

# The City Record

Official Publication of the City of Cleveland

May the Fifth, Nineteen Hundred and Ninety-Nine

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

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.**

**BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, \_\_\_\_\_, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.**

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

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

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

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

# The City Record



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WEDNESDAY, MAY 5, 1999

No. 4456

## CITY COUNCIL

MONDAY, MAY 3, 1999

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Clerk of Council  
216 City Hall

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

#### MONDAY

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, May 3, 1999.

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

Councilmen present: Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Sweeney, Westbrook, White, Zone.

Also present were Mayor White and Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Guzman, Jackson, Hudecek, Patterson, Dove, Axelrod and Acting Director Whitlow.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Rodney Maiden, Pastor of Providence Baptist Church, located at Kinsman Road in Ward 3. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 772-99.

Re: From the Department of Parks, Recreation and Properties re: Terms of City Hall Concession Agreement. Received.

##### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 773-99.

Re: Transfer of Ownership Application - 4193351 - Jacks Lounge, Inc., 1307 Auburn Avenue, first floor and basement. (Ward 13). Received.

##### File No. 774-99.

Re: Transfer of Ownership Application - 21504740005 - Patricia D. Lempke d.b.a. Final Round Cafe, 18599 Old Lorain Road. (Ward 21). Received.

##### File No. 775-99.

Re: Transfer of Ownership Application - 2150474 - Patricia D. Lempke d.b.a. Mastick Woods Riverview Cafe, 19900 Puritas Road. (Ward 21). Received.

##### File No. 776-99.

Re: Stock Transfer Application - 3834246 - Hikmat Co., Inc. d.b.a. DS Beverage, 2118 Broadview Road. (Ward 15). Received.

#### PLATS

##### File No. 777-99.

Councilman Sweeney.  
Julia Court Subdivision (Ward 20). Approved by Directors of Public Service, City Planning Commission, Finance. Approved by Committees on Public Service, City Planning. Without objection, Plat approved. Yeas 19. Nays 0.

##### File No. 778-99.

Councilman Sweeney.  
Dedication of Cleveland Business Park Drive (Ward 20). Approved by Directors of Public Service, City Planning Commission. Approved by Committees on Public Service, City Planning. Without objection, Plat approved. Yeas 19. Nays 0.

#### RESOLUTION OF SORROW

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

**Res. No. 807-99**—Columbine High School Students and Teacher.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 814-99**—Anne Elizabeth Burford.

**Res. No. 815-99**—Ernest Stanley Dexter.

**Res. No. 816-99**—Verdell Murray.

**Res. No. 817-99**—Matthew Smith, Sr.

**Res. No. 818-99**—Maggie Carden.

**Res. No. 827-99**—Cleveland Williams.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 819-99**—Ruby Taylor.

**Res. No. 820-99**—Elder Donnell L. Lipford.

**Res. No. 821-99**—West Side Hungarian Reformed Church.

**Res. No. 822-99**—Szabolcs "Soby" Kalman.

**Res. No. 823-99**—National Prayer Day.

**Res. No. 824-99**—Martin Luther King, Jr. Law and Public Service Magnet High School.

**Res. No. 825-99**—Duane Olderman.

**Res. No. 826-99**—Richard Mosier.

**Res. No. 828-99**—Jane Scott.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 779-99.**

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

**An emergency ordinance authorizing the purchase by contract of insurance on computer equipment, for the Division of Information Systems Services, Department of Finance, for a period of one year, with two one-year options to renew.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: insurance for computer equipment, for a one (1) year term commencing October 6, 1999, with two (2) options, exercisable by the Director of Finance, to renew for an additional consecutive one-year term, and cancelable upon thirty days written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 24507.

**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. 780-99.**

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

**An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or its designee, for a term not to exceed one year, with one option to renew for an additional one year term, for the public purpose of office space for the Division of Information Systems Services.**

Whereas, the City of Cleveland requires certain space located on the fourth floor of the Ninth Street Plaza Building for the public purpose of leasing space for the offices of the Division of Information System Services; and

Whereas, MJM Management Company, or its designee, has proposed to lease said space to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to lease from MJM Management Company, or its designee, certain space more fully described as follows: The fourth floor of the Ninth Street Plaza Building, approximately 18,750 square feet of space.

**Section 2.** That the term of the lease authorized hereby shall be one (1) year commencing January 1, 2000, with one option exercisable by the Director of Finance to renew for an additional one year term, upon the same terms and conditions, including rental. The lease shall provide that the City may cancel at any time during the term upon six (6) months written notice from said Director.

**Section 3.** That the rent for the lease hereby authorized shall be \$14.50 per square foot, plus allocable utility, operating and maintenance costs.

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties with the public purpose or purposes of leasing space for the offices of the Division of Information Systems Services.

**Section 5.** That the cost of the lease shall be paid from Fund No. 70 SF 140, Request No. 24502.

**Section 6.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 7.** That the Director of Finance and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**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. 781-99.**

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

**An emergency ordinance authorizing the purchase by requirement contract of vehicle and equipment parts and supplies needed for the repair 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.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of vehicle and equipment parts and supplies needed for the repair and maintenance of airport maintenance vehicles and equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the 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 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 24872.)

**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. 782-99.**

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

**An emergency ordinance to amend Section 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1725-98, passed December 14, 1998, relating to body piercing establishments.**

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 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1725-98, passed December 14, 1998, is hereby amended to read as follows:

#### **Section 225.08 Body Piercing Establishments**

(a) The Department of Public Health is hereby authorized to assess the following license fees, for licenses issued pursuant to Ohio Revised Code Chapter 3730:

Body Piercing  
Establishment: . . . . . \$100.00

Temporary Body  
Piercing Establishment,  
pursuant to  
Section 225.07: . . . . . \$25.00

**All licenses issued for body piercing establishments shall expire on December 31st of the year in which the license is issued except those licenses issued to temporary body piercing establishments which shall expire on the fifth day following issuance thereof.**

(b) Chapter 3730 of the Ohio Revised Code is hereby incorporated by reference, as it now exists and as it may be amended in the future, and any violation of those state statutes or of rules promulgated under those statutes shall also be violations of these Codified Ordinances, and may be prosecuted by the Director of Law. The penalty for such violations shall be as established in Section 3730.99 of the Revised Code.

**Section 2.** That existing Section 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1725-98, passed December 14, 1998, 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 Health, Finance, Law; Committees on Public Health, Legislation, Finance.

**Ord. No. 783-99.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance to amend Section 1 of Ordinance No. 2186-97, passed April 6, 1998, relating to the Director of Public Health to enter into contract with various entities to implement the City's Lead Program by operating various lead abatement 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 1 of Ordinance No. 2186-97, passed April 6, 1998, is hereby amended to read as follows:

Section 1. That the Director of Public Health is hereby authorized to enter into contract with various community-based entities as needed to implement and provide various lead abatement and education programs including, but not limited to the entities specified below: the cost of each contract hereby authorized shall be paid from Fund Nos. 13 SF 456, Request Nos. 24501, 24502, 24503 and 24504; the cost of each contract is listed beside the name of the specified entity:

NAME	AMOUNT
University Settlement . . . . .	\$205,000.00
Association of Parents to Prevent Lead Exposure . . . . .	\$40,000.00
Cleveland Housing Network . . . . .	\$2,004,400.00

**Section 2.** That existing Section 1 of Ordinance No. 2186-97, passed April 6, 1998, 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 Health, Finance, Law; Committees on Public Health, Finance.

**Ord. No. 784-99.**  
**By Councilmen Jones, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute an easement granting to Hathaway Brown School certain easement rights in property located in the City of Shaker Heights and declaring said easement rights no longer needed for public use.**

Whereas, Hathaway Brown School has requested the Director of Parks, Recreation and Properties to convey certain easement rights in property located in the City of Shaker Heights; and

Whereas, Hathaway Brown School requires the easement rights to provide ingress and egress to and from school property; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that an easement interest in the following described property is no longer needed for public use:

A Portion of Parcel No. 733-37-001

**ACCESS EASEMENT FOR HATHAWAY BROWN SCHOOL**

Situated in the City of Shaker Heights, County of Cuyahoga and State of Ohio, and known as being a part of City of Cleveland Parkway in the Van Swerigen Company's Subdivision No. 27, of part of Original Warrensville Township Lots Nos. 23, 24, 25, 34, and 35, as shown by the recorded plat in Volume 88 of Maps, Page 28 of Cuyahoga County Records more particularly bounded and described as follows:

Beginning on the Westerly line of Sherbrooke Road, to feet in width, at its intersection with the Northerly line of land conveyed to East End School Association by deed dated April 22, 1924, and recorded in Volume 3209, Page 325 of Cuyahoga County Records, said point being a 5/8" capped iron pin set;

Course No. 1: thence Southwesterly along said Northerly line of land conveyed to East End School Association, said line being the arc of a circle deflecting to the right, 148.30 feet, said curved line having a radius of 2,000.00 feet and a chord which bears South 88°-51'-97" West

a distance of 148.26 feet to a punched bolt set in blacktop pavement;

Course No. 2: thence Southwesterly continuing along said Northerly line of land conveyed to East End School Association, said line being the arc of a circle deflecting to the left, 301.76 feet, said curved line having a radius of 4,200.00 feet and a chord which bears South 88°-55'-24" West a distance of 301.69 feet to a point;

Course No. 3: thence Northeasterly along the arc of a circle deflecting to the right, 154.10 feet, said curved line having a radius of 130.00 feet and chord which bears North 37°-00'-21" East a distance of 145.24 feet to a point;

Course No. 4: thence North 3°-35'-07" East, 148.93 feet to the Southerly line of North Park Boulevard, being of various widths;

Course No. 5: thence Southeasterly along said Southerly line of North Park Boulevard, said line being the arc of a circle deflecting to the right, 101.22 feet, said curved line having a radius of 420.00 feet and a chord which bears South 78°-26'-20" East a distance of 100.98 feet to a point;

Course No. 6: thence South 3°-35'-07" West, 134.92 feet to a point;

Course No. 7: thence Southeasterly along the arc of a circle deflecting to the right, 67.01 feet, said curved line having a radius of 130.00 feet and a chord which bears South 49°-01'-42" East a distance of 66.27 feet to a point;

Course No. 8: thence Southeasterly along the arc of a circle deflecting to the right, 65.41 feet, said curved line having a radius of 4,260.00 feet and a chord which bears South 89°-27'-30" East a distance of 65.41 feet to a point;

Course No. 9: thence Northeasterly along the arc to circle deflecting to the left, 117.04 feet, said curved line having a radius of 1,940.00 feet and a chord which bears North 89°-01'-53" East a distance of 117.01 feet to the Westerly line of aforementioned Sherbrooke Road;

Course No. 10: thence Southeasterly along said Westerly line of Sherbrooke Road, along the arc of a circle deflecting to the right, 65.95 feet, said curved line having a radius of 420.00 feet and a chord which bears South 27°-16'-41" East a distance of 65.89 feet to the place of beginning, containing 48,413 square feet of land (1.114 acres), according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in March, 1999, be the same more or less.

Bearings are to an assumed meridian and used to denote angles only.

**Section 2.** That the easement shall be non-exclusive and the purpose of the easement shall be for ingress and egress to and from Hathaway Brown School property.

**Section 3.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described (non-exclusive) easement interest to Hathaway Brown School at a price of One Dollars (\$1.00).

**Section 4.** That the duration of the easement shall be permanent; that the easement may include reasonable access, ingress and egress rights; that the easement shall not be assignable without the consent of the Director; that the easement shall

require the Grantee to indemnify the City, provide reasonable insurance, maintain any Grantee improvements located within the easement, and pay any applicable taxes and assessments.

**Section 5.** That the conveyance referred to above shall be made by Official Deed of Easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interest of the parties. The Directors of Parks, Recreation and Properties and Law are authorized to execute such other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the improvement within the property described in Section 1.

**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 Parks, Properties and Recreation, City Planning Commission, Finance, Law; Committees on Public Parks, Properties and Recreation, City Planning, Finance.

**Ord. No. 785-99.**

**By Councilman Cimperman.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property located at the West Pier of the Cuyahoga River from the U.S. Department of the Army, Corps of Engineers for a term not to exceed twenty-five years with the City retaining the right to renew for an additional term, and authorizing the Director of Parks, Recreation and Properties to sublease said property to End Marina Development, Inc. for a coterminous term, for the public purpose of providing public access and use of the West Pier as well as providing access to the former Coast Guard Station.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease from the U.S. Department of Army, Corps of Engineers, certain property located at the West Pier of the Cuyahoga River and sublease said property to River's End Marina Development, Inc., and that the terms of the lease from U.S. Department of Army, Corps of Engineers shall pass through to the developer. Said property is more fully described as follows:

**LAND OF THE WEST PIER  
OF THE CUYAHOGA RIVER**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of

Original Brooklyn Township Lot Number 51 and part of the submerged lands of Lake Erie, being a parcel of land bounded and described as follows:

Beginning in the Established U.S. Harbor Line, approved by the Secretary of War August 15, 1940, at a brass disk set in the West Pier of the Cuyahoga River, said point is designated as point "E" on the U.S. Corps of Engineers U.S. Harbor Line map;

Course No. 1: Thence North 54° 23' 38" East along the Northeasterly prolongation of said Harbor Line, 14.78 feet to its intersection with the Southwesterly line of the Cuyahoga River;

Course No. 2: Thence South 29° 46' 42" East along said Southwesterly line, 1015.13 feet to its intersection with a line drawn parallel with and distant Northwesterly 100 feet, by rectangular measurement from the old center line of the Cleveland and Toledo Railroad, said line being further known as the Southeasterly line of a parcel of land conveyed to the United States of America by deed dated July 20, 1898 and recorded in Volume 699, Page 147 of Cuyahoga County Records;

Course No. 3: Thence South 55° 05' 13" West along said Southeasterly line of land so conveyed, 36.64 feet to the most Southerly corner thereof;

Course No. 4: Thence North 29° 46' 57" West along the Southwesterly line of land so conveyed, 1014.68 feet to the most Westerly corner thereof and a point in the aforesaid Established U.S. Harbor Line;

Course No. 5: Thence North 54° 23' 38" East along said U.S. Harbor Line, 21.98 feet to the aforesaid Brass Disk and the place of beginning, containing within said boundaries 37,078 square feet of land (0.8512 acres), this legal description has been prepared from records by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1994. The bearings contained herein are to an assumed meridian and are used to indicate angles only, be the same more or less, but subject to all legal highways and waterways.

**Section 2.** That the terms of the lease and sublease authorized by Section 1 shall be coterminous and shall not exceed twenty five (25) years with right of the City, as Lessee, to renew for an additional twenty-five (25) years.

**Section 3.** That the consideration for the lease and sublease authorized by Section 1 shall be the operation and maintenance of the property by River's End Marina Development, Inc. including the payment of all utilities and taxes, and any other expenses associated with the property.

**Section 4.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 5.** That the Director of Parks, Recreation and Properties and the Director of Law, and other appropriate City officials, are authorized to execute such documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease and sublease authorized by this ordinance.

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

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

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

**Ord. No. 786-99.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of West 41st Street and Train Avenue to Mark A. Rivera Productions, Inc.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use located at the southeast corner of West 41st Street and Train Avenue; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

**Permanent Parcel No. 007-17-001**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots No. 1, 2, 3 and 4 as shown by the John Richner Subdivision of a part of Original Lot Number 53 and recorded in Volume 5 of Maps, Page 52 of Cuyahoga County Records and being bounded and described as follows:

Beginning at a point at the intersection of the Easterly line of West 41st Street (60 feet wide) and the Southerly line of Walworth Avenue S.W. (60 feet wide) now known as Train Avenue S.W., thence North 68°-04'-15" East, along the Southerly line of said Train Avenue S.W., 431.32 feet to a point in the Southwesterly line of Richner Avenue, S.W. (60 feet wide and Varies) as established by the Richner Avenue S.W. and West 42nd Place Dedication Plat as shown by the recorded plat in Volume 128, Page 3 of Cuyahoga County Records; thence South 21°-55'-45" East, along the Westerly line of said Richner Avenue S.W. 14.14 feet to an angle point therein; thence South 57°-49'-25" West along a Northwesterly line of said Richner Avenue S.W. 433.83 feet to an angle point therein; thence South 79°-53'-00" West along a Northerly line of said Richner Avenue, S.W. 38.80 feet to its intersection with said Easterly line of West 41st Street; thence due North, along said Easterly line of West 41st Street, 89.88 feet to the place of beginning, as appears by said plat, be the same more or less but subject to all legal highways.

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Mark A. Rivera Productions, Inc. at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 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, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

**Ord. No. 787-99.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Contract No. 51195 with the Cuyahoga Metropolitan Housing Authority to extend the term of the lease, 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 an Amendment to Lease between the City and Cuyahoga Metropolitan Housing Authority ("CMHA"), City Contract No. 51195, to extend said lease term for an additional fifteen (15) years.

All other terms and conditions contained in the original lease shall remain the same.

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

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

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

**Ord. No. 788-99.**  
**By Councilmen Melena, Jones, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease property on Clark Avenue from Michalske Printing Company, for a term of ten years, with two options to renew for additional ten year terms, for the public purpose of developing additional parking for the Clark Recreation Center.**

Whereas, the City of Cleveland requires certain property located on Clark Avenue for the public purpose of developing additional parking for the Clark Recreation Center; and

Whereas, Michalske Printing Company, has proposed to lease said property to the City of Cleveland; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease from Michalske Printing Company, certain property more fully described as follows:

Parcel No.: 006-16-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 117 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 48 as shown by the recorded plat in Volume 3 of maps, Page 15 of Cuyahoga County Records and being 40 feet front on the Northerly side of Clark Avenue S.W. and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 2.** That the term of the lease authorized by Section 1 shall not exceed ten (10) years, with two (2) options exercisable by the Director of Parks, Recreation and Properties, to renew for two (2) additional ten-year terms, and cancelable upon thirty days written notice by said director.

**Section 3.** That the rent for the lease authorized by Section 1 shall be fair market value as determined by the Board of Control.

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose or purposes of developing additional parking for the Clark Recreation Center.

**Section 5.** That the lease may provide for the City's payment of appropriate utility and other operating costs of the leased premises.

**Section 6.** That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

**Section 7.** That the Director of Parks, Recreation and Properties and the director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

**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 Parks, Properties and Recreation, City Planning Commission, Finance, Law; Committees on Public Parks, Properties and Recreation, City Planning, Finance.

**Ord. No. 789-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair, rebuild and replace cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials needed to repair, rebuild and replace cylinders, pumps, motors, valves, fuel injectors, drive shafts, gear boxes and trailers, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24166)

**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 and Law; Committees on Public Service, Finance.

**Ord. No. 790-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials necessary to repair, clean, recore and replace radiators, heater cores, gas tanks and air conditioning units in City vehicles and equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair, clean, recore or replace radiators, heater cores, gas tanks and air conditioning units in City vehicles and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24169)

**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. 791-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and replace automotive, truck and construction equipment glass, including related repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of labor and materials necessary to repair and replace automotive, truck and construction equipment glass, including related repairs in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24168)

**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. 792-99.**  
**By Councilmen Sweeney and Johnson (by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of tire recapping, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of tire recapping in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division

of Motor Vehicle Maintenance, Department of Public Service. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 24167)

**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. 793-99.**  
**By Councilmen Jackson, Coats and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to expend Community Development Block Grant funds for the Community Response Unit.**

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

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to expend Community Development Block Grant funds in the amount of \$1,000,000.00, from Fund No. 14 SC 025 RL 1283, for the operation of the Community Response Unit in conjunction with the Community Development Block Grant Program.

**Section 2.** That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

**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, Public Safety, Finance, Law; Committees on Community and Economic Development, Public Safety, Finance.



**Ord. No. 794-99.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan 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 the Director of Community Development is hereby authorized to enter into contract with Cleveland Action to Support Housing (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$430,000.00, and shall be paid from Fund No. 14 SC 024 and 14 SC 025, RL 1284.

**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. 795-99.**  
**By Councilmen Jackson and Johnson (by departmental request).**

**An emergency ordinance authorizing the Directors of Community Development and the Community Relations Board to expend Community Development Block Grant funds for fair housing services.**

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

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

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

**Section 1.** That the Director of the Community Relations Board is hereby authorized to expend Community Development Block Grant funds in the amount of \$100,000.00 from Fund No. 14 SC 025 RL 1282, for fair housing services in conjunction with the Community Development Block Grant Program.

**Section 2.** That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

**Section 3.** That the Director of the Community Relations Board is hereby authorized to enter into contracts with outside agencies for the purpose of providing fair housing services in conjunction with the Community Development Block Grant Program.

**Section 4.** That the cost of the contracts authorized by Section 3 shall not exceed \$100,000.00.

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

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

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

**Ord. No. 796-99.**  
**By Councilmen Cintron, Jackson, Robinson and Johnson (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1830-40 West 28th Street to Ohio City/Near West Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 003-33-301, 003-33-302, 003-33-305, 003-33-306, 003-33-307, 003-33-308, 003-33-309, 003-33-310, 003-33-313, 003-33-314, 003-33-316, 003-33-317 and 003-33-318, as more fully described in Section 2 below, to Ohio City/Near West Development Corporation or designee.

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

P.P. No(s). 003-33-301, 003-33-302, 003-33-305, 003-33-306, 003-33-307, 003-33-308, 003-33-309, 003-33-310, 003-33-313, 003-33-314, 003-33-316, 003-33-317, 003-33-318

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Unit Nos. B-1, B-2, 1, 2, 3, 4, 5, 6, 7, 8, 11, 12 and 15 in the Bridge Avenue Condominiums, whose drawings are recorded in Volume 34 of Condominium Plat Maps, Page 45 and as further described by the Declaration of Condominium Ownership and Bylaws attached thereto recorded in Volume 14855, Page 203 of Cuyahoga County Records, and together with an undivided percentage interest in an to all common areas and facilities appurtenant to said unit as set forth in the Declaration of Condominium Ownership, as the same may be amended from time to time, be the same more or less, but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months

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

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

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

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

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

**Ord. No. 797-99.**  
**By Councilmen Jackson, Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Aging to expend Community Development Block Grant funds for the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.**

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

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

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

**Section 1.** That the Director of Aging is hereby authorized to expend Community Development Block Grant funds in the amount of Ninety-Eight Thousand Dollars (\$98,000.00), from Fund No. 14 SC 025 RL 1281, for the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

**Section 2.** That said Director and the Director of Community Development are hereby authorized to enter into a memorandum of understanding for this program.

**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, Public Health, Finance, Law; Committees on Community and Economic Development, Public Health, Finance.

**Ord. No. 798-99.**  
**By Councilmen Jackson and Johnson (by departmental request).**

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

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

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

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

**Section 1.** That the Director of Community Development is hereby authorized to expend Community Development Block Grant funds from Fund No. 14 SC 025, and Federal HOME: Program funds from Fund No. 13 SC 885, RL 1285, in the amount of \$6,796,000, for the operation of the Low Interest Loan and Grant Programs, including all related services, and to enter into contracts under those programs. The Low Interest Loan and Grant Programs include: Repair-A-Home (RAH), Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair and Home Maintenance Assistance Program (HMAP).

**Section 2.** That the Director of Community Development is authorized to expend and to enter into one or more contracts with various non-profit agencies to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

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

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

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

**Ord. No. 799-99.**  
**By Councilmen White and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contracts with Medical Mutual of Ohio, Medical Life Insurance Company, HMO Health Ohio, Kaiser Permanente, Aetna USHealthcare, Inc. to provide medical and life insurance coverage for City employees; and to enter into contract with a joint venture to provide dental insurance for City Employees.**

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

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

**Section 1.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Medical Mutual of Ohio for SuperMed Plus group preferred provider medical insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

**Section 2.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Medical Mutual of Ohio for SuperMed Select point of service-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

**Section 3.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Medical Life Insurance Company for group term life insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, and voluntary additional group term life insurance coverage, and to obtain from Mutual Health Services Company Section 125 Premium Pass Through services, on the basis of its proposal dated February 10, 1999.

**Section 4.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with HMO Health Ohio for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 15, 1998.

**Section 5.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Kaiser Permanente for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated October 28, 1998.

**Section 6.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into a contract with Aetna U.S. Healthcare, Inc. for health maintenance organization-style group health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1999, on the basis of its proposal dated November 16, 1998.

**Section 7.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to contract for the issuance of a policy or policies of dental insurance, on a joint venture basis, which joint venture shall include at least one minority insurance agency, to provide group dental insurance coverage for eligible City of Cleveland

employees and officers for a one year term commencing April 1, 1999. The selection of the contractor for such services shall be made by the Director of Personnel and Human Resources after a full and complete canvass.

**Section 8.** That notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Personnel and Human Resources is hereby authorized to enter into contract with Mutual Health Services Company to provide administrative services for the City's Internal Revenue Code (IRC) Section 125 Plan, FlexPro, on the basis of a proposal.

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

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

Councilman Willis entered the meeting.

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 800-99.**  
**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 17, 1999 to June 15, 1999, 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 17, 1999 to June 15, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 801-99.**

**By Councilmen Coats and Dolan.**

**An emergency ordinance directing the Director of Public Safety to donate fire alarm boxes no longer needed for municipal purposes to The Western Reserve Fire Museum at Cleveland Inc.**

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

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

**Section 1.** That, notwithstanding any Ordinance or Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Safety shall inventory all fire alarm boxes in the City of Cleveland, and upon determination that any fire alarm box is no longer needed for municipal purposes, such fire alarm box shall be disposed of by donation of said fire alarm box to The Western Reserve Fire Museum at Cleveland Inc. The Director of Public Safety shall maintain the inventory and update it at least annually, with

a copy to be provided to the Clerk of Council and to The Western Reserve Fire Museum at Cleveland Inc.

**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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 802-99.**

**By Councilman Jackson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Young Audiences to stretch two (2) banners on utility poles (by separate permission) on Carnegie Avenue for the period of May 3, 1999 to May 21, 1999, inclusive, to publicize their special performances.**

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 direct-

ed to issue a permit to Young Audiences, 2460 Fairmount Boulevard, Suite 307, Cleveland, Ohio 44106, to install, maintain and remove two (2) banners at Carnegie Avenue, to be attached to the fourth utility pole west of East 65th Street (N) Pole Number K-3-39 and the first utility pole west of East 65th Street (S) no pole number (by separate permission) for the period of May 3, 1999 to May 21, 1999, inclusive. Said banners 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 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 803-99.**

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

**An emergency ordinance to amend Section 42 of Ordinance No. 520-99, passed March 29, 1999, relating to compensation for various classifications.**

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 42 of Ordinance No. 520-99, passed March 29, 1999, is hereby amended to read as follows:

**Section 42. Hourly Rate — Crafts**

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

		<b>Effective Date</b>	<b>Minimum</b>	<b>Maximum</b>
1.	Asbestos Worker .....	5-1-98	<b>\$28.18</b>	<b>\$35.23</b>
2.	Asphalt Construction Foreman .....	5-1-99	19.42	29.13
3.	Asphalt Raker .....	5-1-99	18.62	27.93
4.	Asphalt Tamper .....	5-1-99	18.62	27.93
5.	Boiler Maker .....	5-1-98	<b>29.14</b>	<b>36.42</b>
		10-1-97	27.74	34.67
6.	Bricklayer .....	5-1-98	<b>24.89</b>	<b>31.11</b>
7.	Bricklayer Foreman .....	5-1-98	<b>25.89</b>	<b>32.11</b>
8.	Bricklayer Helper .....	5-1-99	19.13	28.69
9.	Carpenter .....	5-1-98	<b>24.63</b>	<b>30.79</b>
10.	Carpenter Foreman .....	5-1-98	<b>25.63</b>	<b>31.79</b>
11.	Carpenter Apprentice .....	5-1-92	5.97	16.43
12.	Cement Finisher .....	5-1-98	<b>25.06</b>	<b>31.32</b>
13.	Cement Finisher Foreman .....	5-1-98	<b>26.06</b>	<b>32.32</b>
14.	Construction Equipment Operator — Group A .....	5-1-98	<b>26.02</b>	<b>29.63</b>
15.	Construction Equipment Operator — Group B .....	5-1-98	<b>25.87</b>	<b>29.48</b>
16.	Construction Equipment Operator — Group C .....	5-1-98	<b>25.02</b>	<b>28.63</b>
17.	Construction Equipment Operator — Group D .....	5-1-98	<b>24.24</b>	<b>27.85</b>
18.	Construction Equipment Operator — Group E .....	5-1-98	<b>23.92</b>	<b>27.53</b>
19.	Construction Equipment Operator — Oiler — Group F .....	5-1-98	<b>17.79</b>	<b>21.40</b>
20.	Curb Cutter .....	5-1-99	19.03	28.55

21.	Electrical Worker .....	5-1-98	<b>28.46</b>	<b>35.57</b>
22.	Electrical Worker Foreman .....	5-1-98	<b>29.46</b>	<b>36.57</b>
23.	Glazier .....	5-1-98	<b>24.90</b>	<b>31.12</b>
24.	Ironworker .....	5-1-98	27.50	34.38
25.	Ironworker Foreman .....	5-1-98	28.50	28.50
26.	Jackhammer Operator .....	5-1-99	18.62	27.93
27.	Master Mechanic .....	5-1-98	25.67	29.28
28.	Overhead Floodlight Maintenance Man .....	5-1-92	21.19	26.49
29.	Painter .....	5-1-98	<b>24.13</b>	<b>30.16</b>
30.	Painter — Apprentice .....	5-1-92	6.95	14.89
31.	Painter Foreman .....	5-1-98	<b>25.13</b>	<b>31.16</b>
32.	Paver .....	5-1-99	18.88	28.32
33.	Paving Foreman .....	5-1-99	19.42	29.13
34.	Pipefitter (Welder) .....	5-1-98	<b>29.40</b>	<b>36.75</b>
35.	Pipefitter Foreman .....	5-1-98	<b>30.40</b>	<b>37.75</b>
36.	Plasterer .....	5-1-98	<b>24.62</b>	<b>30.78</b>
37.	Plasterer Foreman.....	5-1-98	25.02	31.03
38.	Plumber (Welder) .....	5-1-98	<b>28.90</b>	<b>36.13</b>
39.	Plumber Foreman .....	5-1-98	<b>29.90</b>	<b>37.13</b>
40.	Roofer .....	5-1-98	<b>25.38</b>	<b>31.72</b>
41.	Sheet Metal Worker .....	5-1-98	27.07	33.84
42.	Sheet Metal Worker Foreman .....	5-1-98	28.07	34.84
43.	Sign Painter .....	5-1-94	22.55	25.61
44.	Sign Painter Unit Leader .....	5-1-94	23.55	26.61
45.	Spray Painter .....	5-1-94	20.22	23.34
46.	Superintendent of Construction Equipment .....	5-1-99	19.42	29.13

**Section 2.** That Section 42 of Ordinance No. 520-99, passed March 29, 1999, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 804-99.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with VERIO for materials and services necessary to provide Internet access for Cleveland City Council.**

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 Clerk of Council is hereby authorized to enter into an agreement with VERIO for materials and services necessary to provide high-speed, burstable access to the Internet for Cleveland City Council for a period of two years commencing June 1, 1999.

**Section 2.** That total cost for such services and purchases herein contemplated shall not exceed Twenty-Eight Thousand Two Hundred Ninety Dollars (\$28,290.00) and shall be paid Fund No. 01 SF 001.

**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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 805-99.**

**By Councilman Willis.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Hessler Neighborhood Association to stretch a banner on a utility pole (by separate permission) on Ford Drive for the period of May 17, 1999 to May 24, 1999, inclusive, to publicize the Hessler Street Fair.**

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 the Hessler Neighborhood Association, 11326 Hessler Road, Cleveland, Ohio 44106, to install, maintain and remove one (1) banner at 1961 Ford Drive (on the North side), to be attached to utility pole number NE4-22A1712, (by separate permission) for the period of May 17, 1999 to May 24, 1999, inclusive, publicizing the Hessler Street Fair. Said banners 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 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**Ord. No. 806-99.**

**By Councilmen Willis and Robinson.**

**An emergency ordinance to amend Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, relating to designation of landmarks and landmarks districts.**

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 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, is hereby amended to read as follows:

**Section 161.04 Designation of Landmarks and Landmarks Districts**

(a) In considering the designating of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, the Commission shall apply the following criteria with respect to such property:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the City, State or the United States.

(2) Its location as a site of a significant historic event;

(3) Its identification with a person who significantly contributed to the culture and development of the City;

(4) Its exemplification of the cultural, economic, social or historic heritage of the City;

(5) Its portrayal of the environment of a group of people in an era of history characterized by a distinctive architectural style;

(6) Its embodiment of distinguishing characteristics of an architectural type or specimen;

(7) Its identification as the work of an architect or master builder whose individual work has influenced the development of the City;

(8) Its embodiment of elements of architectural design, detail, materials or craftsmanship which represent a significant architectural innovation;

(9) Its relationship to other distinctive areas which are eligible for preservation according to a plan based on a historic, cultural or architectural motif;

(10) Its unique location or singular physical characteristic representing an established and familiar visual feature of a neighborhood, community or the City.

(b) The Commission shall propose designations of any area, place, building, structure, work of art or similar object in the City as a landmark or landmark district, and thereupon take the following actions:

(1) The Landmarks Commission shall advise the City Planning Commission of the proposed designation and secure from the Planning Commission its recommendation with respect to the relationship of the proposed designation to the comprehensive plan of the City, its opinion as to the effect of the proposed designation upon the surrounding neighborhood and its opinion and recommendation as to any other planning consideration which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. **The Planning Commission shall issue its written opinion to the Landmarks Commission no later than thirty (30) days after the proposed designation is referred to the Planning Commission.** The recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Landmarks Commission along with its recommendation concerning the proposed designation to Council. The Landmarks Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendation by the Planning Commission; **the Landmarks Commission shall not be bound, however, by the recommendation by the Planning Commission.**

(2) The Landmarks Commission shall thereafter notify the owner of such property of the proposed designation. Whenever possible, the Commission shall secure the owner's written consent for submittal of the proposed designation, together with its recommendation and findings of fact, to Council. In the event that the owner refuses or declines to give his written consent to the proposed designation, the Commission shall schedule a public hearing on the question of the proposed designation, setting forth a date, time and place and causing written notice to be given to the owner or any person having a legal or equitable interest in the property being proposed for designation. The Commission shall cause a legal notice to be published in a newspaper of general circulation in the City setting forth the nature of the hearing, the property involved and the date, time and place of the scheduled public hearing.

(3) The Commission shall conduct the public hearing as provided by **division (b)(2) of this section** and provide a reasonable opportunity for all interested parties to express their opinions under such rules as the Commission may adopt for the purpose of governing the proceedings of the hearings. Each speaker shall be fully identified as to name, address and the interests which he represents. The Commission shall make a determination with respect to the proposed designation in writing within fifteen days after the initial hearing date and shall notify any owner or any person having a legal or equitable interest in the property, as well as such other interested parties as may request a copy thereof. The Commission shall set forth in its recommendations such findings of fact which constitute the basis for its decision and shall transmit the recommendation concerning the proposed designation to Council.

(4) Council shall give due consideration to the findings and recommendations of the Commission, as well as such views as may have been expressed by persons participating in the hearing before the Commission, in addition to the recommendation of the City Planning Commission, in making its determination with respect to the proposed designation of any areas, places, buildings, structures, works of art and other similar objects as landmarks or landmark districts. Council may, in its discretion, hold public hearings on any such proposed designation, whether designation is proposed only with the consent of the owner, or after public hearings before the Commission. Upon its conclusion, Council may designate by ordinance the areas, places, buildings, structures, works of art and other similar objects as a landmark or landmark district.

(5) As soon as is reasonably possible, the Commission shall notify the Division of Building and Housing of the official designation. The Commission shall also file with the County Recorder of Deeds and the County Assessor a certified copy of the designation ordinance together with a notice briefly stating the fact of designation and a summary of the effects the designation will have. The Commission, further, shall send by registered mail a certified copy of the ordinance and a copy of the notice hereinabove described to

the owner and any person having a legal or equitable interest in the property.

(6) Notwithstanding any provision of this chapter, Council may rescind the designation of any area, place, building, structure, works of art or similar object as a landmark or landmark district by ordinance. Passage of such an ordinance shall relieve the owner of such area, place, building, structure, works of art or similar object from any duties or penalties contained in this chapter.

**Section 2.** That Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

**FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED**

**Res. No. 807-99.**

**By Councilmen Westbrook, Britt, Cimperman, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone.**

**An emergency resolution of condolence regarding the incident that occurred at Columbine High School in Littleton, Colorado.**

Whereas, the Cleveland City Council is most grieved and saddened by the tragic event that occurred at Columbine High School in Littleton, Colorado, on Tuesday morning, April 20, 1999. The lives of twelve students and one teacher were tragically ended as a result of the senseless violence that was committed against them; and

Whereas, the following students; Cassie Bernal, Steven Robert Curnow, Corey Depooter, Kelly Fleming, Matthew Kechter, Daniel Mauser, Daniel Rohrbough, Rachel Scott, Isaiah Shoels, John Tomlin, Lauren Townsend, Kyle Velasquez, were all extremely gifted and talented with very promising futures; and

Whereas, William David Sanders was a dedicated business teacher who spent his professional career instructing and guiding the students at Columbine High School; and

Whereas, the Cleveland City Council shares in the grief and sorrow with the families, friends, and classmates of these individuals who so tragically lost their lives through the acts of violence that had occurred; and

Whereas, the Cleveland City Council is evermore committed on working together with safety officials and other public officials on ending these horrific actions of violence that are taking the lives of our young people throughout our society, and

Whereas, the Cleveland City Council offers to the families of these individuals and to Columbine High School this resolution of condolence; now, therefore

Be it resolved that this Council extends sincere condolences to the families of those twelve students and one teacher whose promising lives were tragically ended, and to the students and staff of Columbine High School.

Be it further resolved, that the Clerk of Council be and she is hereby requested to transmit copies of the Resolution of Condolence to the Mayor of Littleton, Colorado for proper presentation.

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 808-99.**

**By Councilman Coats.**

**An emergency resolution acknowledging Workers Memorial Day and urging all employers and employees to ensure workplace safety.**

Whereas, through passage of numerous resolutions, this Council of the City of Cleveland has recognized the right of employees to seek safe, fair and productive working conditions and to be remunerated equitably for their hard work; and

Whereas, the safety of workers should be the paramount concern in all business and industry; and

Whereas, this Council of the City of Cleveland acknowledges Workers Memorial Day, a day in remembrance of workers who have been fatally injured at work; now, therefore

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

**Section 1.** That the Council of the City of Cleveland is supportive of safe, productive working conditions for all workers in the City of Cleveland and acknowledges Workers Memorial Day, a day to remember workers who have been fatally injured during work. This Council urges all employers and employees to keep safety as the paramount concern in all businesses to ensure a workplace free from injury.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 809-99.**

**By Councilman Britt.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., and repealing Res. No. 1457-98 objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd.,

1st Fl. & Bsmt., by Res. No. 1457-98 adopted by Council on August 19, 1998; and

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

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

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

**Section 1.** That objection to the renewal of a D1, D2, D3 and D6 Liquor Permit to 12112 Mayfield Rd., 1st Fl. & Bsmt., be and the same is hereby withdrawn and Res. No. 1457-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 810-99.**

**By Councilman Britt.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor permit to 1919 Mayfield Rd., and repealing Res. No. 1459-98, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1919 Mayfield Rd., by Res. No. 1459-98, adopted August 19, 1998; and

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

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

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

**Section 1.** That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1919 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1459-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 811-99.**

**By Councilman Britt.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., and repealing Res. No. 1458-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., by Res. No. 1458-98, adopted by Council on August 19, 1998; and

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

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

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

**Section 1.** That objection to the renewal of a D5 and D6 Liquor Permit to 12113 Mayfield Rd., be and the same is hereby withdrawn and Res. No. 1458-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 812-99.**

**By Councilman Britt.**

**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., an repealing Res. No. 1064-98, objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., by Res. No. 1064-98, adopted June 8, 1998; and

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

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

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

**Section 1.** That objection to the issuance of a C1 Liquor Permit to 8502 Quincy Ave., be and the same is hereby withdrawn and Res. No. 1064-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 813-99.**  
By Councilmen Westbrook, Sweeney, Coats and Polensek.

**An emergency resolution requiring the laying, re-laying and repairing of sidewalks, driveway aprons, curbs, gutters and/or castings on certain streets and any associated corner properties herein named in the City of Cleveland.**

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

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

**Section 1.** That it is necessary to lay, re-lay and repair sidewalks, driveway aprons, curbs, gutters and/or castings, including adjustments of utility boxes, where necessary, in the City of Cleveland on the following streets, at the locations hereinafter named and between the points mentioned, including both the frontage and depth of corner lots where said streets intersect, be laid, re-layed and repaired, with either stone flagging or concrete, to the full width of the present sidewalks or curbing on the streets and any associated corner properties respectively:

West 93rd Street and West 95th Street — Madison Avenue to Willard Avenue

9801 Denison Avenue — Southwest corner of Denison Avenue and West 98th Street

3243 West 98th Street — Southeast corner of Denison Avenue and West 98th Street

2220 West 93rd Street — South side of Willard Avenue between West 93rd Street and West 95th Street

Endora — Between Hillsborough and Rudwick

Darwin Avenue — I90 ramp to East 152nd Street

Alcov — North and south sides of Euclid Avenue

East 145th Street — South of St. Clair Avenue

Cleveland Road — North of St. Clair Avenue

Catalpa Road — North of Euclid Avenue

East 176th — Villaview to Nottingham Road

East 177th — Villaview to Nottingham Road

Creekvew — Nottingham Road to east end

Dillewood — 176th Street to east end

Nottingham Road — Villaview to Lakeshore Boulevard

Shelton Road — Nottingham Road to east end

Tiverton Road — Nottingham Road to east end

Sprengle Road — West 146th St. to West 143rd St. (Curb only)

**Section 2.** That the Director of Finance shall cause a written notice of the adoption of this resolution to be served upon the owner, agent of the owner, of each parcel of land abutting upon the sidewalk, driveway apron, curb, gutter, and/or casting to be laid or re-layed or repaired, in the manner provided by law for the service of summons in civil actions and in accordance with Section 164 of the City Charter of the City of Cleveland. A copy of the notice, with the time and manner of service endorsed thereon, signed by the person serving it shall be returned to the office of the Director of Finance and there filed and preserved. The said notice shall also provide that: if the sidewalk, driveway apron, curb, gutter, and/or casting are not laid, re-layed or repaired by the abutting owner, in accordance with the notice, within fifteen (15) days from service of notice or completion of the publication thereof, the City will proceed, through the appropriate department, to lay, re-lay or repair such sidewalk, driveway apron, curb, gutter, and/or casting, including adjustments of utility boxes, where necessary at the cost and expense of the owner of the property in front of which the same is laid, re-layed, repaired; and the cost and expense thereof, unless paid to the Director of Finance, will be assessed against the abutting property, and collected in the same manner as other assessments, as provided in Section 165 of the Charter of the City of Cleveland.

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

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

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

## SECOND READING EMERGENCY ORDINANCES

### Ord. No. 1418-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located north of Avrina Avenue between East 79th Street and East 81st Street to the Cleveland Gear Company.

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

1. In the title, line 5, after "use" insert "to the Cleveland Gear Company, or in the alternative to lease said property to Cleveland Gear Company, or a lease with option to purchase"; and in lines 7 and 8, strike "to the Cleveland Gear Company".

2. Strike the first Whereas clause in its entirety and insert in lieu thereof the following:

"Whereas, the City of Cleveland owns certain property located north of Avrina Avenue between East 79th Street and East 81st Street and no longer needed for public use; and"

3. In Section 2, line 1, and in Section 3, line 1, after "That" insert the following in both places: "provided the City of Cleveland does not lease the above described property to Cleveland Gear Company,".

4. Insert new Sections 4, 5 and 6 to read, respectively, as follows:

"Section 4. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976 the Director of Economic Development is authorized to lease or lease with option to purchase, to Cleveland Gear Company, certain property which is determined to be not needed for public use for the term of the lease and which is described in Section 1 of this ordinance. The term of the lease and other terms and conditions are set forth in File No. 1418-98-A.

Section 5. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the city.

Section 6. That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the Director of Economic Development and the Director of Law, and other appropriate City officials are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or lease with option to purchase authorized by this ordinance."

5. Renumber existing Section 4 to new "Section 7".

Amendments agreed to.

### Ord. No. 2052-98.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street to Glenville Town Center, Ltd.

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

### Ord. No. 97-99.

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services for the 1999 Curfew Enforcement Sweeps Program; and to enter into a contract with Partnership for a Safer Cleveland and a contract for the lease of a facility to implement the program.

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

**Ord. No. 249-99.**

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Harvard Avenue from East 154th Street to the east corporation line; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

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

**Ord. No. 250-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide architectural, engineering and other related services for the purpose of replacing or repairing roofs at various facilities in the Department of Public Service; determining the method of making the public improvement of replacing or repairing roofs, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

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

**Ord. No. 251-99.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary to create a detailed design of the consolidated maintenance facility at Cleveland Hopkins International Airport.

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

**Ord. No. 253-99.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport.

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

**Ord. No. 364-99.**

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley, for the Department of Port Control.

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

**Ord. No. 367-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

1. In the title, lines 6, and 7, and in Section 1, lines 8 and 9, strike "the Division of Traffic Engineering and Parking."

Amendment agreed to.

**Ord. No. 368-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police, Department of Public Safety.

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

**Ord. No. 460-99.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar Avenue, Cleveland, Ohio.

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

**Ord. No. 505-99.**

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

An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appearances on the eastern, western, northern, southern and downtown districts of the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 2000.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance; when amended as follows:

1. In the title, lines 9, 10 and 11; in Section 1, lines 5 and 6; and in Section 4, lines 5 and 6 strike "on the eastern, western, northern, southern and downtown" and insert in lieu thereof the following: "in the".

Amendment agreed to.

**Ord. No. 516-99.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to partially finance the construction and acquisition of machinery and

equipment, located across from 3249 East 80th Street between East 79th and East 80th Streets, north and south of the vacated Arvina Avenue, Cleveland, Ohio.

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

**Ord. No. 517-99.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation.

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

**Ord. No. 586-99.**

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one hundred and fifty additional plots of ground in Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.

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

1. In the title, line 7, strike "hundred" and insert in lieu thereof the following: "thousand".

2. In Section 1, line 3, strike "one hundred and fifty (150)" and insert in lieu thereof the following: "one thousand and fifty (1,050)"; in line 4, after "Cemetery"; insert ", to be purchased in increments of three hundred and fifty (350) plots,"; and at line 7, after the "1976", insert "currently in effect at the time each increment is purchased".

3. In the title, line 9; and in Section 1, line 4, after "Cemetery" insert "and Cleveland Memorial Gardens".

Amendments agreed to.

### THIRD READING EMERGENCY ORDINANCES PASSED

**Ord. No. 1962-98.**

By Councilman Sweeney.

An emergency ordinance to amend Sections 337.23, 350.13 and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended, respectively, by Ordinance Nos. 1271-91, passed October 21, 1991, and 3076-A-89, passed December 10, 1990, and Ordinance No. 1740-97, passed November 24, 1997 relating to accessory uses and signs in residence districts, and yard encroachments permitted.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 2056-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior reno-



vations of property at 6101 Euclid Avenue, Cleveland, Ohio, for First Steps Daycare.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 2057-98.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone Business Opportunity contract with Dubick Fixture & Supply, Inc. to provide economic development assistance to partially finance exterior and interior renovations of property at 6201 Euclid Avenue, Cleveland, Ohio, for renovation as a commercial showroom for Dubick Fixtures & Supply, Inc.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 177-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of Crane carrier, Caterpillar gradall and Case equipment parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 247-99.**

By Councilmen Sweeney and Johnson (by departmental request).

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

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 248-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into contract without competitive bidding with E. J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, Department of Public Service for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 310-99.**

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into a Mutual Aid Agreement with The Cleveland Electric Illuminating Company for the interchange and use of personnel and equipment upon request during system emergencies.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 314-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of labor and materials needed to repair and maintain Ford trucks, for the Division of Motor

Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 315-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of towing services, for the Division of Motor Vehicle Maintenance, Department of Public Service, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

**Ord. No. 316-99.**

By Councilmen Sweeney and Johnson (by departmental request).

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

Read third time. Passed. Yeas 20. Nays 0.

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Edward W. Rybka be and is hereby authorized.

The Council adjourned at 8:20 p.m. to meet on Monday, May 10, 1999, 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. 1418-98.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use **to the Cleveland Gear Company, or in the alternative to lease said property to Cleveland Gear Company, or a lease with option to purchase** located north of Avrina Avenue between East 79th Street and East 81st Street.

**Whereas, the City of Cleveland owns certain property located north of Avrina Avenue between East 79th Street and East 81st Street and no longer needed for public use; and**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the

Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use:

**BLOCK A**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being BLOCK "A" in the consolidation for the City of Cleveland of part of Original One Hundred Acre Lot Number 431 as shown by the recorded plat in Volume \_\_\_\_\_ of Maps, Page \_\_\_\_\_ of Cuyahoga County Records, further bounded and described as follows:

Beginning at a 3/4" iron pin found at the intersection of the centerline of Avrina Avenue, (60.00 feet wide), with the old centerline of East 79th Street, 60.00 feet wide;

Thence North 89° 32' 10" East, 40.00 feet, along the centerline of said Avrina Avenue to a point therein;

Thence North 00° 09' 00" East, 30.00 feet, along the prolongation of the Easterly line of said East 79th Street to a point also being the principal place of beginning;

Thence North 00° 09' 00" East, 346.00 feet, along the Easterly line of said East 79th Street to a point also being the Southerly corner of Sublot 66 in Charles Seymour's Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 38 of Cuyahoga County Records;

Thence North 89° 32' 10" East, 140.32 feet, along the Southerly line of Sublot 66 to a point also being the Southeast corner of said Sublot 66;

Thence North 00° 08' 53" East, 38.00 feet along the Easterly line of Sublot 66 to a point also being the Southwest corner of said Sublot 80;

Thence North 89° 32' 10" East, 132.55 feet, along the Southerly line of Sublot 80 to a point in the Westerly line of East 80th Street, 60.00 feet wide;

Thence South 00° 08' 45" West, 384.00 feet, along said Westerly line to its intersection with the Northerly line of Avrina Avenue;

Thence South 89° 32' 10" West, 272.89 feet along the Northerly line of said Avrina Avenue to the place of beginning. Containing 2.2830 acres of land according to a survey made in June 1998 by Bemba K. Jones, Ohio registered surveyor #7343 and recorded as aforesaid. The meridian for all bearings in this description is assumed.

**BLOCK B & C**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being BLOCK "B and C" in the consolidation for City of Cleveland of part of Original One Hundred Acre Lot Number 431 as shown by the recorded plat in Volume \_\_\_\_\_ of Maps, Page \_\_\_\_\_ of Cuyahoga County Records, further bounded and described as follows:

Beginning at a stone with drill hole found at the intersection of the centerline of Avrina Avenue, (60.00 feet wide), and East 80th Street, (60.00 feet wide);

Thence North 00° 08' 45" East, 263.81 feet, along the centerline of said East 80th Street to a point;

Thence North 89° 39' 29" East, 30.00 feet, to a point on the Easterly line of East 80th Street, also being the Southwest corner of Sublot 99 in Charles Seymour's Subdivision as shown by the recorded plat in Volume 5 of Maps, Page 38 of Cuya-

hoga County Records, and the principal place of beginning;

Thence North 89° 39' 29" East, 139.84 feet, along said Southerly line of Sublot 99 to a point;

Thence South 00° 17' 13" West, 17.20 feet, to a point also being the Southwest corner of Sublot 20;

Thence South 89° 41' 16" East, 119.82 feet along the Southerly line of said Sublot 20 to a point in the Westerly line of East 81st Street, (50.00 feet wide);

Thence South 00° 18' 58" West, 80.06 feet along said Westerly line of East 81st Street to a point also being the Northeast corner of Sublot 23;

Thence North 89° 39' 32" West, 119.78 feet along the Northerly line of said Sublot 23 to a point;

Thence North 00° 17' 13" East, 20.85 feet to a point also being the Northeast corner of Sublot 96;

Thence South 89° 37' 28" West, 139.65 feet along the Northerly line of said Sublot to a point in the Easterly line of East 80th Street;

Thence North 00° 08' 45" East, 74.43 feet along the Easterly line of said East 80th Street to the place of beginning Containing 0.465 acres of land according to a survey made in June 1998 by Bemba K. Jones, Ohio registered surveyor #7343 and recorded as aforesaid. The meridian for all bearing in this description is assumed.

**Section 2.** That provided the City of Cleveland does not lease the above described property to Cleveland Gear Company, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Cleveland Gear Company at a price not less than fair market value as determined by the Board of Control.

**Section 3.** That provided the City of Cleveland does not lease the above described property to Cleveland Gear Company, the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including such restrictive covenants and reversionary interests as may be specified by the Board of Control or Director of Law protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 4.** That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976 the Director of Economic Development is authorized to lease or lease with option to purchase, to Cleveland Gear Company, certain property which is determined to be not needed for public use for the term of the lease and which is described in Section 1 of this ordinance. The term of the lease and other terms and conditions are set forth in File No. 1418-98-A.

**Section 5.** That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the city.

**Section 6.** That, provided the City of Cleveland does not sell the above described property to Cleveland Gear Company, the Director of Economic Development and the Director of Law, and other appropriate City officials are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease or lease with option to purchase authorized by this ordinance.

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

**Ord. No. 2052-98.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner of St. Clair Avenue and East 105th Street to Glenville Town Center, Ltd.

**Ord. No. 97-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Office of Criminal Justice Services for the 1999 Curfew Enforcement Sweeps Program; and to enter into a contract with Partnership for a Safer Cleveland and a contract for the lease of a facility to implement the program.

**Ord. No. 249-99.**

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Harvard Avenue from East 154th Street to the east corporation line; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement.

**Ord. No. 250-99.**

By Councilmen Sweeney and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Public Service to employ one or more professional consultants to provide architectural, engineering and other related services for the purpose of replacing or repairing roofs at various facilities in the Department of Public Service; determining the method of making the public improvement of replacing or repairing roofs, and authorizing the Director of Public Service to enter into contract for the making of such improvement.

**Ord. No. 251-99.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design services necessary to create a detailed design of the consolidated maintenance facility at Cleveland Hopkins International Airport.

**Ord. No. 253-99.**

By Councilmen Westbrook and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design or design review services to create a detailed design for the westside cargo ramp at Cleveland Hopkins International Airport.

**Ord. No. 364-99.**

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

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. 50723 for constructing a parking facility at Cleveland Hopkins International Airport with Choice/Donley, for the Department of Port Control.

**Ord. No. 367-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of infrastructure cable and riser wire, including associated equipment, for Department of Public Safety.

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of infrastructure cable and riser wire, including associated equipment in the approximate amount as purchased during the preceding year, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for Department of Public Safety. 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 22783)

**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. 368-99.**

By Councilmen Coats and Johnson (by departmental request).

An emergency ordinance authorizing the purchase by requirement contract of breath alcohol machines, for the Division of Police, Department of Public Safety.

**Ord. No. 460-99.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Athersys, Inc. to provide economic development assistance to partially finance the acquisition of equipment at its operation located at 11000 Cedar Avenue, Cleveland, Ohio.

**Ord. No. 505-99.**

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

An emergency ordinance determining the method of making the public improvement of laying and re-laying and repairing sidewalks, handicap ramps, curbing, driveway aprons, median strips, intersections, bridge approaches, utility box adjustments, and/or castings, and miscellaneous appurtenances in the districts of the City and authorizing the Director of Public Service to enter into one or more requirement contracts for the making of said improvements through December 31, 2000.

Whereas, pursuant to Resolution No. 1095-97, passed June 16, 1997, this Council declared that certain specified sidewalks, driveway aprons, curbs, gutters and/or castings be laid, re-layed or repaired by the owner of such parcel of land abutting upon said sidewalks, curbing or intersections; and

Whereas, said resolution provided further if the sidewalks, driveway aprons, curbs, gutters and/or casting were not laid, re-layed or repaired by the abutting owner as provided in the Notice, the City would proceed to lay, re-lay or repair such sidewalks, driveway aprons, curbs, gutters and/or castings at the cost and expense of the abutting owner; and

Whereas, certain City sidewalks, curbs, driveway aprons, gutters, and/or castings, require laying, re-laying or repair, in conjunction with the sidewalks and curbing repairs in certain districts of the City; 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 Sections 165 and 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of laying, re-laying and repairing specified sidewalks, driveway aprons, curbs, gutters and/or castings in the districts of the City as identified in Resolution No. 1095-97, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding for all such work

estimated to be performed during the period ending December 31, 2000, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

**Section 3.** That the written requirement contract for the making of the above public improvement may also include laying, relaying and repairing median strips, intersections, bridge approaches, and handicap ramps, which cost shall be borne by the City and not assessed to the adjoining landowners.

**Section 4.** 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, laying, re-laying and repairing median strips, intersections, bridge approaches and handicap ramps in the districts of the City, in conjunction with the making of the sidewalk improvements authorized in Section 1, by one or more public improvement requirement contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 5.** That the Director of Public Service is hereby authorized to enter into a written requirement contract for the making of the public improvement described in Section 4 with the lowest responsible bidder after competitive bidding for all such work estimated to be performed during the period ending on December 31, 2000, on a unit basis. In the discretion of the Board of Control, separate requirement contracts may be let for specific districts within the City.

**Section 6.** That the cost of the contract or contracts authorized by the ordinance 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.

**Section 7.** That the cost of the improvements hereby authorized shall be paid from Fund Nos. 20 SF 341 and 10 SF 034, Request No. 24533. It is the intent of this Council that the districts be assessed for the improvements authorized in Section 1 hereof pursuant to the assessment process which will be submitted by the Director of Finance upon conclusion of the work, and that all or a portion of the monies collected as a result of said assessment be used to reimburse the appropriate account.

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

**Ord. No. 516-99.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Vesper Corporation to provide economic development assistance to

partially finance the construction and acquisition of machinery and equipment, located across from 3249 East 80th Street between East 79th and East 80th Streets, north and south of the vacated Arvina Avenue, Cleveland, Ohio.

**Ord. No. 517-99.**

By Councilmen Jackson and Johnson (by departmental request).

An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 939-97, passed June 16, 1997, relating to economic development assistance contracts with Glenville Development Corporation.

**Ord. No. 586-99.**

By Councilmen Jones and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, Ohio, to dedicate and sell one thousand and fifty additional plots of ground in Highland Park Cemetery and Cleveland Memorial Gardens for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.

Whereas, pursuant to Ordinance No. 155-98, passed February 9, 1998, Council authorized the Director of Parks, Recreation and Properties to enter into an agreement with the Board of County Commissioners of Cuyahoga County, Ohio (the "County Commissioners"), to dedicate plots of ground in West Park Cemetery and Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses; and

Whereas, on April 28, 1998, the Director of Parks, Recreation and Properties entered into such an agreement with the County Commissioners; 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 authorized to amend the agreement with the County Commissioners to dedicate and sell one thousand and fifty (1,050) additional plots of ground in Highland Park Cemetery and Cleveland Memorial Gardens, to be purchased in increments of three hundred and fifty (350) plots, for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses, at the same prices and fees as set forth in Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976 currently in effect at the time each increment is purchased.

**Section 2.** That said amendment shall provide that the Commissioners shall pay to the City of Cleveland for the cost of the land for each grave site the sum established by Section 133.30 of the Codified Ordinances of Cleveland, Ohio, 1976, and said funds shall be set aside and used as follows:

87.5% to the Cemetery Operating Fund;

12.5% to the Cemetery General Fund

**Section 3.** That the agreement shall be prepared by the Director of Law and shall contain such other terms and conditions as may be required to protect the interests of the parties.

**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.

### BOARD OF CONTROL

April 28, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 28, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Absent: None.

Others: JoAnn Arki, Acting Commissioner Purchases and Supplies Laura A. Williams, Director Office of Equal Opportunity.

On motion, the following resolutions were adopted.

#### Resolution No. 228-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc. for an estimated quantity of various sewer maintenance appurtenances-slabs for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 11th day of February 1999, pursuant to the authority of Codified Ordinance No. 1630-92 Sec. 129.27, passed September 21, 1992, which on the basis of the estimated quantity would amount to Seventy Five Thousand Seven Hundred Thirty and 00/100 Dollars (\$75,730.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1802 which shall be certified against such contract in the sum of Forty Thousand Dollars (\$40,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Perk Company, Inc. for the contract authorized herein is approved:

<b>SUBCONTRACTOR</b>	<b>WORK</b>
Alexa Trucking MBE	Trucking
Cuyahoga Supply FBE	Materials

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director

Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### Resolution No. 229-99.

By Director Konicek.

Be it 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 a period of one (1) year beginning with the date of execution of a contract, received on the 11th day of February 1999, pursuant to the authority of Codified Ordinance No. 1630-92 Sec. 129.27, passed September 21, 1992, which on the basis of the estimated quantity would amount to Thirty Six Thousand Seven Hundred Thirty and 60/100 Dollars (\$36,730.60) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1803 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, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### Resolution No. 230-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of SVS Corp., d.b.a. MTech Company for an estimated quantity of various equipment and appurtenances for combination sewer and catch basin cleaners for the Division of Water Pollution Control, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 24th day of March 1999, pursuant to the authority of Ordinance No. 817-98, passed June 8, 1998 which on the basis of the estimated quantity would amount to Seventy Thousand and 00/100 Dollars (\$70,000.00) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1804 which shall be certified against such contract in the sum of Seventy Thousand and 00/100 Dollars (\$70,000.00).

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, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### Resolution No. 231-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of G-S Ford, Inc. for the following: hydraulic shoring (all items) for the Division of Water, Department of Public Utilities, received on the 17th day of March, 1999, pursuant to the authority of Ordinance 2048-98, passed February 1, 1999, which on the basis of the order quantities would amount to One Hundred Twelve Thousand Twenty Five Dollars and Ninety Cents (\$112,025.90), 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, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### Resolution No. 232-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of AVO International, for an estimated quantity of test equipment, item no. 1, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on February 18, 1999, pursuant to the authority of Ordinance No. 213-93, passed March 15, 1993 on the basis of the estimated quantity would amount to Thirty Eight Thousand Five Hundred Thirty Six no/100 Dollars (\$38,536.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0203 which shall be certified against such contract in the sum of Nineteen Thousand Two Hundred Sixty Eight no/100 Dollars (\$19,268.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### Resolution No. 233-99.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on February 18, 1999, for Test Equipment, item nos.

2 and 5, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 213-93 passed by the Council of the City of Cleveland on March 15, 1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 234-99.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 22, 1999 for water meter parts (items 2, 3 and 4) for the Division of Water, Department of Public Utilities, pursuant to the authority of Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 235-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of ABB Water Meters, Inc. for an estimated quantity of water meter parts (item 5) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 22nd day of January, 1999, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Fifty Thousand Dollars (\$50,000.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09157

which shall be certified against such contract in the sum of Twenty Five Thousand and no/100 Dollars (\$25,000.00).

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, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 236-99.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Badger Meter, Inc. for an estimated quantity of water meter parts (item 1) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the

22nd day of January, 1999, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the order quantities would amount to Fifty Thousand Dollars (\$50,000.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 09155

which shall be certified against such contract in the sum of Twenty Five Thousand and no/100 Dollars (\$25,000.00).

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, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 237-99.**

By Director Ricchiuto.

Whereas, pursuant to the authority of Ordinance No.1786-97, passed by the Council of the City of Cleveland September 22, 1997, and Resolution No. 0357-98, adopted by this Board of Control on May 13, 1998, the City, through its Director of Public Service, entered into an agreement with R. E. Warner & Associates ("Consultant"), Contract No. 53024, to supplement the regularly employed staff of the several departments of the City to obtain professional engineering services necessary for the public improvement of Grayton Road Access to Cleveland Business Park; and

Whereas, by Resolution No. 74-99, adopted on February 10, 1999, this Board of Control authorized a first Modification to said Contract No. 53024; and

Whereas, the City desires to further modify the scope of services to include a change in the phasing of construction, installation of a traffic island at Rocky River Drive and a change in the location of the sanitary sewer outlet connection for this project; and

Whereas, Consultant has proposed by its April 8, 1999 letter to provide the additional engineering services mentioned above for an amount not to exceed \$79,162.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Service hereby is authorized to enter into a second modification to Contract No. 53024 with R. E. Warner & Associates for the additional engineering services required for the public improvement of Grayton Road Access to Cleveland Business Park, in accordance with Consultant's April 8, 1999 proposal letter. The compensation for the additional services shall not exceed a total of \$79,162.00, thereby increasing the total fee under the Agreement as modified from \$239,060.00 to \$318,222.00. The modification authorized hereby shall be prepared by the Director of Law and shall include such additional

provisions as said Director deems necessary to benefit and protect the public interest.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 238-99.**

By Director Ricchiuto.

Resolved by the Board of Control of the City of Cleveland that the bid of American National Fleet Service, Inc. for an estimated quantity of auto/truck spring parts and repair (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract, received on March 19, 1999, pursuant to the authority of Ordinance No. 2173-98, passed March 1, 1999, which on the basis of the estimated quantity would amount to approximately One Hundred Seventy Two Thousand Four Hundred Thirty Four and no/100 Dollars (\$172,434.00), (5% - 40 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 1708

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

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

**Resolution No. 239-99.**

By Director Warren.

Whereas, pursuant to the authority of Ordinance No. 2197-88, passed January 30, 1989, as amended by Ordinance Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997 respectively, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell parcels of the Property described therein in the Village of Orange, which Property is no longer needed for public use, in accordance with the terms of the Master Development Agreement ("MDA") as set forth in said ordinance; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to authorization of Ordinance No. 2197-88, passed January 30, 1989 by Cleveland City Council, as amended by Ordinance Nos. 1458-90 and 1166-96, passed June 18, 1990 and June 9, 1997 respectively, the Commissioner of Purchases and

Supplies is hereby directed to sell a parcel of the Property described in said ordinance in the Village of Orange, no longer needed for public use, to University Hospitals Health System, Inc., in accordance with the MDA as set forth in said Ordinance No. 2197-88, as amended; said property is more fully described as follows:

Situated in the Village of Orange, County of Cuyahoga and State of Ohio, and known as being a part of Original Warrensville Township Lot No. 70 and is bounded and described as follows:

Beginning in the easterly line of said Original Lot No. 70 at its intersection with the easterly line of Orange Place (as proposed) said point being located South 0° 27' 25" East, a distance of 538.14 feet as measured along said lot line from a stone monument found marking the northeasterly corner of the same;

COURSE I: Thence South 0° 27' 25" East, along said easterly line of Original Lot No. 70, a distance of 1,281.87 feet to a point located North 0° 27' 25" West, a distance of 875.69 feet as measured along said lot line from a stone monument found marking the southeasterly corner of the same;

COURSE II: Thence North 89° 51' 33" West, a distance of 341.31 feet to the easterly line of Orange Place (as proposed);

COURSE III: Thence North 13° 15' 58" West, along said line of Orange Place (as proposed), 242.66 feet to a point at the beginning of a curve therein;

COURSE IV: Thence Northerly, continuing along said line of Orange Place (as proposed) on the arc of a curve deflecting to the RIGHT (said curve having a radius of 740.00 feet, a central angle of 12° 47' 00", and a chord which bears North 6° 52' 28" West and is 164.76 feet in length), a distance of 165.10 feet to a point of compound curvature therein;

COURSE V: Thence Northeasterly, continuing along said line of Orange Place (as proposed) on the arc of a curve deflecting to the RIGHT (said curve having a radius of 970.00 feet, a central angle of 20° 57' 00", and a chord which bears North 9° 59' 32" East and is 352.70 feet in length), a distance of 354.68 feet to a point of tangency therein;

COURSE VI: Thence North 20° 28' 02" East, continuing along said line of Orange Place (as proposed), 128.43 feet to a point at the beginning of a curve therein;

COURSE VII: Thence Northeasterly, continuing along said line of Orange Place (as proposed) on the arc of a curve deflecting to the RIGHT (said curve having a radius of 720.00 feet, a central angle of 20° 48' 48" and a chord which bears North 30° 52' 26" East and is 260.11 feet in length), a distance of 261.55 feet to a point of tangency therein;

COURSE VIII: Thence North 41° 16' 50" East, continuing along said line of Orange Place (as proposed), 243.37 feet to a point at the beginning of a curve therein;

COURSE IX: Thence Northeasterly, continuing along said line of Orange Place (as proposed) on the arc of a curve deflecting to the LEFT (said curve having a radius of 380.00 feet, a central angle of 1° 28' 12", and a chord which bears North 40° 32' 44" East and is 9.75 feet in length), a distance of 9.75 feet to the point of beginning and containing 9.1861 acres of land as calculated and described in Decem-

ber, 1998 by Timothy P. Hadden, Ohio Professional Surveyor No. 6786 of CT Consultants, Inc.

The bearings herein are based upon observations of existing monuments in the Cleveland Regional Geodetic Survey system.

Together with that certain Access Easement dated April \_\_\_\_\_, 1999 from Orange Village to the City of Cleveland, recorded with the Cuyahoga County Recorder as Auditor's File No. \_\_\_\_\_

The consideration to be paid for said parcel is fixed at Seven Hundred Twenty Thousand, Ninety-three and Fifty-seven Hundredths Dollars (\$720,093.57), which amount is determined in accordance with section 4.2(a) of the Master Development Agreement.

Be it further resolved by the Board of Control of the City of Cleveland that the Mayor, the Director of Economic Development, and the Commissioner of Purchases and Supplies are hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

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

Nays: None.  
Absent: None.

#### **Resolution No. 240-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 008-03-036 under said Land Reutilization Program; and

Whereas, Ordinance No. 2113-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, James P. Pitcher has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2113-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with James P. Pitcher for the sale and development of Permanent Parcel No. 008-03-036, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$540.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

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

Nays: None.  
Absent: None.

#### **Resolution No. 241-99.**

By Director Hudecek.

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

the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-06-170 under said Land Reutilization Program; and

Whereas, Ordinance No. 2131-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Louise Worthy has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2131-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Louise Worthy for the sale and development of Permanent Parcel No. 107-06-170, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.  
Absent: None.

#### **Resolution No. 242-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 104-21-129 under said Land Reutilization Program; and

Whereas, Ordinance No. 2133-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Sylvester Ivory has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2133-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Sylvester Ivory for the sale and development of Permanent Parcel No. 104-21-129, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.  
Absent: None.

**Resolution No. 243-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 104-23-069 under said Land Reutilization Program; and

Whereas, Ordinance No. 2127-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Anthony R. Hope has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2127-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Anthony R. Hope for the sale and development of Permanent Parcel No. 104-23-069, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: None.

**Resolution No. 244-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 118-04-004, 118-04-007, 118-04-010, 118-04-047, 118-04-051, 118-04-052, 118-04-054 and 118-04-050 under said Land Reutilization Program; and

Whereas, Ordinance No. 2180-90 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, MPC Plating Incorporated has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2180-90 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with MPC Plating Incorporated for the sale and development of Permanent Parcel Nos. 118-04-004, 118-04-007, 118-04-010, 118-04-047, 118-04-051, 118-04-052, 118-04-054 and 118-04-050, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$52,000.00, which amount is hereby

determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: None.

**Resolution No. 245-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-18-058 under said Land Reutilization Program; and

Whereas, Ordinance No. 2126-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Dennis Bogard has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2126-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Dennis Bogard for the sale and development of Permanent Parcel No. 107-18-058, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: None.

**Resolution No. 246-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 132-06-041 under said Land Reutilization Program; and

Whereas, Ordinance No. 2182-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John T. Rzczycki and Kathleen Rzczycki have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2182-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with John T. Rzczycki and Kathleen Rzczycki for the sale and

development of Permanent Parcel No. 132-06-041, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.

Absent: None.

**Resolution No. 247-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 143-15-070 under said Land Reutilization Program; and

Whereas, Ordinance No. 2181-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Rose L. Whaley and Sherman L. Whaley have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2181-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Rose L. Whaley and Sherman L. Whaley for the sale and development of Permanent Parcel No. 143-15-070, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$400.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: None.

**Resolution No. 248-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 107-15-070 under said Land Reutilization Program; and

Whereas, Ordinance No. 2132-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Barbara A. Bryant has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2132-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Barbara A. Bryant for the sale and development of Permanent Parcel No. 107-15-070, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### **Resolution No. 249-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 118-07-032 under said Land Reutilization Program; and

Whereas, Ordinance No. 2130-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Mattie Mae Adams and Taze Adams have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2130-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Mattie Mae Adams and Taze Adams for the sale and development of Permanent Parcel No. 118-07-032, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### **Resolution No. 250-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 105-31-032 under said Land Reutilization Program; and

Whereas, Ordinance No. 2129-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of

Control at not less than the Fair Market Value; and

Whereas, Harold F. Eberhard and Margaret Eberhard have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2129-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Harold F. Eberhard and Margaret Eberhard for the sale and development of Permanent Parcel No. 105-31-032, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### **Resolution No. 251-99.**

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel No. 106-20-095 (Southerly half) under said Land Reutilization Program; and

Whereas, Ordinance No. 2128-98 passed March 22, 1999, authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Eric Driskell has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2128-98 passed March 22, 1999, by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Eric Driskell for the sale and development of Permanent Parcel No. 106-20-095 (Southerly half), as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### **Resolution No. 252-99.**

By Director Balraj.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 930-95, passed on June 19, 1995 and Ordinance No. 469-98, passed on May 18, 1998, Robert P.

Madison International ("Consultant") is hereby selected upon the nomination of the Director of Port Control to provide professional services for Phase 2 Continuation of the Residential Sound Insulation Program, for the Division of Cleveland Hopkins International Airport Department of Port Control:

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Robert P. Madison International based on its proposal dated April 15, 1999. The fee for such services shall be in an amount not to exceed One Million Five Hundred Fifty Thousand and 00/100 Dollars (\$1,550,000).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by ("Consultant") is hereby approved:

Van Aukin Akin (FBE)  
\$212,217.00 (13%)

Ralph Tyler Companies (MBE)  
\$519,930.00 (33%)

Wyle Laboratories  
\$68,500.00 (4%)

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

#### **Resolution No. 253-99.**

By Director Balraj.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 710-95, passed by the Cleveland City Council on June 12, 1995, Apple Designs, Inc. is hereby selected upon nomination of the Director of Port Control to provide design services for interior and exterior terminal and signage and roadway signage at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Apple Designs, Inc. based on its proposal dated February 18, 1999. The fee for the services shall be an amount not to exceed One Hundred and Thirty Thousand and no/100 Dollars (\$130,000). The contract authorized hereby shall be prepared by the Director of Law and shall contain such additional terms and provisions as said Director deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Apple Designs, Inc. ("Consultant") is hereby approved:

<b>Subcontractor</b>	<b>Service</b>
Robert P. Madison (MBE — 17%)	CADD Production

SGD, Design International (FBE — 1%)	Signage
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Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Whitlow, Acting Director Shepherd, Directors Jackson, Hudecek, Patterson, Warren and Axelrod.  
Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary



**CIVIL SERVICE NOTICES****General Information**

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, MAY 17, 1999****9:30 A.M.**

**Calendar No. 99-81:** 5917 Vandalia Avenue (Ward 16)

Gary M. Mullins, owner, appeals to construct a 30' x 30' one-story 3-car garage to be located in a Two-Family District and situated on a 38' x 125' parcel on the south side of Vandalia Avenue at 5917 Vandalia Avenue; said construction being contrary to Section 337.23(a)(7)(A), where the maximum floor area permitted on a 4,791 sq. ft. lot is 650 sq. ft. of garage floor area and 900 sq. ft. is proposed; and where a 16' height is proposed, and the maximum height of an accessory building in a residence district shall not exceed 15' as stated in Section 353.05 of the Codified Ordinances.

**Calendar No. 99-86:** 4961 Old Grayton Road (Ward 20)

Ullrich Family Ltd. Partnership, owner, and AT&T Wireless, tenant c/o Ron Russo, appeal to install a 43' tall monopole style antenna tower and a 20' long x 11'-6" wide prefabricated radio equipment building and approximately 132 linear feet of 8' high chain link fencing topped with barbed wire, all situated on an irregular shaped acreage parcel in a General Retail Business District on the east side of Old Grayton Road at 4961 Old Grayton Road; said installation being contrary to the Height Regulations of Section 353.06(6)(b) where the tower is located less than 1 mile from a public airport and requires the Board of Zoning Appeals approval and where the height limit proposed is 43' and the allowed

height limit is 35' as per Section 353.01(a)(b) of the Codified Ordinances.

**Calendar No. 99-87:** 16717 Laverne Avenue (Ward 21)

Sherry L. McGuire, owner, appeals to install approximately 67 linear feet of 6' high stockade fencing, 40 linear feet of 4' high stockade fencing and 30 linear feet of 4' high chain-link fencing to the rear and side of an existing 27' x 43', 2-1/2-story, masonry dwelling located in a One-Family District and situated on a 40' x 160' corner parcel on the southeasterly side of Laverne Avenue at 16717 Laverne Avenue; said use being contrary to the Yards and Courts Regulations where a 6'0" high stockade fence is proposed and 4'6" height is required as per Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 99-89:** 3654 East 108th Street (Ward 2)

Elsuni Elkalifa, owner, and Tony Bankhead, prospective purchaser, appeal to change the use of an existing 28' x 57' 2-story masonry building into 2 locker rooms for storage on the first floor and 2 dwelling units on the second floor located in a Two-Family District and situated on a 35' x 117' corner parcel on the northwesterly corner of Aetna Road and East 108th Street; said change of use being contrary to the Yards and Courts Regulations of Section 357.04 where a 25' front yard setback is required and 0' is proposed and the Side Street Yard Regulations of Section 357.05 where a 10' setback is required and 0' is proposed and the Required Interior Side Yard Regulations where the aggregate width shall not be less than 10' and 6'-4" is proposed but subject to the non-conforming use limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 99-90:** Appeal of Bosch, Inc. (Ward 18)

Gerald E. Bosch dba Bosch, Inc. appeals, under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 through 674.99 of the Codified Ordinances from being denied upon the recommendation of Chief Martin Flask, Cleveland Police Division, a license to sell firearms on the premises at 1945 West 112th Street.

**Calendar No. 99-91:** 17903 Euclid Avenue (Ward 10)

Mary Whitmore, owner d.b.a. Hayden Day Care Center, and Robert Pattison, agent, appeal to construct a 24' x 40' modular classroom addition and a scissors stairwell between the proposed modular classroom and the existing two-story day care center building in a Local Retail District and situated on an approximate 47' x 203' corner parcel at the corner Hillview Avenue and Euclid Avenue; said addition being contrary to the Residential District Regulations where a day care center requires the Board of Zoning Appeals approval and contrary to the Off-Street Parking and Loading Regulations, where 0 parking spaces are proposed and 10 spaces are required as stated in Section 349.04 of the Codified Ordinances.

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS****MONDAY, MAY 3, 1999**

At the Meeting of the Board of Zoning Appeals on Monday, May 3, 1999, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 99-59:** 1829 East 55th Street

Service Station Equipment Company, owner, and Oriana House, Inc., prospective purchaser appealed to renovate and change use of existing two-story masonry building located in a General Retail and Semi-Industry District into a correctional half-way house; approval conditioned upon absolute limit of 150 for occupancy; strict use as a community correction center for offenders who are returning to community life; that landscaping plans and exterior treatment of the building be subject to City Planning Commission and Building and Housing approvals.

**Calendar No. 99-74:** Appeal of Richard Seawright

Richard Seawright appealed from being denied upon recommendation of Chief Martin Flask, C.P.D. a handgun registration and owner's identification card.

**Calendar No. 99-78:** 2146 West 5th Street

Tremont Ridge, Phase I, Limited Partnership, appealed to erect a 20' x 144' three-story two family house and a 20' x 20' detached private garage in a Multi-Family District.

**Calendar No. 99-80:** 4401 Brooks Road Zarembo Cleveland Communities, owner, and Michael Caito, architect appealed to construct an approximately 60' x 20' two-story club house in a One-Family District.

**Calendar No. 99-47:** Appeal of

Chester P. Kuchinski  
Chester P. Kuchinski appealed from being denied upon recommendation of Chief Martin Flask, CPD, a handgun registration and handgun owner's identification card.

**Calendar No. 99-55:** 13021 Lorain Avenue

Jane F. King, owner, and Zarembo Group LLC, agent, and CVS Pharmacy, purchaser, appealed to construct a one-story drugstore building and a 55-car parking lot on a corner parcel in a General Retail Business District.

The following appeals were **Postponed:**

**Calendar No. 99-69:** 3008 Cedar Avenue, a.k.a. 3006-8 Cedar Avenue postponed to May 24, 1999.

**Calendar No. 99-70:** 2165 East 30th Street postponed to May 24, 1999.

**Calendar No. 99-46:** 4190 Bradley Road postponed to May 17, 1999.

**On Monday, May 3, 1999, in Executive Session:**

The following appeals were heard on Monday, April 26, 1999, and said decisions to **GRANT** were approved and adopted by the Board on May 3, 1999:

**Calendar No. 99-64:** 4848 West 130th Street

MPW Industrial Services, owner, appealed to install a temporary parking lot for 10 tractor trailers on an approximate 200' x 175' area on a compacted gravel surface in a Semi-Industry District; said approval subject to installation of paving and landscape screening prior to 11/1/99.

**Calendar No. 99-65:** 2095 Columbus Road

Paul Nasvytis, d.b.a. F.U.N.A., Inc., owner, appealed to construct a one-story frame addition to the rear of an existing building located in a Semi-Industry District; said approval subject to submission of a signed agreement with neighboring property owner to provide required parking spaces.

**Calendar No. 99-66:** Appeal of Allen Humphrey

Allen Humphrey, appealed under Section 76-6 and the Charter of the City of Cleveland and Section 674.04 of the Codified Ordinances from being denied a handgun registration and handgun owner's identification card by recommendation of Chief Martin Flask, C.P.D.

**Calendar No. 99-68:** 1211 West 9th Street

Neil Viny and Old Cleveland Properties Ltd., owner, and Magnate Properties, LLC, prospective purchaser, and Anthony Jerdine, tenant, appealed to change use of an existing 6-story masonry warehouse building to 41 dwelling units and to add a 1-story penthouse to the existing roof on a 66' x 132' parcel in a Limited Retail Business District.

The following appeals were heard on Monday, April 26, 1999, and said decisions to **DENY** were approved and adopted by the Board on May 3, 1999:

**Calendar No. 99-62:** 9901 Broadway Avenue

John P. Papouras, owner, and Eller Media Company, appealed to install a 24' x 12', 288 sq. ft. billboard sign on a 24" diameter steel pole with an overall height of 37' above grade in a One-Family District.

**Calendar No. 99-39:** 4447 Lee Road

Quinton Durham, Jr., owner, appealed to construct a 24' x 289' storage garage on an approximate 367' x 440' corner parcel in a Local Retail District.

**Calendar No. 99-41:** 2255 Hamilton Avenue

Victor Banis, owner, and Tony Aseff, tenant, appealed to maintain use of an existing 34' x 54' 2-story masonry storage building as a non-conforming adult cabaret in a Semi-Industry District.

EUGENE CRANFORD, JR.,  
Secretary

### **REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

Re: Report of the Meeting of  
April 28, 1999

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of

action of the subject meeting is given for publication in The City Record:

\* \* \*

**Docket A-234-98.**

RE: Appeal of Mike Sadowsky and Frank Maenza, Owner and Tenant of the Night Club appeals from an ADJUDICATION ORDER (expansion of existing night club) of the Commissioner of the Division of Building and Housing dated November 25, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit the facility to be classified as Use Group A-3 occupancy with the requirement that the occupancy levels of 135 and 124 people guest per room be posted and maintained, noting that the lighting levels will be consistent with the restaurant lighting levels, and that a full service menu is available and maintained through to 1:00 a.m.; and to require that hard-wired smoke detectors be installed throughout with the approval of the Division of Fire. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket L-2-99.**

RE: Appeal of Burl McClain, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 6, 1999, 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 permit Mr. McClain to renew his 1999 Journeyman Plumber License without retaking the test, if he had a license that was valid in 1998; but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

\* \* \*

**Docket L-3-99.**

RE: Appeal of Sanford T. Maxey Sr. appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 13, 1999, 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 permit Mr. Maxey to renew his 1999 Electrical Contractor License without retaking the test, if he had a license that was valid in 1998; but with payment of the late filing fees. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

**Docket L-4-99.**

RE: Appeal of Calvin W. Howard appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated April 13, 1999, 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 permit Mr. Howard to renew his 1999 Electrical Contractor License without retaking the test, but with payment of the late filing fees. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-7-99.**

Appeal of Dorthy J. Bell, Owner of the Residential Property located on the premises known as 7205 Melrose Avenue from a LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated January 8, 1999, 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 a four (4) month "Extension Of Time" on the permit in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-15-99.**

RE: Appeal of S. Wilkoff & Sons Co., Owner of the Non-ferrous Scrap Business located on the premises known as 2700 East 47th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 18, 1999, 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 facility to be classified as B/S-2 with the implication that means non-combustible storage in all areas; and to permit the existing sprinkler system to be inactive, **for the present occupancy only;** and to require that the facility's grounds be cleaned to a point agreeable with the Fire Department to allow proper access to all areas. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-26-99.**

Appeal of Bridgeton Refrigeration Whs. Co., Owner of the Masonry Commercial Property located on the premises known as 2665-85 East 27th Street (a.k.a. 3725 Croton Avenue) from a NOTICE OF VIOLATION/ELEVATOR CODE of the Commissioner of the Division of

Building and Housing dated February 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action; Docket A-26-99 will be rescheduled for June 9, 1999.

\* \* \*

**Docket A-33-99.**

RE: Appeal of Equivantage, Inc., Mortgagee of the Two/one-half Story Frame Residential Property located on the premises known as 14528 Coit Road from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 22, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/MAIN STRUCTURE & SHED and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six (6) months in which to obtain permits and abate the violations, the property is to remain boarded and secured and the grounds debris free, and the structure in good repair during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION ORDER/MAIN STRUCTURE & SHED 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 12, 1999. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-36-99.**

RE: Appeal of Fred Finley c/o Cleveland Code Storage, Owner of the Property located on the premises known as 1988-2012 West 14th Street from a NOTICE OF VIOLATION/ELEVATOR CODE dated February 9, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

No action; Docket A-36-99 will be rescheduled for June 9, 1999.

\* \* \*

**Docket A-37-99.**

RE: Appeal of Edward Renshow, Owner of the Property located on the premises known as 12001 Buckeye Road from an ORDER TO VACATE and LIMITATION ON THE PERMIT of the Commissioner of the Division of Building and Housing dated February 18th and 25th, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code.

BE IT RESOLVED, a motion is in order at this time to stay the Commissioner's ORDER TO VACATE and LIMITATION ON THE PERMIT, and to grant the Appellant two

(2) months in which to abate the hazardous violations; to require that the exterior rear parking garage be completely clear of all rummage and debris; furniture, bicycles, unlicensed cars and trucks within two (2) weeks; that all the basements be clear of all furniture, carpeting, and used only as mechanical basements; to require the appellant to obtain the required plumbing and HVAC permits within the next two (2) weeks; and to complete abatement of the violations in the apartments by October 1, 1999; and to abate the problem with the showroom for the thrift store; 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. Bowes and seconded Mr. Williams.

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

\* \* \*

**Docket A-38-99.**

RE: Appeal of Carol Huff, Owner of the Four Dwelling Unit Two Story Frame Property located on the premises known as 528-30 East 117th Street from a VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated February 11th, 17th, 23rd, and 24th, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain permits within two (2) weeks in which to abate the violations and to grant the Appellant three (3) months in which to complete abatement of 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 at this time to the Commissioner of the Division of Building and Housing, for supervision and any required further action. All other provisions of the VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 12, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-39-99.**

Appeal of Anthony Koussa, Owner of the Two Story Brick Property located on the premises known as 4115 St. Clair Avenue from a NOTICE OF VIOLATION/UNAUTHORIZED USE of the Commissioner of the Division of Building and Housing dated February 26,

1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 4115 St. Clair Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

\* \* \*

**Docket A-56-99.**

RE: Appeal of The Sherwin Williams Company, Owner/Occupant of the Ninth Floor of the Midland Building located on the premises known as 101 West Prospect Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated February 25, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC 1017.4.1.2 (special locking arrangements) and permit the egress door at the deadened corridor to be opened with a latch and released with a three (3) minute verification delay as proposed by the Appellant, with the understanding that tenant offices as they are vacated be accessible by the owner and will be included in the fire detection system. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-58-99.**

Appeal of IMC Mortgage Company, Mortgagee of the Two Family/Two Story Residential Frame Property located on the premises known as 1804 Brevier Avenue from a 30 DAY CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated February 22, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six (6) months in which to abate the violations; the property is to remain boarded and secured and the grounds debris free with specific instructions to the Division of Building and Housing that the property is not to be demolished as long as the Appellant complies. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by November 12, 1999. Motion

so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-60-99.**

RE: Appeal of IMC Mortgage Company, Mortgagee of the Four Dwelling Unit Two Story Frame Property located on the premises known as 528-30 East 117th Street from a VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated February 11th, 17th, 23rd, and 24th, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain permits within two (2) weeks in which to abate the violations and to grant the Appellant three (3) months in which to complete abatement of 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 at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the VACATE FORTHWITH/CONDEMNATION I-6/HVAC/CONDEMNATION ORDER/EXTERIOR MAINTENANCE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 12, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-65-99.**

RE: Appeal of Bellaire-Puritas Development Corporation, Owner of the Single Family Residential Property located on the premises known as 13102 Highlandview from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 14, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to (R-205/ceiling height) and permit the structure to be constructed with the knee-walls and with the collar joists resulting in a full height of eight (8) feet/five (5) inches; and to grant the variance to (R-210.2/emergency egress opening) with the provision that the emergency egress window openings comply to the 24" wide by 20" high requirement of the Codified Ordinance of the City of Cleveland.

Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A-66-99.**

RE: Appeal of Chery'ol M. Gilson, Owner of the Two Family Residential Property and Proposed Swimming Pool located on the premises known as 4348 West 57th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 14, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed as it is shown, but to require that Litehouse Pools obtain the permit for the installation, and noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-68-99.**

RE: Appeal of James & Maureen A. Turner, Owners of the Two Story Residential Property and Proposed Swimming Pool located on the premises known as 4348 West 57th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated April 13, 1999, 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 grant the variance to the ten (10) foot requirement and permit the pool to be installed as indicated on the drawing, but to require that Litehouse Pools obtain the permit for the installation, and noting the letter of concurrence from the adjacent neighbor. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**OTHER BOARD BUSINESS:**

**Docket A-173-95 — Isabella Basile — 1078 Old River Road:**

A motion is in order at this time to find that both actions (June 12, 1996; Amended July 24, 1996) by the Board were mutual, and that the Board considered at the time that the structure was temporary, and that it has out-lived it's temporary nature; and to REMAND the property at 1078 Old River Road to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

**Docket A-177-96 — Geneva Hopson Paige — 10302 Buckeye Road:**

A motion is in order at this time to AMEND the previous motion dated February 5, 1997 on Docket A-177-96 to state that the action by the Board was directed to Apartment No. 2 and not at the entire building. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- L-1-99—Mario DiPadova.
- A-23-99—Harold & Andrea Pontious.
- A-31-99—Axle Properties.
- A-32-99—Julius Sorma Jr.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

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

- A-19-99—GMS Management.
- A-21-99—Todora & Victor Pavlovic.
- A-22-99—Carlton V. Story.
- A-30-99—Weiser Management, Inc.
- A-34-99—Shaker North Ltd.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

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

- A-41-99—Brian E. Hardt & Richard W. Atkin.

Yeas: Messrs. Denk, Bowes, Williams, Saunders. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Williams 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 21, 1999

Yeas: Messrs. Denk, Williams, Saunders, Bowes. Nays: None. Not Voting: Mr. Sullivan.

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

**WEDNESDAY, MAY 12, 1999**

**Continental Airlines — Cleveland 2000 Bid Package 20, Cleveland Fuel Farm Modifications**, for the Department of Port Control.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. DOCUMENTS ARE AVAILABLE FROM MORSE DIESEL INTERNATIONAL, CONTINENTAL AIRLINES, INC., CTC BUILDING, 5900 SOUTH CARGO ROAD, CLEVELAND, OHIO 44135. BIDS WILL BE RECEIVED AT THE SAME ADDRESS (ATTENTION: FRANK ROETZEL) UNTIL 3:00 P.M., WEDNESDAY, MAY 12, 1999. PLEASE DIRECT ALL QUESTIONS TO MORSE DIESEL AT (216) 265-4880 OR FAX (216) 265-4908.

**Papers, Pager Services and Ancillary Equipment**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 307-99, passed by the Council of the City of Cleveland, March 22, 1999.

April 28, 1999 and May 5, 1999

**THURSDAY, MAY 13, 1999**

**One (1) IBMTape Drive, Controller and Associated Cables and Software**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 2051-98, passed by the Council of the City of Cleveland, December 14, 1998.

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

A 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 6, 1999, 10:00 A.M., IN THE ENGINEERING CONFERENCE ROOM, 19501 FIVE POINTS ROAD.

April 28, 1999 and May 5, 1999

**FRIDAY, MAY 14, 1999**

**Water Meter Parts (Item 4 — Parts for Rockwell Meters)**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

**One (1) Jetbridge**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 70-98, passed by the Council of the City of Cleveland, March 2, 1998.

April 28, 1999 and May 5, 1999

**WEDNESDAY, MAY 19, 1999**

**Paper Products**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1224-98, passed by the Council of the City of Cleveland, October 12, 1998.

April 28, 1999 and May 5, 1999

**THURSDAY, MAY 20, 1999**

**Drug House Board Up Program**, for the Department of Community Development, as authorized by Ordinance No. 690-98, passed by the Council of the City of Cleveland, May 18, 1998.

**Labor and Materials to Repair or Replace Fencing at Various Baseball Diamond Fields**, for the Division of Park Maintenance and Properties, Department of Parks,

Recreation and Properties, as authorized by Ordinance No. 2107-98, passed by the Council of the City of Cleveland, February 8, 1999.

April 28, 1999 and May 5, 1999

**FRIDAY, MAY 21, 1999**

**Cleaning and Cement Mortar Lining of Distribution Mains — Areas 99-1 and 99-2**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 545-98, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) 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 12, 1999, 10:00 A.M., IN THE ENGINEERING CONFERENCE ROOM, 75 ERIEVIEW PLAZA, 5TH FLOOR, CLEVELAND, OHIO.

April 28, 1999 and May 5, 1999

**WEDNESDAY, MAY 26, 1999**

**Cleaning and Cement Mortar Lining of Distribution Mains — Area 99-4, 99-5 and 99-6**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 545-98, passed by the Council of the City of Cleveland, June 15, 1998.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) 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 12, 1999, 10:00 A.M., IN THE ENGINEERING CONFERENCE ROOM, 75 ERIEVIEW PLAZA, 5TH FLOOR, CLEVELAND, OHIO.

April 28, 1999 and May 5, 1999

**THURSDAY, MAY 20, 1999**

**Meals for Prisoners**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 181-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 5, 1999 and May 12, 1999

**FRIDAY, MAY 21, 1999**

**Tree Maintenance**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2054-98, passed by the Council of the City of Cleveland, December 14, 1998.

**Plumbing and Heating Supplies**, for the Division of Property Management, Department of Parks, Recre-

ation and Properties, as authorized by Ordinance No. 1956-98, passed by the Council of the City of Cleveland, December 7, 1998.

May 5, 1999 and May 12, 1999

**WEDNESDAY, MAY 26, 1999**

**Income Tax Forms**, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 1939-98, passed by the Council of the City of Cleveland, December 7, 1998.

**Keypunch Services**, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 360-99, passed by the Council of the City of Cleveland, March 29, 1999.

May 5, 1999 and May 12, 1999

**FRIDAY, MAY 28, 1999**

**One (1) Cab and Chassis with Line Body/Bucket**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.

May 5, 1999 and May 12, 1999

**WEDNESDAY, JUNE 2, 1999**

**Phase 2 — Residential Sound Insulation Program (RSIP) 1999 — Group 4A**, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland.

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

**A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 18, 1999, AT 12:00 NOON LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, IN CLEVELAND HOPKINS INTERNATIONAL AIRPORT PASSENGER TERMINAL BUILDING.**

May 5, 1999 and May 12, 1999

**THURSDAY, JUNE 3, 1999**

**Wood Poles and Cross Arms**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

**A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 20, 1999, 10:00 A.M., AT THE OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.**

**Expansion of the Existing Telephone System for Various Cleveland Public Power Locations**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 919-96, passed by the Council of the City of Cleveland, June 18, 1996.

**A PRE-BID MEETING WILL BE HELD ON TUESDAY, MAY 18, 1999, 10:00 A.M., AT THE OFFICE OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.**

May 5, 1999 and May 12, 1999

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 749-99.**

**By Councilman Jones.**

**An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 14731 Miles Ave. & Patio.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Permit No. 2354924, Janie Dunnican, 14731 Miles Ave. & Patio, Cleveland, Ohio 44128, to Permit No. 4182874, JRR & R Inc., Jay Rays Lounge & Deli, 14731 Miles Ave. & Patio, Cleveland, Ohio 44128; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Permit No. 2354924, Janie Dunnican, 14731 Miles Ave. & Patio, Cleveland, Ohio 44128, to Permit No. 4182874, JRR & R Inc., Jay Rays Lounge & Deli, 14731 Miles Ave. & Patio, Cleveland, Ohio 44128 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 26, 1999.

Effective May 5, 1999.

**Res. No. 750-99.**

**By Councilman Patmon.**

**An emergency resolution withdrawing objection to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl., and repealing Res. No. 1775-98, objecting to said stock transfer.**

Whereas, Council objected to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl., by Res. No. 1775-98, adopted by Council October 5, 1998; and

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

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

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

**Section 1.** That objection to the stock transfer of a C2 and C2X Liquor Permit to 1076 E. 105th St., 1st Fl., be and the same is hereby withdrawn and Res. No. 1775-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer 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 26, 1999.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 751-99.**

**By Councilman Rybka.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 5509 Fleet Ave., 1st Fl. & Bsmt., and repealing Res. No. 1505-98, objecting to said renewal.**

Whereas, Council objected to the renewal of a D1, D2, D3 and D3A Liquor Permit to 5509 Fleet Ave., 1st Fl. & Bsmt., by Res. No. 1505-98, adopted by Council August 19, 1998; and

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

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

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

**Section 1.** That objection to the renewal of a D1, D2, D3 and D3A Liquor Permit to 5509 Fleet Ave., 1st Fl. & Bsmnt., be and the same is hereby withdrawn and Res. No. 1505-98, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 26, 1999.  
Effective May 5, 1999.

**Res. No. 752-99.**

**By Councilman Willis.**

**An emergency resolution supporting S.B. 686 and opposing H.B. 1032, both concerning lawsuits against gun manufacturers.**

Whereas, firearms kill an estimated 5,000 children each year; and

Whereas, this Council has voiced its concern about the proliferation of firearms and the horrific harm that guns can inflict; and

Whereas, this Council of the City of Cleveland, through Resolution No. 2125-98 adopted December 7, 1998, acknowledged the danger of firearms and urged the Mayor and Director of Law to institute a lawsuit against firearm manufacturers on the basis of public nuisance and product liability; and

Whereas, this Council, through Resolution No. 608-99, adopted April 12, 1999, expressed its support of attempts to hold firearm manufacturers accountable to act safely and responsibly in manufacturing and marketing its products; and

Whereas, through Resolution No. 608-99, Council also opposed any proposed legislation at the state level to bar lawsuits against firearm manufacturers; and

Whereas, the Firearms Heritage Protection Act, H.B. 1032, introduced by Congressman Robert Barr, would prohibit lawsuits against firearm manufacturers based on the criminal use of guns; and

Whereas, Senator Frank Lautenberg has introduced legislation, Senate Bill 686, that allows local and state governments to sue gun manufacturers for costs associated with treating victims of crimes in which firearms were used, with such amount estimated to be \$20 billion per year that is paid based on the cost of medicare, medical care, unemployment, and S.S.I. disability; now, therefore,

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

**Section 1.** That this Council of the City of Cleveland is supportive of S.B. 686 introduced by Senator Frank Lautenberg that would permit local and state governments to sue gun manufacturers for costs associated with treating and caring for victims of crimes in which firearms were used.

**Section 2.** That this Council opposes the proposed Firearms Heritage Act, H.B. 1032, that would halt and prohibit lawsuits against the firearms industry based on the criminal use of firearms.

**Section 3.** That the Clerk of Council is requested to transmit a copy of this Resolution to President Clin-

ton; Vice-President Gore; Attorney General Reno; Speaker of the House Hastert; Senator DeWine; Senator Voinovich; Congressmen Kucinich, Brown, Sawyer and LaTourette; Congresswoman Tubbs-Jones; Governor Taft; Ohio Attorney General Montgomery; and Robert Walker, President of Handgun Control, Inc.

**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 26, 1999.  
Effective May 5, 1999.

**Res. No. 753-99.**

**By Councilmen Cimperman, Britt, Cintron, Coats, Dolan, Gordon, Jackson, Johnson, Jones, Lewis, Melena, O'Malley, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis and Zone.**

**An emergency resolution urging AMPCO and APCOA to permit a union representation campaign by Teamsters Local No. 507 to be conducted in an open, fair environment.**

Whereas, through passage of numerous resolutions, this Council of the City of Cleveland has recognized the right of employees to seek safe, fair and productive working conditions and to be remunerated equitably for their hard work; and

Whereas, Teamsters Local Union No. 507 currently represents approximately 3200 active and 900 retired members in many industries, including more than 100 parking employees hired by APCOA and a small group of parking employees hired by AMPCO; and

Whereas, the parking industry is extremely lucrative, with AMPCO generating over \$760 million in annual sales in 1992, over \$1 billion in annual sales in 1996, and over \$1.25 billion in annual sales in 1998; and

Whereas, these phenomenal annual profits fail to trickle down to the parking attendants actually performing the work, with such employees working in adverse conditions and in inclement weather while receiving low wages and inadequate health insurance coverage; and

Whereas, AMPCO employees are working under union contracts in other cities and this Council of the City of Cleveland encourages such open-mindedness by AMPCO in Cleveland, now, therefore,

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

**Section 1.** That the Council of the City of Cleveland is supportive of safe, productive working conditions with equitable pay for all workers in the City of Cleveland and urges AMPCO and APCOA to permit the union campaigns by Teamsters Local Union No. 507 to be conducted in an environment that is open, fair and in accordance with the law.

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 31-99.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with TransUnion Employment Screening Services, Inc. to provide pre-employment background and criminal checks.**

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 two-year contract with TransUnion Employment Screening Services, Inc. for the professional services necessary to administer pre-employment background and criminal checks including automated criminal records checks; automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks, based on its proposal dated May 28, 1998, in the estimated sum of \$100,000, payable from Fund No. 01-04-02-0320, Request No. 23681, for the Department of Personnel and Human Resources. The contract shall include that all automated checks shall be verified manually through records checks performed by the Consultant.

**Section 2.** That the Director of Personnel and Human Resources shall provide a report to the Employment, Affirmative Action and Training Committee as to the number of requests made to Consultant to perform background checks under this contract.

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 96-99.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1999 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized

to apply for and accept a grant in the approximate amount of \$868,532, and any other funds as they become available during the grant terms, from the Ohio Department of Health, to conduct the 1999 Federal AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 96-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of Public Health is hereby authorized to enter into one or more contracts for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance with the following agencies, in the following amounts:

Agency	Amount
Cleveland Treatment Center	\$204,000.00
Free Clinic of Greater Cleveland	94,500.00
HUMADAOP	78,175.00
AIDS Taskforce of Greater Cleveland	331,000.00
Northeast Ohio Neighborhood Health Services, Inc.	32,325.00
Xchange Point	20,000.00
Mental Health Services for the Homeless	20,000.00
Neighborhood Counseling Services	20,000.00

**Section 4.** That the Director of Public Health shall appear before the Committee on Public Health to review the implementation of the Program six months after passage of this ordinance.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 98-99.**  
**By Councilmen Coats and Johnson (by departmental request).**  
**An emergency ordinance authorizing the purchase by requirement contract of photography supplies, for the Division of Police, Department of Public Safety.**

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

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

**Section 1.** That the Director of Public Safety is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the re-

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

**Section 2.** The total cost of said contract shall not exceed three hundred thousand dollars and 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 24393)

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 101-99.**  
**By Councilmen Jones and Johnson (by departmental request).**

**An emergency ordinance authorizing the procurement by requirement contract for the rental of golf carts, for Highland and Seneca golf courses, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one (1) year for the necessary items of the rental of golf carts for Highland and Seneca golf courses 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 Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one (1) year may

be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial 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 21110)

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 174-99.**  
**By Councilmen Westbrook and Johnson (by departmental request).**  
**An emergency ordinance authorizing the Director of Port Control to lease office space located on the ramp level of Cleveland Hopkins International Airport to Global Ground Services, for a term of 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 authorized to enter into a lease with Global Ground Services ("Lessee") for approximately 634 square feet of office space located on the ramp level of Concourse B at Cleveland Hopkins International Airport. The term of the lease shall not exceed two years and shall be effective June 1, 1999. Lessee shall pay a rental of \$17.90 per square foot subject to increase due to yearly rates and charges evaluation.

**Section 2.** That the lease authorized herein shall be prepared by the Director of Law and shall contain such other terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 3.** That the Director of Port Control and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed April 26, 1999.  
Effective May 5, 1999.



**Ord. No. 258-99.**  
**By Councilmen Jones and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the purchase by requirement contract of ball diamond clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of ball diamond clay 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 Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22427)

**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 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 308-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the payment of membership dues of the City of Cleveland in various professional organizations.**

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

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

**Section 1.** That the Director of Finance is hereby authorized to cause payment of 1999 membership dues of the City of Cleveland to be made to the Ohio Municipal League, from Fund No. 01-99-98-0231, Request No. 23267. Said membership dues will include forty-five (45) subscriptions to Cities and Village Magazine.

**Section 2.** That the Director of Finance is hereby authorized to cause payment of 1999 membership dues of the City of Cleveland to be made to Build Up Greater Cleveland, from Fund No. 01-99-98-0239, Request No. 23267.

**Section 3.** That the Director of Finance is hereby authorized to cause payment of 1999 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. 23268.

**Section 4.** That the Director of Finance is hereby authorized to cause payment of 1999 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. 23268.

**Section 5.** That the Director of Finance is hereby authorized to cause payment of 1999 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. 23269.

**Section 6.** That the Director of Finance is hereby authorized to cause payment of 1999 membership dues of the City of Cleveland to be made to the Downtown Development Corporation, from Fund No. 01-99-98-0230, Request No. 23269.

**Section 7.** That the Director of Finance is hereby authorized to cause payment of 2000 membership dues of the City of Cleveland to be made to NOACA, from Fund No. 01-99-98-0232, Request No. 23270.

**Section 8.** That the Director of Finance is hereby authorized to cause payment of 1999 membership dues of the City of Cleveland to be made to the Greater Cleveland International Trade Alliance, from Fund No. 01-99-98-0380, Request No. 23270.

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

Passed April 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 361-99.**  
**By Councilmen Willis and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into contract with American Municipal Power - Ohio Inc. for emergency backup energy control center services for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized to enter into contract with American Municipal Power - Ohio, Inc. for professional services necessary to provide emergency backup energy control center services for a period of two (2) years, renewable at the City's option for two (2) additional one-year periods, on the basis of its proposals dated September 9, 1998 and November 18, 1998, in the total annual estimated sum of \$51,636.00 for the first year with compensation for additional years to be not greater than Thirty-Eight Thousand Dollars (\$38,000) per year payable from Fund No. 58 SF 001, Request No. 22123, for the Division of Cleveland Public Power, Department of Public Utilities.

**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 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 362-99.**  
**By Councilmen Westbrook and Johnson (by departmental request).**

**An emergency ordinance authorizing the procurement by requirement contract of the rental of snow removal equipment and operators, for the various divisions of the Department of Port Control, for a period of 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 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 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 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 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 24853)

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 363-99.**

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

**An emergency ordinance authorizing the purchase by contract of one cardiac monitor and defibrillator, for the Division of Cleveland Hopkins International Airport, Department of Port Control.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one cardiac monitor and defibrillator, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 24859.

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 371-99.**

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

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

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

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

**Section 1.** That the Director of Community Development is hereby

authorized to apply for and accept a grant in the amount of \$2,380,048.00 from the State of Ohio Department of Development, to conduct the State Home Weatherization Assistance Program and to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the Director of Community Development is authorized to enter into contract with individual landlords, tenants, contractors, and various non-profit organizations for the provision of weatherization assistance to low-income City residents through the State Home Weatherization Assistance Program.

**Section 3.** That the cost of said contracts shall not exceed, in the aggregate, \$2,380,048.00 and shall be paid from Fund Nos. 13 SF 878, 13 SF 879 and 13 SF 880.

**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 26, 1999.  
Effective May 5, 1999.

**Ord. No. 372-99.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements to property located at 776 East 105th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with All My Heart Educational Center to provide economic development assistance to partially finance capital improvements to property located at 776 East 105th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 372-99-A.

**Section 3.** That the costs of said contract shall not exceed \$90,764 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23764.

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

Director of Law. The City's security interest in the collateral shall be a first position. In the event that this Council should in the future authorize additional loan monies, then the Director of Economic Development may accept a second security position on the collateral.

**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 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.

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 373-99.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance to partially finance capital improvements to property located at 1132 East 105th Street, Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into an Empowerment Zone contract with Piankhi Construction & Contracting to provide economic development assistance to partially finance capital improvements to property located at 1132 East 105th Street, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 373-99-A.

**Section 3.** That the costs of said contract shall not exceed \$95,000 and shall be paid from Fund Nos. 18 SF 001 and 18 SF 003, Request No. 23767.

**Section 4.** That the Director of Economic Development is hereby authorized and directed to accept collateral as set forth in the Exec-

utive 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. 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 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.

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 417-99.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Federation for Community Planning from Ohio Department of Health for the 1999 Immunization Action Plan.**

Whereas, pursuant to Ordinance No. 180-99, Council authorized the Director of Public Health to apply for the 1999 Immunization Action Plan; 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 accept a grant in the amount of \$112,838, from the Federation for Community Planning from the Ohio Department of Health, to conduct the 1999 Immunization Action Plan Grant, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 180-99-A, made a

part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 418-99.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 State Child Lead Poison Prevention Program.**

Whereas, pursuant to Ordinance No. 2101-98, this Council authorized the Director of Public Health to apply for a grant to conduct the within described 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 Public Health is hereby authorized to accept a grant in the amount of \$75,884, from the Ohio Department of Health, to conduct the 1999 State Child Lead Poison Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 418-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 419-99.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for a grant from the Cuyahoga County Board of Health for the 1999 Cuyahoga County Health Promotion Project.**

Whereas, this ordinance constitutes an emergency measure provid-

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for a grant in the amount of \$77,000, from the Cuyahoga County Board of Health, to conduct the 1999 Cuyahoga County Health Promotion Project.

**Section 2.** That the application for said grant, File No. 419-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 420-99.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Department of Health for the 1999 STD Control Program.**

Whereas, pursuant to Ordinance No. 179-99, this Council authorized the Director of Public Health to apply for a grant to conduct the within described 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 Public Health is hereby authorized to accept a grant in the amount of \$62,409, from the Ohio Department of Health, to conduct the 1999 STD Control Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 420-99-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**Ord. No. 421-99.**  
**By Councilmen Gordon and Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to employ one or more professional nursing services to provide nursing services for the Division of Correction, Department of Public Health.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to employ by contract one or more professional nursing services for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide nursing services for the Division of Correction, Department of Public Health.

The selection of said medical professionals for such services shall be made by the Board of Control upon the nomination of the Director of Public Health 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 Health 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 Health, and certified by the Director of Finance.

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund No. 01-50-03-0320, Request No. 24513.

**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 26, 1999.

Effective May 5, 1999.

**Ord. No. 451-99.**  
**By Councilman Johnson (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract for professional services necessary to place criminal defendants in community service, for the Cleveland Municipal Court, for a period of one year, with a one year option to renew.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is hereby authorized to enter into contract with Court Community Service for professional services necessary to arrange community service for persons the Court refers to Court Community Service, for a period of one year, commencing January 1, 1999, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable upon thirty days written notice by said director, on the basis of its proposal dated October 23, 1998, in the sum not to exceed \$115,000, payable from Fund No. 01-01-15-0320, Request No. 24752, for the Cleveland Municipal Court.

**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 26, 1999.

Effective May 5, 1999.

**Ord. No. 743-99.**

**By Councilman Dolan.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Westpark Gardens and Gifts to encroach into the aerial right-of-way of the west side of Warren Rd. between Alger & Edgecliff Rds., and on the north side of Montrose Ave. west of Warren Rd. with hanging planter baskets to be attached to utility poles (by separate permission).**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Westpark Gardens and Gifts, owned by John Belko, President, located at 3206 Warren Road, Cleveland, Ohio 44111, its successors and assigns, for the construction, use and maintenance of a approximately six (6) hanging planter baskets to be attached to utility poles (by separate permissions) which will encroach into the aerial right-of-way of Warren Road as further described herein:

<u>LOCATIONS:</u>	<u>POLE #:</u>	<u>POLE OWNER:</u>
The west side of Warren Road between Alger and Edgecliff Roads	205040, 205042, 205037, 322444 and 205038	C. E. I. C. E. I. C. E. I.
The north side of Montrose Avenue about 50.00 feet west of Warren Road	No Pole Number	C. E. I.

**Section 2.** That nothing in this ordinance grants or shall be considered a grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

**Section 3.** That said hanging planter baskets will be placed within the public right-of-way as aforesaid in Section 1, and said hanging planter baskets will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed April 26, 1999.

Effective May 5, 1999.

**Ord. No. 744-99.**  
**By Councilmen Melena and Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Sagrada Familia Church to stretch two (2) banners on utility poles (by separate permission) on Detroit Avenue for the period of June 5, 1999 to June 21, 1999, inclusive, to publicize their Church Festival.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Sagrada Familia Church to install, maintain and remove two (2) banners at 7750 Detroit Avenue, to be attached to utility pole numbers E 643 and E 54 (by separate permission) for the period of June 5, 1999 to June 21, 1999, inclusive. Said banners 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 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.

Passed April 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 745-99.**  
**By Councilmen Jones, White and Johnson (by departmental request).**

**An emergency ordinance to amend Section 2 of Ordinance No. 185-99, passed March 22, 1999, relating to the Directors of Parks, Recreation and Properties and Personnel and Human Resources to employ one or more temporary employment agencies, to provide professional services to supply temporary and seasonal personnel.**

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. 185-99, passed March 22, 1999, is hereby amended to read as follows:

**Section 2.** That the costs for such services herein contemplated shall be paid from Fund Nos. 13 SF 708, 13 SF 800, 62 SF 001, 63 SF 001, 01-70-02-0380, 67 SF 500, and 67 SF 001, Request No. 22473.

**Section 2.** That existing Section 2 of Ordinance No. 185-99, passed March 22, 1999, 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 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 746-99.**  
**By Councilman Lewis.**  
**An emergency ordinance to amend Section 1 of the Ordinance No. 666-99, passed April 19, 1999 relating to a 2.2K race and parade on May 8, 1999, sponsored by 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. 666-99, passed April 19, 1999, 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 2.2K Race and Parade, sponsored by Thurgood Marshall Recreation Center, on May 8, 1999, with the 2.2K Race coming out of Thurgood Marshall Recreation Center turn right and go to E. 79th and turn right and go north to Lexington and turn left on Lexington and go west to E. 66th St. turn left on E. 66th and go south to Hough turn left on Hough and go east and finish at Thurgood Marshall; and the Parade starting at Thurgood Marshall go west on Hough to 79th, north on 79th to Lexington, west on Lexington to 66th, south on 66th to Hough, east on Hough and finish at 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 existing Section 1 of Ordinance No. 666-99, passed April 19, 1999, 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 26, 1999.  
 Effective May 5, 1999.

**Ord. No. 747-99.**  
**By Councilmen Lewis, Cimperman, Dolan and Rybka.**

**An emergency ordinance to amend Section 1 of the Ordinance No. 1094-97, passed June 24, 1997 relating to the Richman Brothers Complex.**

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. 1094-97, passed June 24, 1997, is hereby amended to read as follows:

**Section 1.** That the Director of Economic Development is hereby authorized to hire a consultant or firm of consultants, as approved in writing by the President of Council, to undertake a feasibility study for the Richman Brothers Complex project, including but not limited to the feasibility of utilizing the facility for municipal, county governmental and court-related services, and that this feasibility study shall be completed as expeditiously as possible. A copy of the feasibility report shall be provided to the President of Council upon completion.

**Section 2.** That existing Section 1 of Ordinance No. 1094-97, passed June 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.

Passed April 26, 1999.  
 Awaiting the approval or disapproval of the Mayor.

**Ord. No. 748-99.**  
**By Councilman Westbrook.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the American Indian Education Center to stretch banners at Detroit Avenue near W. 110th St. and across Lorain Ave. near W. 110th St. and across Lorain Ave. near West 25th for the period from May 15, 1999 to June 25, 1999, inclusive, publicizing the Annual Indian Pow-Wow at Cudell 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 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 the American Indian Education Center to install, maintain and remove banners at Detroit Avenue near W. 110th St. across Lorain Ave. near W. 110th St. and across Lorain Ave. near W. 25th for the period from May 25, 1999 to June 25, 1999, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission

of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 26, 1999.  
Effective May 5, 1999.

**COUNCIL COMMITTEE MEETINGS**

**Monday, May 3, 1999**

**Public Parks, Properties and Recreation Committee: 9:30 A.M.** — Present: Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Zone. Excused: Willis.

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

**Finance Committee: 2:00 P.M.** — Present: Johnson, Chairman; West-

brook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

**Tuesday, May 4, 1999**

**Public Health Committee: 1:00 P.M.** — Present: Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Dolan, Jackson, Robinson. Excused: Britt.

**Wednesday, May 5, 1999**

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

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