of the downtown area of the City of Cleveland during a 12-month period beginning during 1997 in accordance with plans, specifications, profiles and cost estimates on file in the Office of the Clerk of Council; and

Section 1. That it is hereby determined and declared necessary and conducive to the public health, convenience and welfare of the City of Cleveland and the inhabitants there-

of to control the blight and disease of shade trees within public rights of way by planting, trimming, creating or excavating cut-outs for shade trees, and other related activities (collectively, "Tree Maintenance") in and along the streets of a portion of the downtown area of the City of Cleveland for a 12-month period beginning during 1997.

Section 2. That for such Tree Maintenance, there is hereby created and established, pursuant to the provisions of Section 727.011, Ohio Revised Code, a district known as the "1997 Tree Maintenance District" which shall include all territory within the following boundaries:

BOUNDARIES OF TREE MAINTENANCE DISTRICT

Beginning on the centerline of the Conrail Railroad right-of-way at its intersection with the Northerly prolongation of the centerline of West 10th Street;

Thence Southerly and Southeasterly along the Northerly prolongation and the centerline of West 10th Street to its intersection with the centerline of Superior Avenue N.W.;

Thence Easterly along the centerline of Superior Avenue N.W.; to its intersection with the Northerly prolongation of the Easterly right-of-way line of Columbus Road N.W.;

Thence Southerly along said Northerly prolongation and the Easterly right-of-way line of Columbus Road N.W. and its Southerly prolongation to its intersection with the centerline of the Cuyahoga River;

Thence Easterly and Southeasterly along the center line of the Cuyahoga River to its intersection with the Easterly right-of-way line of Huron Road S.E.;

Thence Northerly along the Easterly right-of-way line of Huron Road S.E. to its intersection with the Southeasterly right-of-way line of Prospect Avenue S.E.;

Thence Southeasterly along the Southeasterly right-of-way line of Prospect Avenue S.E. to its intersection with the centerline of East 18th Street;

Thence Northerly along the centerline of East 18th Street and along its Northerly prolongation to its intersection with the centerline of said Conrail right-of-way;

Thence Westerly along said centerline of the Conrail right-of-way to its intersection with the Northerly prolongation of the center line of West 10th Street and the place of beginning.

Section 4. That the entire cost of such Tree Maintenance in the 1997 Tree Maintenance District, less the one-fiftieth of such entire cost which shall be paid by the City, be specially assessed by a percentage of the tax value of all lots and lands within the 1997 Tree Maintenance District, which said lots and lands are hereby determined to be specially benefited by said work in the amount equal to the amount specially assessed against each such lot and land. The cost of said work shall include the cost of plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damages resulting from the work assessed in favor of any owner of land affected by the work and the interest thereon, the costs incurred in connection with the preparation, levy and collection of special assessments, the cost of purchasing, appropriating and otherwise acquiring therefor

any required real estate or interests therein, expenses of legal services, the cost of all labor and materials, and all other necessary expenditures.

Section 2. That existing second and third whereas clauses, and Sections 1, 2 and 4 of Resolution No. 376-96, adopted May 13, 1996, 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.

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 705-97.

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 24, 1997 to June 16, 1997, 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 24, 1997 to June 16, 1997, 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 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 received 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 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 706-97.

By Councilman Skrha.

An emergency ordinance consenting and approving the issuance of a permit for Public Safety Games 10K Foot Race on May 19, 1997, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Public Safety Games 10K Foot Race, sponsored by Hermes Race Systems, on May 19, 1997. The race will start by Donald J. Gray Gardens (behind) old stadium, around to Erieside going east-bound past E. 9th Street onto N. Marginal to E. 53rd and turn around going back to the start, 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 and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 707-97.

By Councilman Willis.

An emergency ordinance consenting and approving the issuance of a permit for Childrens Run Wade Oval on May 10, 1997, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Childrens Run Wade Oval, sponsored by Hermes Race Systems, on May 10, 1997. The runs, (approximately 6), will run just around Wade Oval using East Blvd., 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 and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 709-97.
By Councilman Jackson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Myra Denise Simmons).**

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

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a

municipal department; now, therefore,

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: 3454-56 East 93rd Street, west side.

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

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

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

Passed April 28, 1997.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, May 5, 1997

Public Health Committee: 9:30 A.M. — Present: Robinson, Chrm.; Zone, Vice Chrm.; Gordon, Jackson, Melena, Moran. Excused: Britt.

Employment, Affirmative Action and Training Committee: 11:00 A.M. — Present: Patmon, Chrm.; Robinson, Vice Chrm.; Gordon, Jackson, Melena, Polensek. Excused: Lewis.

Finance Committee: 2:00 P.M. — Present: Westbrook, Chrm.; Polensek, Vice Chrm.; Britt, Coats, Johnson, Lewis, Patmon, Robinson, Smith. Excused: Rybka.

Tuesday, May 6, 1997

Community and Economic Development Committee: 10:00 A.M. — Present: Jackson, Chrm.; Britt, Coats, Lewis, Melena, Smith, Willis. Excused: Patton.

Wednesday, May 7, 1997

Public Safety Committee: 10:00 A.M. — Present: Polensek, Chrm.; Willis, Vice Chrm.; Dolan, Gordon, Jackson, Patmon, Zone. Excused: Moran, Patton.

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