

# The City Record

Official Publication of the City of Cleveland

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February the Twenty-Eighth, Nineteen Hundred and Ninety-Six

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<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Jay Westbrook	
<b>Clerk of Council</b>	
Artha Woods	
<b>Ward</b>	<b>Name</b>
1	Charles L. Patton, Jr.
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Gary M. Paulenske
14	Helen K. Smith
15	James Rokakis
16	Patrick J. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Dale Miller
21	David M. McGuirk

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odella 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	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	13726 Elsetta Avenue	44135
21	David McGuiRK	17101 Amber Drive	44111
	Clerk of Council-Artha Woods, 216 City Hall, 664-2840. First Assistant Clerk-Sandra Franklin.		
<b>MAYOR-Michael R. White</b>			
	Lavonne Sheffield-Turner, Chief of Staff, Executive Assistant for Policy Barry Withers, Executive Assistant for Administration Judith Zimomra, Executive Assistant for Service Kenneth Silliman, Executive Assistant for Economic Development Richard Werner, Executive Assistant for Governmental Affairs. Linda Willis, Director, Office of Equal Opportunity		
<b>DEPT. OF LAW - Sharon Sobol Jordan, Director of Law, Room 106;</b> Karen E. Martines, Law Librarian; Criminal Branch-Justice Center, 8th Fl., Court Towers, 1200 Ontario Carolyn Watts-Allen, Chief Asst. Prosecutor Steven J. Terry, Chief Counsel			
<b>DEPT. OF FINANCE - Kathryn Burrer Hyer, Director, Room 104; Carlean</b> Alford, Manager, Internal Audit <b>DIVISIONS - Accounts - A. Schneider, Commissioner, Room 19</b> City Treasury - Mary Christine Jackman, Treasurer, Room 122 Assessments and Licenses - John Hunt, Commissioner, Room 122 Purchases and Supplies - William A. Moon, Commissioner, Convention Center, Clubroom B Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside Avenue Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue Financial Reporting and Control - Keith D. Schuster, Acting Controller, Room 18 Information Systems Services - Martin Carmody, Acting Commissioner, 1404 E. 9th St.			
<b>DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside</b> Avenue <b>DIVISIONS - 1201 Lakeside Avenue</b> Water - Julius Ciaccia, Jr., Commissioner Water Pollution Control - Darnell Brown, Commissioner Utilities Fiscal Control - M. Blech, Commissioner Cleveland Public Power - Nagah M. Ramadan, Commissioner Street Lighting Bureau - Frank Schilling, Acting Chief.			
<b>DEPT. OF PORT CONTROL - William F. Cunningham, Jr., Director,</b> Cleveland Hopkins International Airport, 5300 Riverside Drive; Cleveland Hopkins International Airport - Stephen Sheehan, Commissioner Burke Lakefront Airport - Michael C. Barth, Commissioner			
<b>DEPT. OF PUBLIC SERVICE - Henry Guzman, Director, Room 113</b> <b>DIVISIONS - Waste Collection and Disposal - Larry Hines, Commissioner,</b> 5600 Carnegie Avenue. Streets - Randell T. Scott, Commissioner, Room 25 Engineering and Construction - J. Christopher Nielson, Acting Commissioner, Rm. 518 Motor Vehicle Maintenance, Donald L. Haskins, Commissioner, Harvard Yards Architecture - Kenneth Nobilio, Commissioner, Room 517			
<b>DEPT. OF PUBLIC HEALTH -Robert O. Staib, Director, Mural Building</b> 1925 St. Clair Avenue. <b>DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural</b> Building, 1925 St. Clair Avenue Environment - Carolyn Wallace, Acting Commissioner, Mural Building, 1925 St. Clair Avenue Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North- field Road			
<b>DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, 1825 Lake-</b> side Avenue. <b>DIVISIONS - Police - John J. Collins, Chief, Police Hdqtrs. Bldg., 1300</b> Ontario Street Fire - William E. Lee, Chief, 1645 Superior Avenue Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave. Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.			
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES - Oliver B. Spellman,</b> Jr., Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St. <b>DIVISIONS - Convention Center &amp; Stadium - James Glending,</b> Commissioner, Public Auditorium, E. 6th and Lakeside Ave. Property Management - Vernon Robinson, Commissioner, E. 49th & Harvard Parking Facilities - Michael Cox, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.			

Park Maintenance and Properties -Richard L. Silva, Acting Commissioner, Public Auditorium - E. 6th & Lakeside.		
Recreation - Michael Cox, Acting Commissioner, Room 8		
Research, Planning & Development - M. Fallon, Commissioner, Burke Lakefront Airport		
<b>DEPT. OF COMMUNITY DEVELOPMENT -Terri Hamilton, Director,</b> 3rd Floor, City Hall. <b>DIVISIONS - Administrative Services - Terrence Ross, Commissioner.</b> Neighborhood Services - Festus Cassels, Commissioner. Neighborhood Development - Terri Hamilton, Commissioner. Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.		
<b>DEPT. OF PERSONNEL AND HUMAN RESOURCES - Joseph Nolan,</b> Director, Room 121		
<b>DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren,</b> Director, Room 210		
<b>DEPT. OF AGING - Rm. 122, Susan Axelrod, Director</b>		
<b>COMMUNITY RELATIONS BOARD - Room 11, Sam Thomas, III, Exec.</b> Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Louise Boddie, Jr., Muqit Abdul Sabur, Clifford Savren, Henry Simon, George S. Smilnak, Harry Taketa, Timothy Cosgrove.		
<b>CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,</b> President; James J. Marniella, Vice President; Donna K. Nelson, Secretary; Timothy J. Cosgrove, Member.		
<b>SINKING FUND COMMISSION - Michael R. White, President; Patricia</b> Stokes, Asst. Sec'y.; Kathryn Burrer Hyer, Director; President of Council Jay Westbrook.		
<b>BOARD OF ZONING APPEALS - Room 516, Valerie Schwonek, Chairman;</b> Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony Petkovsek, Anthony Costanzo, Sec'y.		
<b>BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room</b> 516, J. F. Denk, Chairman; J. Bowes, S. K. Birch, Alternate Members - D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan. Exec. Sec'y.		
<b>BOARD OF REVISION OF ASSESSMENTS - Law Director, Sharon Sobol</b> Jordan; Pres. Finance Director, Kathryn Burrer Hyer, Director Sec'y. Council President Jay Westbrook.		
<b>BOARD OF SIDEWALK APPEALS - Henry Guzman, Service Director;</b> Law Director, Sharon Sobol Jordan, Councilman Roosevelt Coats.		
<b>BOARD OF REVIEW - (Municipal Income Tax) - Law Director, Sharon</b> Sobol Jordan, Utilities Director, Michael Konicek; President of Council, Jay Westbrook.		
<b>CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director;</b> Rev. Albert T. Rowan, Chairman; Todd W. Schmidt, Vice Chairman Thomas D. Corrigan, Anthony J. Coyne, Lawrence A. Lumpkin, Gloria Jean Pinkney, Councilman Edward W. Rybka.		
<b>CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones,</b> Chairman; Clint Martin, Mark Rivera.		
<b>MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, Kathryn Burrer Hyer,</b> Councilmen James Rokakis, Jay Westbrook.		
<b>BOARD OF EXAMINERS OF ELECTRICIANS - Ralph R. Carpinelli,</b> Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.		
<b>BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;</b> Ben S. Eulenberg, Martin J. Kilbane, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.		
<b>CLEVELAND LANDMARKS COMMISSION - Room 519 ,</b> Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilmen Craig E. Willis and Helen K. Smith.		
<b>CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO</b> <b>CENTRAL SCHEDULING DEPARTMENT</b> <b>JUDGE COURTROOM ASSIGNMENTS</b>		
Judge	Courtroom	
Presiding and Administrative Judge Larry A. Jones	13C	
Judge Ronald B. Adrine	15A	
Judge Salvatore R. Calandra	13A	
Judge Colleen C. Cooney	14A	
Judge C. Ellen Connolly	15C	
Judge Mabel M. Jasper	14D	
Judge Mary E. Kilbane	12B	
Judge Kathleen A. Keough	12C	
Judge Ralph J. Perk, Jr.	14B	
Judge Raymond L. Pianka (Housing Court Judge)	13B	
Judge Angela R. Stokes	14C	
Judge Gerald F. Sweeney	13D	
Judge Robert S. Triozzi	12A	
Earle B. Turner-Clerk of Courts, John J. O'Toole-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Referee		

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, FEBRUARY 28, 1996

No. 4290

## CITY COUNCIL

MONDAY, FEBRUARY 26, 1996

### The City Record

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### ARTHA WOODS

Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

#### MONDAY—Alternating

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

9:30 A.M.—**Public Health Committee:** Robinson, Chairman; Miller, Vice Chairman; Britt, Jackson, Melena, O'Malley, Zone.

#### MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Coats, Chairman; O'Malley, Vice Chairman; Britt, Johnson, McGuirk, Melena, Smith, Westbrook, White.

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

#### MONDAY

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

#### TUESDAY

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

1:30 P.M.—**Legislation Committee:** McGuirk, Chairman; Willis, Vice Chairman; Britt, Johnson, Patton, Rokakis, Rybka.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Miller, Chairman; Paulenske, Vice Chairman; McGuirk, Patmon, Rokakis, White, Willis.

10:00 A.M.—**Public Safety Committee:** Polensek, Chairman; Willis, Vice Chairman; Jackson, Miller, O'Malley, Patmon, Patton, Paulenske, Zone.

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Lewis, McGuirk, O'Malley, Patmon, Willis, Zone.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; O'Malley, Paulenske, Rokakis, White, Zone.

The following Committee is subject to Call of the Chairman:

**Rules Committee:** Westbrook, Chairman; Coats, Miller, Robinson, Smith.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio February 26, 1996.  
The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Sobol Jordan, Konicek, Cunningham, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Thomas, Morrison and Acting Director Carmody.

Absent: Directors Hyer and Axelrod.

Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 282-96.

From the Department of Finance re: Annual Report of licenses and permits issued during the fiscal year of 1995. Received.

##### File No. 283-96.

From the Department of Public Safety re: Deposits and Expenditures for Mandatory Drug Fine Fund and Law Enforcement Trust Fund. Received.

##### File No. 284-96.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-81266) for the emergency purchase of Air Handler Unit #AC-3 for Cleveland Hopkins International Airport. Received.

##### File No. 285-96.

From the Village of Highland

Hills re: Resolution 1996-4, opposing the Cleveland Water Department's proposed rate increase. Received.

##### File No. 286-96.

From the Fair Campaign Finance Commission re: Announcement of candidates for City Council stating their intent to comply with voluntary campaign expenditure limits via signed and notarized affidavit. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 287-96.

Re: Transfer of Location Application - 7406412 - Riverbend Restaurant, Inc., dba Panini's West Bank, 1148 Main Avenue, Unit 100. (Ward 14). Received.

##### File No. 288-96.

Re: New Application - 9331538 - Wade Park Supermarket, Inc., 9300 Wade Park Avenue. (Ward 7). Received.

##### File No. 289-96.

Re: Transfer of Ownership Application - 1882981 - D.N.A. Salesteen, Inc., 1076 East 105th Street, first floor. (Ward 8). Received.

##### File No. 290-96.

Re: New Application - 6552377 - 12420 Superior, Inc., dba Superior Store, 12420 Superior Avenue. (Ward 9). Received.

##### File No. 291-96.

Re: Transfer of Ownership Application - 2471945 - Elena, Inc., 6909 Clark Avenue. (Ward 18). Received.

##### File No. 292-96.

Re: Transfer of Ownership Application - 1913808 - Dana Food Mart, Inc., dba Dairy Mart #5-4817, 3892 West 130th Street. (Ward 20). Received.

##### File No. 293-96.

Re: New Application - 2215195 - DJONT Operations, LLC, Embassy Suites Hotel, 1701 East 12th Street. (Ward 13). Received.

##### File No. 294-96.

Re: Transfer of Ownership Application - 6553032 - 1064 Old River Road, Inc., dba Cleveland Beach Club, 1064 Rear and 1078 Old River Road & Patio. (Ward 13). Received.

##### File No. 295-96.

Re: Transfer of Location Application - 740156031561 - Rite Aid of Ohio, Inc., dba Rite Aid Discount Pharmacy, 3156, 15105 St. Clair Avenue. (Ward 10). Received.

##### File No. 296-96.

Re: Transfer of Location Application - 22449730005 - Dom's Deli Co., Inc., dba Dom's, 1054 East 71st

Street, first floor. (Ward 13).  
Received.

**File No. 297-96.**

Re: Transfer of Ownership Application - 5208420 - Linda Coleman, Inc., dba Dairy Mart 5-4827, 4920 Memphis Avenue. (Ward 15).  
Received.

**File No. 298-96.**

Re: Transfer of Ownership Application - 2815939 - Forest & Associates, Inc., dba Clifton Blvd., Union 76, 11521 Clifton Blvd. & Gas Pumps. (Ward 18).  
Received.

**STATEMENT OF  
WORK ACCEPTED**

**File No. 299-96.**

From the Department of Parks, Recreation and Properties re: Contract No. 48517 for the Rockefeller, Gordon, and Holden Parks Trust Pavement Improvements, Phase III.  
Received.

**COMMUNICATIONS**

**File No. 300-96-A.**

February 8, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Reverend Alvin T. Jones for appointment to the Police Review Board. This appointment will expire on August 8, 1998.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

cc: LaVonne Sheffield-Turner,  
Chief of Staff  
Rick Werner, Executive  
Assistant/External Affairs  
Wayne Anderson  
Reverend Alvin T. Jones

Received.

Referred to Committee on Mayor's Appointments.

**File No. 301-96-A.**

February 7, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Jesse Anderson for re-appointment to the Greater Cleveland Regional Transit Authority Board. This appointment is for a three year term and will expire on March 5, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

cc: LaVonne Sheffield-Turner,  
Chief of Staff  
Rick Werner, Executive  
Assistant/External Affairs

Ronald Tober, Regional  
Transit Authority  
Jesse Anderson

Received.

Referred to Committee on Mayor's Appointments.

**File No. 302-96-A.**

February 7, 1996

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

Dear Council President Westbrook:

I am pleased to recommend George F. Dixon for re-appointment to the Greater Cleveland Regional Transit Authority Board. This appointment is for a three year term and will expire on March 5, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

cc: LaVonne Sheffield-Turner,  
Chief of Staff  
Rick Werner, Executive  
Assistant/External Affairs  
Ronald Tober, Regional  
Transit Authority  
George F. Dixon

Received.

Referred to Committee on Mayor's Appointments.

**COMMITTEE ON  
MAYOR'S APPOINTMENTS**

The Chair appointed Councilman Dale Miller as Chairman and Councilmen Michael Polensek, Craig Willis, Fannie Lewis and William Patmon to consider the Mayor's Appointments to the Police Review Board and the Greater Cleveland Regional Transit Authority Board.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 332-96.** Rev. J. Solomon Sutton, II.

**Res. No. 336-96.** Elder Nehemiah Satchell, Jr.

**Res. No. 337-96.** Rutha Butts.

**CONGRATULATORY RESOLUTIONS**

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

**Res. No. 338-96.** Martin Savidge.

**Res. No. 339-96.** Mir Laik Ali.

**Res. No. 340-96.** David C. Murphy.

**RESOLUTIONS OF RECOGNITION**

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

**Res. No. 341-96.** Independence of Lithuania.

**Res. No. 342-96.** National Black Police Association Day.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 303-96.**

By Mayor White.

An emergency ordinance authorizing the Mayor and various Directors to enter into agreements with the National Football League, Cuyahoga County, Cleveland Development Partnership, Cleveland-Cuyahoga County Port Authority and other entities for the financing, construction, operation and maintenance of a new stadium facility and the commitment of an NFL franchise to be located in Cleveland and authorizing and approving related matters.

Whereas, the City of Cleveland ("City") has been engaged in litigation with Cleveland Stadium Corp., the Cleveland Browns, Inc. and other persons and entities concerning the terms and conditions of their leases of Cleveland Municipal Stadium; and

Whereas, the City is prepared to settle the litigation in consideration of the payment by Cleveland Stadium Corp. of the City's damages, administrative costs and expenses, and legal fees and in consideration of certain binding commitments of the National Football League ("NFL") to the City, the most significant of which are: the promise of the NFL, enforceable by specific performance, to place an NFL football franchise and owner in Cleveland no later than the first season of NFL play occurring after construction of a new stadium in Cleveland has been completed; the contribution by the NFL to the costs of construction of the new stadium in amounts between Twenty-Eight Million Dollars (\$28,000,000) and Forty-Eight Million Dollars (\$48,000,000), depending on the final construction budget for the new stadium; the delivery of the Cleveland Browns team name, colors, history, records and heritage to a trust for the benefit of the City and thereafter for assignment to the new owner of the Cleveland NFL franchise; the signing and delivery by the NFL of a lease agreement with the City containing the promises by the NFL that the Cleveland Browns will play all regular season home games in the stadium for not less than 30 years (subject to the option to play one regular season home game every two calendar years in a location other than in the Stadium), that the NFL will cause the new owner of the Cleveland NFL franchise to accept the terms of the lease, including the 30-year obligation to play games in Cleveland and the agreement that the City is entitled to specific performance of that obligation; and

Whereas, the City wishes to continue to provide for the play of professional football and other public attractions in the City as a source of public relaxation and entertainment through the construction, ownership and leasing of a new stadium constituting a "sports facility" as that term is defined in Sec. 307.673 of the Revised Code (the "Act"); and

Whereas, the maintenance of public safety and order during the operation of the stadium will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of the stadium; and

Whereas, the City has been presented with economic feasibility

reports which conclude that the acquisition and construction of a stadium and the leasing of it to a professional sports team and the play of NFL football in the facility will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people (through increased spending of individuals residing both inside and outside the City); and

Whereas, the City has been advised of and is aware of additional impacts of a football franchise, including without limitation: free advertising of the City as a tourism and business location; community pride and solidarity; and community relations by encouraging fans of differing racial, income and ethnic backgrounds to associate and cheer for a common cause; and

Whereas, the stadium will be located in an urban renewal area of the City known as the North Coast Harbor Community Development Plan Area and the City's development of the stadium in that area and the lease of the stadium to the NFL and the new owner will be undertaken for the foregoing purposes and for the elimination of conditions of blight determined to exist in that Plan Area and to prevent the reoccurrence of such conditions of blight; and

Whereas, the attraction of a professional football team to the City will not only enrich the City and serve as a catalyst for development, but will also project an image of civic pride and commitment; and

Whereas, the additional non-economic impacts described above are an essential condition in this Council's decision to authorize the agreements described in this ordinance; and

Whereas, in order to receive the benefits of the NFL commitments and to attract a professional football team to the City it will be necessary for the City to acquire and construct a new stadium and to enter into certain agreements and financing arrangements, all in accordance with the Charter of the City and the Constitution and laws of the State, including the Act; and

Whereas, in order to acquire and construct the stadium and for the City to improve the economic welfare of its people, it is necessary that the City promptly authorize and approve the documents authorized hereby and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual daily operation of a municipal department; now therefore,

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

**Section 1.** That it is hereby determined that, for the reasons set forth in the preambles to this Ordinance, the provision of a new stadium in the City under the terms of the agreements authorized herein and the use of that stadium for the play of professional football and other events as a source of public relaxation and entertainment constitute a public municipal purpose.

**Section 2.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Franchise Commit-

ment Agreement between the City and the NFL, providing for, among other things: approval of an NFL franchise with a home territory of Cleveland, Ohio, commencing no later than the first season of NFL play occurring after a new stadium has been constructed by the City; placing in trust for the benefit of the City and thereafter for assignment to the new owner of the Cleveland NFL franchise "Browns Heritage Property" as defined in the Franchise Commitment Agreement, including the Cleveland Browns team, name, color, history, records and heritage; the agreement by the NFL that those promises are enforceable by the City by specific performance; and the financial commitments of the NFL to the costs of construction described in the preamble to this Ordinance. The Franchise Commitment Agreement shall be substantially in the form contained in File No. 303-96-A, with such changes as may be approved by the Mayor and the Director of Parks, Recreation and Properties based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing that Agreement.

**Section 3.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Stadium Financing Agreement between the City and NFL Enterprises, L.P., a Delaware limited partnership jointly owned by all of the existing member clubs that comprise the NFL ("Enterprises"), providing for the contribution by Enterprises of the Twenty-Eight Million Dollars (\$28,000,000) to Forty-Eight Million Dollars (\$48,000,000) commitment of the NFL to the costs of construction of the new stadium (depending on the actual cost of construction of the stadium) and the participation by Enterprises in the administration of the design and construction of the stadium, all subject to the conditions set forth therein and the agreement by the NFL in the Franchise Commitment Agreement to guarantee the payments of Enterprises. The Stadium Financing Agreement shall be substantially in the form contained in the file referenced in Section 2, with such changes as may be approved by the Mayor and the Director of Parks, Recreation and Properties based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing the Agreement.

**Section 4.** That the Mayor and the Director of Parks, Recreation and Properties are hereby authorized to accept contributions from the NFL and its affiliates, including NFL Enterprises, L.P., and from any owner of an NFL franchise, toward paying a portion of the cost of the stadium improvements or making payment on obligations of the City issued for the purpose of making the stadium improvements. To the extent that any contributions are paid to the City, they are hereby appropriated for the purposes set forth in the Stadium Financing Agreement and for the purpose of making the stadium improvement.

**Section 5.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties are hereby authorized and directed to enter into a Lease By Way Of Concession between the City and the NFL (and to be assigned by the NFL to the new owner of the Cleveland NFL franchise) providing that the Cleveland NFL franchise shall play for 30 years all regular season home games in the new stadium (except for not more than one special game event every two years that may be located outside of the City), and the City shall have the right to specific performance of that 30-year play obligation. The Lease shall be substantially in the form contained in the file referenced in Section 2, with such changes as may be approved by the Mayor and the Director of Parks, Recreation and Properties based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing that Lease.

**Section 6.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Finance are hereby authorized and directed to enter into a Cooperative Agreement among the City, the County of Cuyahoga, Ohio, the Cleveland-Cuyahoga County Port Authority and the NFL providing for the contribution by Cuyahoga County of the excise tax on alcohol and cigarettes from August 1, 2005 through July 31, 2015, approved by the voters on November 7, 1995, to pay costs of construction of a stadium and the cooperation of the City, County, Port Authority and NFL in matters relating to the acquisition, construction, lease and financing of the stadium. The Cooperative Agreement shall be substantially in the form contained in the file referenced in Section 2, with such changes as may be approved by the Mayor and the Director of Finance based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing the Cooperative Agreement. Any funds received by the City pursuant to the Cooperative Agreement are hereby appropriated for the purposes set forth in the Cooperative Agreement and for the purpose of acquiring and constructing the stadium improvements.

**Section 7.** That, notwithstanding and as an exception to any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Mayor and the Director of Parks, Recreation and Properties, are hereby authorized and directed to enter into a Termination Of Lease between the City and Cleveland Stadium Corp. and the Cleveland Browns, Inc., providing for payment to the City by Cleveland Stadium Corp. of damages to the City in the amount of \$9.3 million, payable in four equal annual installments commencing in December 1996, and payment of the actual City administrative costs and expenses in an amount not to exceed \$500,000 and the actual legal and other professional fees and expenses in an

amount not to exceed \$1,750,000, respectively. The Termination Of Lease shall be substantially in the form contained in the file referenced in Section 2, with such changes as may be approved by the Mayor and the Director of Parks, Recreation and Properties based on their determination that such changes are not adverse to the City and are consistent with this Ordinance, which determination shall be conclusively evidenced by their signing the Termination of Lease. Such payments are hereby appropriated for the purposes of paying City administrative costs and expenses and legal and other professional fees and expenses.

**Section 8.** That the Director of Economic Development is hereby authorized to accept a loan in the amount of up to Ten Million Dollars (\$10,000,000) from the Cleveland Development Partnership III, an Ohio limited partnership, or any other development partnership affiliated with Cleveland Tomorrow ("CDP"), for the purposes of financing a portion of the costs of the design and construction of the stadium (the "CDP Loan").

(a) The Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to apply for the CDP Loan, to enter into contract with CDP, to pledge any and all collateral necessary to secure repayment thereof and receive the funds; and that said funds be and they hereby are appropriated for the purposes of financing the design and construction of the new stadium.

(b) The terms of the CDP Loan shall include: a loan term not less than twenty five (25) years; principal and interest payments deferred until a date not earlier than the commencement of the twelfth (12th) year of the loan term, provided that, as an exception to this provision, principal and interest payments may commence at such earlier time determined by the Director of Economic Development as may be necessary to repay CDP in the event the stadium project is not commenced by the City; such security interests and collateral as may be necessary to secure the pledge from CDP to NFL, and such other loan terms as may be determined by the Director of Economic Development.

(c) The Director of Economic Development is authorized to amend the terms of the CDP Loan, from time to time, as he deems necessary to comply with the agreements, as executed and amended, between the City and the NFL and its affiliates.

(d) The proceeds of the CDP Loan shall be deposited in such fund or funds as determined by the Director of Finance.

(e) The Director of Law is hereby authorized to prepare all documents required to implement and effectuate the CDP Loan.

**Section 9.** The Mayor, Director of Finance, Director of Parks, Recreation and Properties and Director of Law are authorized and directed to take any and all such actions and to execute and deliver any and all additional documents, certificates, and instruments as may in their judgment be necessary, desirable, advisable or appropriate to carry out the transactions contemplated to be performed by the City under the Franchise Commitment Agreement, the Stadium Financing Agreement, the Lease, the Cooperative Agreement, and the Termination of Lease

authorized herein, and under or pursuant to such other instruments and agreements that are incorporated or referenced therein.

**Section 10.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including the Charter of the City and any applicable provisions of Section 121.22 Ohio Revised Code.

**Section 11.** That each section of this Ordinance and each part of each section hereof is hereby declared to be independent, and the finding or holding of any section or part of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or part of any section of this Ordinance.

**Section 12.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 304-96.**

**By Mayor White.**

**An emergency ordinance determining the method of making the public improvement of constructing a new stadium facility; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of the public improvement and related purchases, for retaining necessary consultants, and to acquire necessary interests in real property; and to enter into agreements with the State of Ohio and the Greater Cleveland Regional Transit Authority to assist in the making of the public improvement.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a new stadium facility, including but not limited to all site improvements, utility relocations and upgrades, street relocation, environmental improvements, appurtenances necessary and incidental thereto, and demolishing the existing Cleveland Municipal Stadium (the "Improvement"), for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding for a gross price for the Improvement.

**Section 2.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding for a gross price for the

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

**Section 3.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for said Improvement, including, but not limited to the rental of necessary equipment, to be purchased or procured by the Commissioner of Purchases and Supplies for a gross price for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

**Section 4.** That, the Director of Parks, Recreation and Properties is hereby authorized and directed to employ by contract one or more firms of consultants, including but not limited to architects, engineers, construction manager services, asbestos, environmental, and demolition consultants, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the Improvement.

The selection of said consultants for such services shall be made by the Board of Control upon the nomination of the Director of Parks, Recreation and Properties from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Parks, Recreation and Properties for the purpose of compiling such a list. The services shall be performed in such phases as are determined to be necessary by the Director of Parks, Recreation and Properties. 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 Parks, Recreation and Properties, and certified by the Director of Finance.

**Section 5.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into such other agreements as are necessary to complete the planning, construction and demolition incidental to the implementation of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

**Section 6.** That, notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to acquire such interest(s) in real property as are necessary for the purpose of implementing the improvement.

**Section 7.** That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City all documents necessary to acquire such interest(s) in real property as are necessary for the purpose of implementing the Improvement and to employ and pay all fees for title companies, surveys, escrows,

appraiser, and all other costs necessary for the acquisition of such property.

**Section 8.** That the Director of Parks, Recreation and Properties is hereby authorized to enter into one or more agreements with the Greater Cleveland Regional Transit Authority to assist in the implementation of the Improvement. To the extent that any funds are received by the City pursuant to such agreement(s), they are hereby appropriated for the purposes set forth in the agreement(s) and for the purpose of making the Improvement.

**Section 9.** That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept one or more grants from the State of Ohio for the purpose of paying a portion of the cost of implementing the Improvement or making payment on obligations of the City issued for the purpose of implementing the Improvement. The Director of Parks, Recreation and Properties is further authorized to file all papers and execute all documents necessary to effectuate the grant(s). Any funds received by the City pursuant to the grant agreement(s) are hereby appropriated for the purposes set forth in the grant agreement(s) and for the purpose of implementing the Improvement.

**Section 10.** That any salvage materials from the demolition of the existing Cleveland Municipal Stadium are hereby declared to be no longer needed for a municipal purpose. The Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies are hereby authorized to sell such salvage materials at such price and under such terms and conditions as they determine necessary to protect the City's interest.

**Section 11.** That the costs of the Improvement and all contracts, purchases, and property acquisition herein contemplated shall be paid from the fund or funds to which are credited any monies accepted or received in accordance with Sections 8 and 9 of this ordinance, the fund or funds to which are credited the proceeds from any taxes levied pursuant to Ordinance No. 1025-A-95, passed June 29, 1995, the fund or funds to which are credited any monies accepted or received from the National Football League, its affiliates and from any owner of an NFL franchise and the Cleveland Development Partnership and any other development partnership affiliated with Cleveland Tomorrow, the fund or funds to which are credited any public financing for a purpose which includes the making of the Improvement and from Fund Nos. 10 SF 006, 52 SF 001, 54 SF 001 and 58 SF 001.

**Section 12.** 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, Properties and Recreation, City Planning, Finance.

**Ord. No. 305-96.**

**By Mayor White.**

**An emergency ordinance authorizing the acquisition by lease purchase of a sports facility, authorizing a ground lease and lease purchase agreement with respect to the sports facility and authorizing and approving other documents relating to the sports facility and the financing thereof.**

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio (the "State") has provided and wishes to continue to provide a source of public relaxation and entertainment through the construction and leasing of a sports facility as that term is defined in Sec. 307.673 of the Revised Code (the "Act") for the playing of professional football games and the presentation of other entertainment and public attractions; and

Whereas, the maintenance of public safety and order during the operation of such a sports facility will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of that sports facility; and

Whereas, the City has reviewed various economic feasibility reports which conclude that the acquisition and construction of such a sports facility and the leasing of it to a professional sports team will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people through increased spending of individuals residing both inside and outside the City; and

Whereas, the attraction of a professional football team to the City would not only enrich the City and serve as a catalyst for development, but would also project an image of civic pride and commitment; and

Whereas, in order to attract a professional football team to the City it will be necessary for the City to acquire and construct a new sports facility; and

Whereas, the existing Municipal Stadium is located in the urban renewal area known as the City's North Coast Harbor Community Development Plan Area (the "Plan Area"); and

Whereas, for the foregoing purposes and for the elimination of conditions of blight determined to exist in the Plan Area, it has been proposed that Municipal Stadium be demolished and that the new sports facility be constructed on the same site, thereby preventing the recurrence of said conditions of blight; and

Whereas, it will be necessary for the City to enter into certain financing arrangements and other agreements all in accordance with the Charter of the City and the Constitution and laws of the State, including the Act in order to finance the cost of a new sports facility; and

Whereas, in order to implement the financing arrangements with respect to the sports facility, it will be necessary for the City to take the following actions:

A. Execute and deliver a ground lease (the "Ground Lease") under which the City will convey to the Cleveland-Cuyahoga County Port Authority or other Ohio governmental body (the "Lessor") a leasehold interest in the real property upon which the sports facility is to be

constructed (the "Facility Site") for a term of not more than the term of the Lease by Way of Concession between the City and the NFL providing for the lease of the sports facility to a professional football team;

B. Execute and deliver a lease purchase agreement (the "Facility Lease") under which the City (a) will sublease the Facility Site and lease the sport facility (collectively, with the Facility Site, the "Leased Premises") from the Lessor for an Initial Term, as defined in the Facility Lease, and for Renewal Terms, as defined in the Facility Lease, upon appropriations being made by this Council of funds sufficient to enable the City to pay the Base Rent and Additional Rent, as defined in the Facility Lease, during the Initial Term and Renewal Terms (each a "Lease Term") and (b) will have an obligation, which will constitute a "public obligation" as defined in Ohio Revised Code Section 133.01, to pay Base Rent and Additional Rent during each Lease Term subject to such appropriations;

C. Approve a trust agreement (the "Trust Agreement") between the Lessor and a corporate trustee (the "Trustee") pursuant to which (a) the Lessor will assign its interest in the Ground Lease and the Facility Lease to the Trustee, (b) the Lessor will direct the Trustee to and the Trustee will execute not to exceed \$175,000,000 aggregate principal amount of Certificates of Participation (the "Certificates") in the payments of Base Rent to be made by the City under the Facility Lease, which Certificates will constitute "fractionalized interests in public obligations", as defined in Ohio Revised Code Section 133.01, and (c) proceeds of the sale of the Certificates will be used to pay the cost of the sports facility;

D. Execute a letter of representations (the "Letter of Representations") to A.G. Edwards & Sons, Inc., Pryor, McClendon, Counts & Co., Inc., Smith Barney Inc., Grigsby Brandford & Co., Inc., Lehman Brothers and Key Capital Markets, Inc. (collectively, the "Original Purchaser"), the Lessor, and/or the Trustee evidencing the approval of a certificate purchase agreement (the "Purchase Agreement") between the Original Purchaser, the Lessor and the Trustee setting forth the purchase price and other terms upon which the Original Purchaser will purchase the Certificates from the Trustee;

E. Provide certain information relating to the sports facility and the City to the Original Purchaser for inclusion in a disclosure document to be used in connection with the initial offering of the Certificates by the Original Purchaser; and

Whereas, in order to acquire and construct a sports facility and for the City to improve the economic welfare of its people, it is necessary that the City promptly authorize and approve the Ground Lease, the Facility Lease, the Trust Agreement and other documents authorized hereby and, as a result, this ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health and safety and for the usual daily operation of a municipal department; now therefore,

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

**Section 1. Public Municipal Pur-**

pose: It is hereby determined that, for the reasons set forth in the preambles to this ordinance, the acquisition and financing by the City of the sports facility pursuant to the Ground Lease and the Facility Lease and the use of the sports facility as a source of public relaxation and entertainment constitute a public municipal purpose.

**Section 2. Ground Lease, Facility Lease and Trust Agreement.** The Mayor and the Director of Finance are each authorized and directed to sign and deliver the Ground Lease and the Facility Lease and to signify approval of the Trust Agreement in substantially the forms as are now on file with the Clerk of Council after approval thereof by the Director of Law. The Ground Lease, the Facility Lease and the Trust Agreement are approved in substantially the forms as are now on file with the Clerk of Council, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City that are approved by the Mayor and the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Ground Lease and the Facility Lease or amendments thereto and the signifying of approval of the Trust Agreement or amendments thereto. This approval of the Trust Agreement is subject to the consent of the City (evidenced by the signing of the Letter of Representations) to the appointment of the Trustee which shall be a trust company or bank having the powers of a trust company in or outside of the State and authorized to exercise corporate trust powers in the State and having a reported capital and surplus of not less than \$50,000,000.

**Section 3. Leased Premises.** This Council hereby determines that the Leased Premises are essential to the proper, efficient and economic operation of the City.

**Section 4. Determination of Base Rent and Sale of the Certificates.**

(a) **Base Rent.** The Director of Finance is hereby authorized and directed to negotiate and provide for the terms of the Base Rent, as defined in the Facility Lease, including the aggregate principal component thereof, which for the Initial Term and all Renewal Terms in aggregate shall not exceed \$175,000,000 and the interest components thereof, which interest components may be fixed rate interest components or variable rate interest components, the weighted average of which fixed rate interest components shall not exceed 8% per annum, provided that if the interest rate component is not to be excluded from gross income for federal income tax purposes, the fixed interest rate components shall not exceed 12%, and the maximum of which variable rate interest components shall not exceed 15% per annum.

The City acknowledges that the principal component of the Facility Lease shall be equal to the principal amount of the Certificates and shall be that amount which, together with other funds to be made available for the acquisition and construction of the sports facility, shall be sufficient to pay the cost of the sports facility as defined in Section 307.673(A)(4) of the Act, including without limitation the cost of providing any reserves that

the Director of Finance determines are necessary and appropriate for the Certificates to be issued on the terms most favorable to the City as the payor on the public obligations in which the Certificates constitute fractionalized interests (which determination shall be confirmed by the Director of Finance by the Director's signing of the Letter of Representations described below), and the costs of issuance of the Certificates, which shall not exceed 4% of the aggregate principal amount of the Certificates (exclusive of any original issue discount), and which the Director of Finance determines are necessary and reasonable in light of the character of the Certificates (which determination shall be confirmed by the Director of Finance by the Director's execution of the Letter of Representations). The City further acknowledges that the payment schedule for the Certificates shall include interest components on the principal amount thereof which shall be based upon the interest components of the Base Rent. The Certificates may be issued in one or more series which may differ as to interest rate components, credit enhancement, priority of payment and other terms. The Base Rent to be payable under and in accordance with the Facility Lease during the Initial Term of the Facility Lease and any Renewal Terms, shall be an amount sufficient to cover the amount of principal of and interest component on the outstanding Certificates of any series that are due and payable during that Initial Term or Renewal Term, and such Base Rent shall be specified or determined in an exhibit to the Facility Lease; provided, however, that the City's payment of Base Rent and Additional Rent is Subject to Appropriation and Certification as provided in the Facility Lease and nothing in the Facility Lease, the Certificates or the Trust Agreement constitutes a pledge by the Lessee, or an obligation of the Lessee, of any taxes or other moneys to the payments due thereunder.

(b) **Purchase Agreement.** The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, the Letter of Representations attached as Exhibit A to the Purchase Agreement, in substantially the form as is now on file with the Clerk of this Council after approval thereof by the Director of Law, signifying approval of the Purchase Agreement and setting forth the schedule of Base Rent and the principal components and interest components thereof, the costs of issuance of the Certificates and the reserves for the Certificates and approving the appointment of the Trustee. The Purchase Agreement and the Letter of Representations are approved, together with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Letter of Representations or amendments thereto.

(c) **Primary Offering Disclosure.** If, in the judgment of the Director of Finance after consultation with the Original Purchaser, a disclosure document is appropriate relating to the initial offering of the Certificates, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized

to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Certificates, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document.

(d) **Agreement to Provide Continuing Disclosure.** For the benefit of the holders and beneficial owners from time to time of the Certificates, the City agrees, as the only obligated person with respect to the Certificates under SEC Rule 15c2-12 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate in substantially the form as is now on file with the Clerk of Council after approval thereof by the Director of Law, with any changes or amendments that are not inconsistent with this ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(e) **Application for Rating or Insurance.** If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on a series of Certificates by one or more nationally-recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on a series of Certificates, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy the reserve requirement for a series of Certificates is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Certificates.

**Section 5. Other Instruments.** The



Mayor, the Director of Finance, the Director of Law and the Clerk of Council are each hereby authorized and directed to take any and all other actions and to execute any and all other instruments, including but not limited to interest rate hedges, swap agreements, forward purchase agreements, certificates and documents as may in their judgment be necessary, desirable, advisable or appropriate in connection with the execution and delivery of the Ground Lease and the Facility Lease, the execution and delivery of the Certificates by the Trustee and the purchase of the Certificates by the Original Purchaser in order to give effect to the transactions contemplated to be performed on the part of the City under the Ground Lease, the Facility Lease and the Letter of Representations.

**Section 6. Tax Covenants.** The Director of Finance, as the fiscal officer, or any other officer having responsibility for executing the Facility Lease, is, alone or in conjunction with any of the foregoing or with any other officer or employee of the City, authorized and directed (a) to cooperate with the Original Purchaser and the Trustee by making, on behalf of the City, such covenants and representations in the Facility Lease as are appropriate and necessary so that (a) the Lease and the Certificates will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as obligations to which Section 103(a) of the Code applies, and (b) the interest components of the Lease and on the Certificates will not be treated as an item of tax preference under Section 57 of the Code and to the effect that the City will take or cause to be taken such actions that may be required of it for the interest components of the Lease and on the Certificates to be and remain excluded from gross income for federal income tax purposes and that it will not take or authorize to be taken any actions that would adversely affect that exclusion.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for execution of the Facility Lease is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Facility Lease and the Certificates as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Lease and the Certificates or the interest components thereof or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations,

make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the interest components of the Lease and on the Certificates, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript for the Certificates, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds from the sale of the Certificates, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest component of and the tax status of the Certificates. Notwithstanding the foregoing or any other provisions of this ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of the Purchase Agreement and Letter of Representations that it is necessary and appropriate and in the best interests of the City for the interest components of the Base Rent to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section 6.

**Section 7. Compliance with Open Meeting Law.** It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements including the Charter of the City and any applicable provisions of Section 121.22 Ohio Revised Code.

**Section 8. Severability.** Each section of this ordinance and each part of each section hereof is hereby declared to be independent, and the finding or holding of any section or part of any section hereof to be invalid or void shall not be deemed or held to affect the validity of any other section or part of any section of this ordinance.

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

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

**Ord. No. 306-96.**

**By Mayor White.**

**An emergency ordinance providing for the issuance and sale of Notes in the principal amount not to exceed \$20,000,000, in anticipation of the issuance of bonds, and the issuance and sale of Bonds in the principal amount not to exceed \$20,000,000 to pay a portion of the costs of constructing a sports facility, including the costs of demolition of Municipal Stadium and site preparation therefor, payable from City Nontax Revenues, and related matters.**

Whereas, the City of Cleveland, Ohio (the "City") has provided and

wishes to continue to provide a source of public relaxation and entertainment through the construction and leasing of a sports facility, as that term is defined in Sec. 307.673 of the Revised Code, for the playing of professional football games and the presentation of other entertainment and public attractions; and

Whereas, the maintenance of public safety and order during the operation of such a sports facility will require policing and regulation by the City which can best be achieved by the City's acquisition and construction of that sports facility; and

Whereas, the City has reviewed various economic feasibility reports which conclude that the acquisition and construction of such a sports facility and the leasing of it to a professional sports team will result in the creation of jobs and employment opportunities and that a professional football team will improve the economic welfare of the City and its people through increased spending of individuals residing both inside and outside the City; and

Whereas, the attraction of a professional football team to the City would not only enrich the City and serve as a catalyst for development, but would also project an image of civic pride and commitment; and

Whereas, in order to attract a professional football team to the City it will be necessary for the City to acquire and construct a new sports facility; and

Whereas, the existing Municipal Stadium is located in the urban renewal area known as the City's North Coast Harbor Community Development Plan Area (the "Plan Area"); and

Whereas, for the foregoing purposes and for the elimination of conditions of blight determined to exist in the Plan Area, it has been proposed that Municipal Stadium be demolished and that the new sports facility be constructed on the same site, thereby preventing the recurrence of said conditions of blight; and

Whereas, this Council has determined to authorize the issuance and sale of the Notes described in Section 3 in order to advance funds to pay for the costs of demolition of Municipal Stadium and site preparation for the sports facility; and

Whereas, the Director of Finance as fiscal officer of this City has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the bonds described in Section 1 is 30 years, and the maximum maturity of the Notes described in Section 8, to be issued in anticipation of the bonds, is 20 years; and

Whereas, this Ordinance constitutes an emergency measure providing for the daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that the issuance of the Notes and Bonds authorized by this Ordinance are needed to provide funds to proceed in a timely manner with the construction of the sports facility pursuant to City agreements with the National Football League and to ensure an NFL franchise will be located in the City at the earliest possible time; now, therefore

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

**Section 1. Issuance of Bonds.** It is necessary for the reasons set forth in the preambles to this Ordinance to issue bonds of this City in the aggregate principal amount of not to exceed \$20,000,000 (the Bonds) to pay a portion of the costs of constructing a sports facility, including the costs of demolition of Municipal Stadium and site preparation therefor (the "Project"), including costs of issuance of the Bonds, and to retire any Notes provided in Section 8 hereof. The Director of Finance shall determine the principal amount of the Bonds based on the amount she determines is necessary to pay costs of the Project in light of the anticipated timing of the issuance of any other obligations to pay costs of the Project. The principal amount of the Bonds issued shall be set forth in the certificate providing for the final terms of the Bonds and signed by the Director of Finance in accordance with this Ordinance (the Final Terms Certificate). The Notes may be retired from the proceeds of other obligations issued other than the Bonds or from other monies available for such purpose and the Bonds may be issued to pay costs of the Project without the prior issuance of the Notes.

**Section 2. Terms of Bonds.**

(a) **Definitions.** In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

"Authorized Denominations" means, with respect to Capital Appreciation Bonds, if any, as described below, the denomination equal to the original principal amount that, when interest is accrued and compounded thereon on each Interest Accretion Date to the stated maturity of the Bonds, will equal a \$5,000 Maturity Amount or any integral multiple thereof and, with respect to any Current Interest Bonds, \$5,000 or any integral multiple thereof.

"Closing Date" means the date of physical delivery of, and payment of the purchase price for, the Bonds.

"Compound Accreted Amount" means, with respect to Capital Appreciation Bonds, if any, the original principal amount thereof plus interest accrued and compounded on each Interest Accretion Date to the date of maturity or other date of determination. The Compound Accreted Amount per \$5,000 Maturity Amount of the Capital Appreciation Bonds of each maturity as of each Interest Accretion Date shall be set forth in the Final Terms Certificate. The Compound Accreted Amount of any Capital Appreciation Bond for each maturity as of any date other than an Interest Accretion Date is the sum of (a) the Compound Accreted Amount for such Bond on the immediately preceding Interest Accretion Date plus (b) the product of (i) the difference between (A) the Compound Accreted Amount of that Bond on the immediately preceding Interest Accretion Date and (B) the Compound Accreted Amount of that Bond on the immediately succeeding Interest Accretion Date, times (ii) the ratio of (C) the number of days from the immediately preceding Interest Accretion Date to the date of determination to (D) the total number of days from that immediately preceding Interest Accretion Date to the immediately succeeding

Interest Accretion Date; provided, however, that in determining the Compound Accreted Amount of a Capital Appreciation Bond as of a date prior to the first Interest Accretion Date, the Closing Date shall be deemed to be the immediately preceding Interest Accretion Date and the original principal amount of that Bond shall be deemed to be the Compound Accreted Amount on the Closing Date.

"Interest Accretion Dates" means, with respect to Capital Appreciation Bonds, if any, semi-annual dates commencing not later than December 1, 1998.

"Interest Payment Dates" means, with respect to Capital Appreciation Bonds, if any, the principal and interest due and payable at the stated maturity of the Bonds.

"Maturity Amount" means, with respect to Capital Appreciation Bonds, if any, the principal and interest due and payable at the stated maturity of that Bond.

"Principal Payment Dates" means annually on the first day of the same month each year commencing no later than December 1, 2006 and ending no later than December 1, 2030, for a total of not to exceed 30 payments.

(b) **General.** The Bonds shall be issued in one lot and only as fully registered Bonds and shall be dated no later than December 1, 1997, as established by the Director of Finance in the Final Terms Certificate. In accordance with her determination of the best interest of and financial advantages to the City, the Director of Finance may designate in the Final Terms Certificate certain maturities of the Bonds as "Capital Appreciation Bonds" with the remaining maturities designated as the "Current Interest Bonds," as further described in this Ordinance.

(c) **Interest and Denominations.** The Current Interest Bonds, if any, shall be issued in an aggregate principal amount as established by the Director of Finance in the Final Terms Certificate, and shall be issued in denominations of \$5,000 or any integral multiple thereof, but in no case as to a particular maturity date exceeding the principal amount of Current Interest Bonds maturing on that date. The Current Interest Bonds shall bear the rate or rates of interest per year (computed on a 360-day per year basis) as shall be specified by the Director of Finance (subject to the parameters set forth hereafter in this Section) in the Final Terms Certificate; provided, that the Current Interest Bonds of any one stated maturity all shall bear the same rate of interest. Interest on the Current Interest Bonds shall be payable at such rate or rates semiannually (the CIB Interest Payment Dates), commencing no later than December 1, 1998, until the principal amount has been paid or provided for. The Current Interest Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date.

The Capital Appreciation Bonds, if any, shall be issued in an aggregate principal amount set forth in the Final Terms Certificate, shall bear interest from the Closing Date at the compounding rate or rates of interest (computed on a 360-day per year basis), accrued and compounded on each Interest Accretion Date and payable at maturity, which will result in the aggregate Maturity

Amounts payable at maturity, as shall be determined by the Director of Finance (subject to the parameters set forth hereafter in this Section) in the Final Terms Certificate; provided, that the Capital Appreciation Bonds of any one stated maturity all shall bear the same compounding rate of interest. The total interest accrued on any Capital Appreciation Bond as of any particular date shall be an amount equal to the amount by which the Compound Accreted Amount of that Capital Appreciation Bond exceeds the original principal amount of that Capital Appreciation Bond as of that date. Capital Appreciation Bonds shall be issued in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date.

The rate or rates of interest per year to be borne by the Bonds, as specified by the Director of Finance in the Final Terms Certificate, shall be such that the Bonds (taking into account the Current Interest Bonds and the Capital Appreciation Bonds, if any) shall have a True Interest Rate (as hereinafter defined) not exceeding 9% per year, provided that if the interest rate is not to be excluded from gross income for federal income tax purposes, the True Interest Rate shall not exceed 11%. As used in this paragraph, "True Interest Rate" means the rate determined by doubling the semi-annual interest rate, computed semi-annually, necessary to discount all payments of principal and interest on the Bonds to the purchase price of the Bonds, exclusive of any accrued interest.

(d) **Principal Maturities.** The Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements (as hereinafter defined and described) as specified in the Final Terms Certificate on the Principal Payment Dates in the principal amounts such that the total principal and interest payment on the Bonds in any fiscal year in which principal is payable (beginning with the second such fiscal year) will not be more than three times the total of the principal and interest payments in the immediately preceding year.

Consistent with the foregoing and in accordance with her determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Final Terms Certificate (i) the principal amount of Bonds, if any, maturing or payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date, (ii) the Principal Payment Date or Dates, if any, on which Bonds not subject to mandatory sinking fund redemption (Serial Bonds) shall mature; (iii) the Principal Payment Date or Dates, if any, on which Bonds subject to mandatory sinking fund redemption (Term Bonds) shall be stated to mature; (iv) the Principal Payment Date or Dates on which any Term Bonds shall be subject to mandatory sinking fund redemption (Mandatory Redemption Dates) and (v) the number of annual Principal Payment Dates (not to exceed 30).

(e) **Redemption.** The Bonds shall be subject to redemption prior to stated maturity as follows:

(i) **Mandatory Sinking Fund Redemption of Term Bonds.** Term Bonds, if any, shall be subject to mandatory redemption in part by lot

and be redeemed pursuant to mandatory sinking fund requirements, at a redemption price of 100% of the principal amount of any Current Interest Bonds or the Compounded Accreted Value of any Capital Appreciation Bonds redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates for which provision is made above (such Dates and amounts, the Mandatory Sinking Fund Redemption Requirements).

The aggregate of the moneys to be deposited with the Bond Registrar (as defined in Section 4 of this Ordinance) for payment of principal of and interest on Term Bonds on each Mandatory Redemption Date shall include an amount sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the forty-fifth day preceding the applicable Mandatory Redemption Date, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date. If the certificate is not timely furnished to the Bond Registrar, the applicable Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Bond Registrar at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered, redeemed or purchased and canceled. Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against any subsequent Mandatory Sinking Fund Redemption Require-

ments (and corresponding mandatory redemption obligations) for Term Bonds stated to mature on that Principal Payment Date, in the order directed by the Director of Finance.

(ii) Optional Redemption. If provided by the Director of Finance in the Final Terms Certificate, the Current Interest Bonds shall be subject to redemption by and at the sole option of the City, in whole or in part in integral multiples of \$5,000, on the dates, in the years and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, as determined by the Director of Finance in the Final Terms Certificate; provided that the earliest optional redemption date shall not be earlier than December 1, 2006, and the redemption price for the earliest optional redemption date shall not be greater than 103%.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of this Council by adoption of a resolution or passage of an Ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional redemption at one time and Bonds of more than one maturity are then outstanding, the Bonds that are called shall be called as selected by, and selected in a manner determined by, the City. If fewer than all of the Bonds of a single maturity are to be redeemed, the selection of Bonds of that maturity to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by lot in a manner determined by the Bond Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as if it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all, of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then, upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Bond Registrar (i) for payment of the redemption price of the \$5,000 unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner, of a new Bond or Bonds of any authorized denomination or

denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

(iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Bond Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register (as defined in Section 6 of this Ordinance) maintained by the Bond Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, subject to Section 5 of this Ordinance, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

### **Section 3. Execution of Bonds.**

The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon her approval of the form and correctness by her manual or facsimile signature. The Bonds shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under this Ordinance unless and until the certificate of authentication printed on the Bond is signed by the Bond Registrar (as defined in Section 4) as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, this Ordinance. The certificate of authentication may be signed by any authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Bonds.

**Section 4. Bond Registrar.** The Director of Finance shall designate a bank or trust company to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the Bond Registrar) after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Bond Registrar in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Bond Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

**Section 5. Payment of Debt Charges.** The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal and any premium on the Current Interest Bonds shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Bond Registrar. Interest on a Current Interest Bond shall be paid on each CIB Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 6) at the close of business on

the 15th day of the calendar month next preceding that Interest Payment Date (the Record Date). The debt charges on the Capital Appreciation Bonds shall be payable when due upon presentation and surrender of the Capital Appreciation Bonds at the principal corporate trust office of the Bond Registrar.

**Section 6. Transfer and Exchange of Bonds.** So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the Bond Register). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any Authorized denomination upon presentation and surrender at the principal corporate trust office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same debt, and entitled to the same security and benefit

under this Ordinance, as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of a Bond during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Bonds and ending at the close of business on the day of such mailing or to transfer or exchange any Bond selected for redemption, in whole or in part.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interests of and financially advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified

Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

**Section 7. Sale of Bonds.** The Bonds are sold at private sale to A.G. Edwards & Sons, Inc., Pryor, McClendon, Counts & Co., Inc., Smith, Barney Inc., Grigsby Bradford & Co., Inc., Lehman Brothers and Key Capital Markets, Inc. (collectively, the Original Purchaser) at a purchase price of not less than 97% of par plus any accrued interest from the date of the Bonds to the date of their delivery to the Original Purchaser, with the principal amount of the Bonds (including respective principal amounts of Current Interest Bonds and Capital Appreciation Bonds), final purchase price, interest rate or rates, annual principal installments, Serial Bonds, Term Bonds, Mandatory Redemption Dates and Mandatory Sinking Fund Redemption Requirements, any optional redemption provisions, and such other terms and conditions, all as set forth in the Final Terms Certificate in accordance with law and the provisions of this Ordinance and the Bond Purchase Agreement described below. The Director of Finance shall sign and deliver, in the name of and on behalf of the City, the Bond Purchase Agreement between the City and the Original Purchaser in substantially the form as is now on file with the Clerk of Council. The Bond Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments thereto. The Director of Finance shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price. The Mayor, the Clerk of Council, the Director of Finance, the Director of Law and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments, including but not limited to interest rate hedges, swap agreements and forward purchase agreements and to take such actions as are necessary

or appropriate to consummate the transactions contemplated by this Ordinance.

**Section 8. Issuance of Notes.** It is necessary for the reasons set forth in the preambles to this Ordinance to issue and this Council determines that notes in the aggregate principal amount not to exceed \$20,000,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall bear interest at a rate or rates not to exceed 7% per year (computed on a 360-day per year basis), payable at maturity or at any date of earlier prepayment as provided for in Section 9 of this Ordinance and until the principal amount is paid or payment is provided for. The rate or rates of interest on the Notes shall be determined by the Director of Finance in the certificate or certificates awarding the Notes in accordance with Section 11 of this Ordinance (the Certificate of Award). The Notes may be issued from time to time in one or more series if so provided in the Certificate of Award, provided that a separate Certificate of Award shall be executed for each series and the last series of Notes shall be authorized and sold not later than December 31, 1997.

**Section 9. Payment of Principal.** The debt charges on the Notes shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America if so requested by the Original Purchaser, and shall be payable, without deduction for services of any paying agent. The Director of Finance may serve as the City's paying agent for the Notes or the Director of Finance shall designate a bank or trust company to serve as the City's paying agent (the Paying Agent) after determining that payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose. The Notes of each series shall be dated the date of issuance of the respective series and shall mature on a date to be determined in the Certificate of Award for the respective series, provided that such date shall not be later than twelve months from the date of issuance of the respective series of Notes. If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the City at any time prior to maturity as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the date of prepayment. The City's right of prepayment shall be exercised by mailing a notice of prepayment, stating the date of prepayment and the name and address of the Paying Agent, by certified or registered mail to the original purchaser of the Notes not less than seven days prior to the date of that deposit, unless that notice is waived by the original purchaser of the Notes. If money for prepayment is on deposit with the Paying Agent on the specified prepayment date following the giving of that notice (unless the requirement of that notice is waived as stated above), interest on the principal amount prepaid shall cease to accrue on the prepayment date, and upon the request of the Director of Finance the Original Purchaser of the Notes

shall arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment and surrender and cancellation.

**Section 10. Execution of Notes.** The Notes shall be signed by the Mayor and Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Notes shall be issued in the denominations and numbers as requested by the original purchaser and approved by the Director of Finance. The entire principal amount may be represented by a single note, and may be issued as fully registered securities in accordance with Section 133.40 of the Revised Code and in book-entry or other certificated form in accordance with Section 9.96 of the Revised Code if it is determined by the Director of Finance that the issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes may be issued in the denominations of \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any whole multiple thereof and are not exchangeable for other Notes in denominations less than \$100,000. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

**Section 11. Sale of Notes.** The Notes shall first be offered at par and accrued interest to the Trustees of the Sinking Fund and, if the Trustees refuse to take any or all of them, the Director of Finance shall offer them to the Mayor and the Director of Law for purchase for credit of the Treasury Investment Account and, if not purchased for the Treasury Investment Account, the Notes shall be sold at not less than par plus any accrued interest by the Director of Finance to the Original Purchaser. The Director of Finance shall sign the Certificate or Certificates of Award referred to in Section 8 evidencing that sale, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Clerk of Council, the Director of Law and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements, purchase agreement and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance for the issuance of the Notes. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

**Section 11. Security.** The Bonds and the Notes are special obligations of the City, and the principal and interest on the Bonds and Notes are payable solely from Nontax Revenues and, with respect to the Bonds, such payment is secured by a pledge of those Nontax Revenues established by and as provided in this Ordinance which are on deposit in the Stadium Bond Fund, as described below.

There is hereby created by the City a separate fund named the "Stadium Bond Fund" (the "Bond Fund") into which Nontax Revenues shall be deposited in accordance with the following provisions. "Nontax Revenues", as used herein, means, all moneys of the City which are not moneys raised by taxation, to the extent available for such purposes, including, but not limited to the following: (a) grants from the United States of America and the State of Ohio; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund from properly imposed licenses and permits; (e) investment earnings on the City's General Fund and which are credited to the City's General Fund; (f) investment earnings of other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) rental income which is deposited in the City's General Fund; and (i) gifts and donations.

The City hereby covenants and agrees that on the first day of each month, the City shall deposit into the Bond Fund from Nontax Revenues selected by the City (i) commencing the later of the first day of the month following issuance of the Bonds or the first day of the sixth month preceding the first CIB Interest Payment Date on the Bonds, an amount equal to one-sixth of the interest payment due on the next following CIB Interest Payment Date, and (ii) commencing the first day of the twelfth month preceding the first Principal Payment Date, an amount equal to one-twelfth of the principal payment due on the next following Principal Payment Date; in each case, less any interest earnings accumulated in the Bond Fund which have not theretofore been used as a credit against a prior payment obligation. Moneys in the Bond Fund shall be used solely and exclusively to pay principal and interest on the Bond when due.

The City hereby covenants and agrees that so long as the Notes and the Bonds are outstanding, it will appropriate and maintain sufficient Nontax Revenues each year to make each payment due under this Section and to pay principal and interest on the Notes and Bonds when due; provided, however, the payments due hereunder and under the Notes and Bonds are payable solely from Nontax Revenues, which Nontax Revenues are hereby selected by the City as moneys that are not raised by taxation. The Notes and Bonds do not and shall not represent or constitute a debt or pledge of the faith or credit or taxing power of the City, and the owners of the Bonds have no right to have taxes levied by the City for the payment of principal and interest on the Bond.

Nothing herein shall be construed as requiring the City to use or apply to the payment of principal and interest on the Notes or the Bonds any funds or revenues from any source other than Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Notes or the Bonds.

**Section 12. Proceeds of Notes and Bonds.** The proceeds from the sale of the Notes or Bonds, except any premium and accrued interest, shall be paid into the proper fund or funds and those proceeds are appropriated and shall be used for the purpose for which the Notes or Bonds are being issued. Any portion of those proceeds representing premium and accrued interest shall be paid into the Sinking Fund.

If Notes are issued, the par value to be received from the sale of the Bonds or any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 13. Disclosure: Rating; Insurance.** If, in the judgment of the Director of Finance after consultation with the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Notes or Bonds, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Notes or Bonds, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Notes or Bonds, the City agrees, as the only obligated person with respect to the Notes or Bonds under SEC Rule 15c2-12 (the "Rule"), to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner, as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to sign and deliver, in the name and on behalf of the City, the Continuing Disclosure Certificate with respect to the Bonds and, if required under the Rule, with respect to the Notes, in substantially the form as is now on file with the Clerk of Council after approval thereof by the Director of Law, with such modifications as may be appropriate under the Rule in connection with the issuance of Notes, and with any changes or

amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of that Certificate or amendments to it. The agreement formed, collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

If, in the judgment of the Director of Finance after consultation with the Original Purchaser, the filing of an application for (i) a rating on the Notes or Bonds by one or more nationally-recognized rating agencies, (ii) a policy of insurance or other credit enhancement facility from a company or companies to better assure the payment of principal of and interest on the Notes or Bonds, or (iii) a surety bond or other credit enhancement facility from a company or other companies to satisfy any reserve requirement for the Notes or Bonds is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or other credit enhancement facility provider such information as may be required for the purpose. The cost of obtaining each such rating, policy, bond or credit enhancement facility, except to the extent paid by the Original Purchaser in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of the Notes or Bonds.

**Section 14. Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and Bonds in such manner and to such extent as may be necessary so that (a) neither the Notes nor the Bonds will (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Notes and Bonds will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for

issuance of the Notes and Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and Bonds.

Notwithstanding the foregoing or any other provisions of this Ordinance to the contrary, if the Director of Finance determines prior to the execution and delivery of the Bond Purchase Agreement that it is necessary and appropriate and in the best interests of the City for the interest on the Notes or the Bonds to be included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section 14 with respect to the Notes or Bonds, as the case may be.

**Section 15. Delivery of Ordinance.** The Clerk of Council is directed to deliver a certified copy of this Ordinance and the Certificate or Certificates of Award and Final Terms Certificate to the County Auditor.

**Section 16. Interpretation.** Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Bonds or Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

**Section 17. Validity.** This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes and Bonds in order to

make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Notes and Bonds have been performed and have been met, in regular and due form as required by law.

**Section 18. Open Meeting.** This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

**Section 19. Effective Date.** For the reasons set forth in the preambles of this Ordinance, which are made a part hereof, this Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 307-96.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into and execute a lease agreement for the Charles V. Carr Center with the Cuyahoga Metropolitan Housing Authority for a term of ten years.**

Whereas, the City of Cleveland owns real property at 5715 Woodland in the City of Cleveland, which property is no longer needed for public use; and

Whereas, the Cuyahoga Metropolitan Housing Authority ("CMHA") has proposed to lease such property for the purpose of establishing a CMHA Police Training Academy and Headquarters Facility; 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 enter into a lease agreement with the Cuyahoga Metropolitan Housing Authority ("CMHA") for the purpose of establishing a CMHA Police Training Academy and Headquarters Facility, of the following described real property, which is determined no longer needed for public use during the term specified in Section 2 below:

Carr Health Center Parcel "A"  
Situating in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublots Numbers 29 through 32, and the Easterly 10.00 feet of Sublot Number 33, excepting the Southerly part appropriated for the widening of Woodland Avenue, S.E. as shown by the Recorded Plat in Volume 10, Page 3 of Cuyahoga County Records

in Frederick Haltnorth's Subdivision of Part of Original 100 Acre Lot Number 331, as shown by said Plat in Volume Number 5 of Maps, Page 51 of Cuyahoga County Records, and bounded and described as follows:

Beginning at said Sublot Numbers 29 through 32 and the Easterly 10.00 feet of Sublot Number 33, together forming a parcel of land having a frontage of 130.94 feet on the Northerly side of Woodland Avenue S.E. and extending back of equal width, 125.00 feet to an unnamed 12.00 foot alley, and containing 16,368 square feet, (0.3758 acres) of land; as appears by said plat, be the same more or less, but subject to all legal highways.

Carr Health Center Parcel "B"

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots 20 through 26 inclusive, and part of vacated alley (Volume 228, Page 10 of Cuyahoga County Records), in Frederick Haltnorth's Subdivision of part of Original 100 Acre Lots Numbers 331 and 332 as shown by the recorded plat in Volume 5, Page 51 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the Northeast corner of Sublot Number 25, in the Frederick Haltnorth Subdivision as aforesaid, said point being the intersection of the Southerly line of Haltnorth Court S.E. (40.00 feet wide), and the Westerly line of East 59th Street (formerly First Avenue), (60.00 feet wide);

Thence Southerly along the Westerly line of East 59th Street 68.63 feet to the Southeast corner of Sublot Number 26 in the aforesaid Subdivision;

Thence Westerly along the Southerly line of said Sublot and its Westerly prolongation 150.94 feet to a point in the Westerly line of an unnamed alley (10.00 feet wide), vacated by Ordinance Number 2837-76, Volume 220, Page 48 of Cuyahoga County Records; said line also being the Easterly line of Sublot Number 24, in the aforesaid Subdivision;

Thence Southerly along said Easterly line 61.00 feet to a point; said point being the Westerly turnout of the vacated alley, as aforesaid;

Thence Southwesterly, about 10.00 feet along said turnout at the Southeast corner of Sublot Number 24 said Point also being the Northerly line of an unnamed Alley (12.00 feet wide);

Thence continuing Westerly along said Northerly line 145.00 feet to the Southwest corner of Sublot Number 20;

Thence Northerly, along the Westerly line of said Sublot Number 20, 134.63 feet to the Northwesterly corner thereof; said point also being on the Southerly line of Haltnorth Court, as aforesaid;

Thence Easterly, along said line, 300.94 feet to the place of beginning and containing about 30,541.01 square feet of land (0.70 acres), be the same more or less, but subject to all legal highways.

**Section 2.** That the term of the lease authorized pursuant to Section 1 of this ordinance be ten (10) years, with three five (5) year renewal terms.

**Section 4.** That the property leased pursuant to this ordinance shall be leased for the sum of \$1.00 per year, and other valuable consideration, including the improvement, maintenance and upkeep of

the property during the lease term.

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

**Section 5.** That the Mayor and the Directors of Law and Parks, Recreation and Properties, and other appropriate City officers, are hereby authorized and directed to exe-

cute such other documents and certificates as may be necessary or appropriate to effect the lease authorized pursuant to 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, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Properties and Recreation, City Planning, Finance.

**Ord. No. 308-95.**

**By Councilmen Johnson, McGuirk and Rokakis (by departmental request).**

**An emergency ordinance to amend Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1451-95, passed August 23, 1995, relating to parking fees.**

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 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1451-95, passed August 23, 1995, is hereby amended to read as follows:

**Section 133.33 Parking Fees.**

(a) The Commissioner of Parking Facilities shall cause to be collected fees and charges at the following parking facilities in accordance with the following schedule:

(1) **Willard Park Garage:**

In divisions (a)(1)A. through (a)(1)F., the rate listed is effective upon the reopening of Willard Park Garage after completion of the improvements.

A.	First hour or portion thereof	\$2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to <b>11:00 p.m.</b>	8.10
D.	Additional overnight charge from <b>11:00 p.m.</b> to 6 A.M.	8.10
E.	General monthly rate	143.52
F.	Special monthly rate (for City vehicles and City employees)	74.07
	(for not more than <b>100</b> City employees, with preference given to employees with the lowest salary, <b>under the authority of</b> the Director of Parks, Recreation and Properties)	
G.	Special events (flat rate - pay enter)	up to 10.00
H.	Charge for lost or stolen key card	50.00
I.	Returned check charge	15.00
J.	Late payment charge	5.00
K.	<b>Group Monthly Rate — 150 cars or more</b>	<b>129.63</b>
L.	<b>Group Monthly Rate — 100 cars to 149 cars</b>	<b>134.26</b>
M.	<b>Group Monthly Rate — 75 cars to 99 cars</b>	<b>138.89</b>
N.	<b>Early Bird Rate — (time to be determined by the Director of Parks, Recreation and Properties</b>	<b>up to 10.00</b>

(2) **Cleveland Convention Center Garage:**

A.	First hour or portion thereof	2.08
B.	Each additional half hour or portion thereof	1.16
C.	Daily maximum rate from 6 A.M. to <b>11:00 p.m.</b>	7.18
D.	Additional overnight charge from <b>11:00 p.m.</b> to 6 A.M.	7.18
E.	General monthly rate (the number of key cards may be limited at the discretion of the Commissioners of the Convention Center and Parking Facilities)	120.37
F.	Special events (flat rate - pay enter)	up to 10.00
G.	Charge for lost or stolen key card	50.00
H.	Returned check charge	15.00
I.	Late payment charge	5.00
J.	<b>Early Bird Rate — (time to be determined by the Director of Parks, Recreation and Properties</b>	<b>up to 10.00</b>

(3) **Canal Basin Lot:**

A.	Daily rate from 6 A.M. to <b>6:00 P.M.</b> (flat rate - pay enter)	up to 1.85
B.	General monthly rate (weekdays between 6 A.M. and 6 P.M.)	37.04
C.	Special events, weekdays between <b>6:00 P.M.</b> and 6 A.M., weekends and holidays (flat rate - pay enter)	up to 10.00
D.	Returned check charge	15.00
E.	Late payment charge	5.00
F.	<b>Charge for lost or stolen key card</b>	<b>50.00</b>

(4) **North Coast Municipal Parking Lot:**

A.	Daily rate (flat rate - pay enter)	up to 2.08
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B.	City of Cleveland employees	no charge
C.	General monthly rate	up to 41.67
D.	Special events (flat rate - pay enter)	up to 10.00
E.	Charge for lost or stolen key card	50.00
<b>F.</b>	<b>Returned check charge</b>	<b>15.00</b>
<b>G.</b>	<b>Late payment charge</b>	<b>5.00</b>

**(5) North Mall Lot:**

A.	First hour or portion thereof	2.08
B.	Each additional hour	2.08
C.	Maximum rate	12.04
D.	Special event rate (flat rate - pay enter)	<b>up to 10.00</b>

(b) Wherever the schedule contained in division (a) of this section specifies a maximum fee, the fee to be charged shall be fixed by the Commissioner of Parking Facilities with the consent of the Director of Parks, Recreation and Properties up to the maximum specified.

(c) Monthly rate customer parking privileges at Willard Park Garage, Cleveland Convention Center Garage, Canal Basin Lot and **North Coast Municipal Parking Lot** do not include entry to these garages and lots for special events held on weekends, holidays or after 6 P.M. on weekdays.

(d) Fees collected from the Willard Park Garage, Canal Basin Lot, **North Coast Municipal Parking Lot**, and **North Mall Lot** shall be credited to the Division of Parking Facilities Enterprise Fund for general operations. Fees collected from the Convention Center Garage shall be credited to the Convention Center Enterprise Fund for general operations.

(e) The Commissioner of Parking Facilities is authorized to enter into an agreement with the Commissioner of the Convention Center for the operations, management and collection of parking fees at the Convention Center Garage.

(f) The Commissioner of Parking Facilities shall fix and collect such fees and charges as the Commissioner shall determine at parking facilities not identified in division (a) of this section but under the Commissioner's control until such time as the Council and the Board of Control fix fee schedules for such parking facilities.

**Section 2.** That existing Section 133.33 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1451-95, passed August 23, 1995, is hereby repealed.

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

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

**Ord. No. 309-96.**  
**By Councilmen Johnson and Rokakis (by departmental request).**  
**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept gift of approximately two thousand tee shirts and caps from the Cleveland Indian Charities, for the Division of Recreation, Department of Parks, Recreation and Properties.**

Whereas, the Cleveland Indian Charities has indicated a desire to make a gift of approximately two thousand tee shirts and caps, valued at \$20,000, to the Division of Recreation, Department of Parks, Recreation and Properties; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to accept, on behalf of the Division of Recreation, approximately two thousand caps and tee shirts, valued at \$20,000, from the Cleveland Indians Charities.

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

Referred to Directors of Parks, Recreation and Properties, Finance,

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

**Ord. No. 310-96.**  
**By Councilman Lewis.**  
**An emergency ordinance rescinding the designation of the Afro-American Cultural & Historical Society Museum as a Cleveland Landmark.**

Whereas, pursuant to Ordinance No. 2636-75, passed June 2, 1976, this Council designated and established the Afro-American Cultural & Historical Society Museum as a Cleveland Landmark; and

Whereas, this Council wishes to rescind the designation of the museum described in Ordinance No. 2636-75, as a Cleveland Landmark and, thus, relieve the property owners from any of the duties or penalties contained in Chapter 161 of the Codified Ordinances; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the decision to rescind the landmark designation should be effective immediately so as not to adversely affect the interest of owners within the landmark area; now, therefore,

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

**Section 1.** That in accordance with division (b)(6) of Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the designation of the Afro-American Cultural & Historical Society Museum as a Cleveland Landmark as described and defined in Ordinance No. 2636-75, passed June 2, 1976, is hereby rescinded.

**Section 2.** That the rescission of

the Afro-American Cultural & Historical Society Museum as a Cleveland Landmark shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by an appropriate person designated for such purpose by the City Planning Commission.

**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 City Planning Commission, Law; Committees on City Planning, Legislation.

**Ord. No. 312-96.**  
**By Councilmen Patmon, Jackson, Rybka and Rokakis (by departmental request).**

**An emergency ordinance declaring the property located at 9813-15 North Boulevard blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell said premises to Famicos Foundation, or its designee.**

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 the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has hereby found and determined that Permanent Parcel No. 109-06-020, located at 9813-15 North Boulevard, Cleveland, Ohio, and owned by Barbara Wright, Bernard Mitchell and Thelma H. Johnson, are blighted premises, as defined by Section 324.03 of said Codified Ordinances, because the blighted premises has been condemned pursuant to the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owner of the blighted premises has not responded to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice thereof.

**Section 2.** That a public hearing was held in accordance and compliance with the requirements of Sections 324.08 and 324.09 of the Codified Ordinances.

**Section 3.** That, based upon the factors set forth in Section 1 hereinabove and compliance with the public notice requirements set forth in Section 2 hereinabove, this Council, as required by Sections 324.10 and 324.11, of the Codified Ordinances, hereby finds and determines that Permanent Parcel No. 109-06-020, located at 9813-15 North Boulevard, is a blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

**Section 4.** That based upon the findings and declarations set forth in Sections 1 through 3 of this ordinance, the Director of Community Development is hereby authorized to negotiate the acquisition of the blighted premises from the owner and sell said premises to Famicos Foundation, or its designee, pursuant to Sections 324.11 and 324.12 of the Codified Ordinances. Said blighted premises are more fully described as follows:

9813-15 North Boulevard  
PPN: 109-06-020

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being Sublot Number 233 in the Adams Realty Company's Superior Park Subdivision No. 5 of part of Original 100 Acre Lots Nos. 376 and 377, as shown by the recorded plat in Volume 41 of Maps, Page 10 of Cuyahoga County Records, and being 41.13 feet front on the Northerly curved line of North Boulevard, N.E. (40.00 feet wide) and extending back 108.20 feet on the Westerly line, 98.54 feet on the Easterly line, and having a rear line of 40.00 feet as shown by said plat, be the same more or less, but subject to all legal highways, easements, and restrictions of record, and in particular those restrictions contained in the original deed of said parcel from the Adams Realty Co., to William G. Mulholland, dated July 1, 1910 and recorded in Volume 1265, Page 514 of Cuyahoga County Records.

This description was prepared by David J. Bruckner, Registered Ohio Professional Surveyor No. 6939 and

is intended to replace the former erroneous and outdated description as recorded in Volume 95-7080, Page 58 of Cuyahoga Records.

**Section 5.** That the Mayor is hereby authorized to convey by official Deed or Deeds title to the blighted premises at a price to be determined by the Board of Control.

**Section 6.** That the Director of Community Development is hereby authorized to enter into and execute a project agreement on behalf of the City of Cleveland with Famicos Foundation, or its designee for the redevelopment and/or rehabilitation, as defined in Chapter 324 of the Codified Ordinances, of the blighted premises. Said project agreement shall be substantially in the form of that contained in Council File No. 583-91-A.

**Section 7.** That the Mayor, Director of Law and the Director of Community Development are hereby authorized to execute such certifications and documents, and to take such other actions as may be necessary or appropriate in connection with the carrying out of the terms of the project agreement, and the activities contemplated by Chapter 324 of the Codified Ordinances.

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

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

**Ord. No. 313-96.**  
**By Councilmen Patton and Rokakis (by departmental request).**  
**An emergency ordinance authorizing and directing the purchase by contract of not to exceed three meter test benches, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed three (3) meter test benches, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 20919.

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

Referred to Directors of Public

Utilities, Finance, Law; Committees on Public Utilities, Finance.

**Ord. No. 314-96.**  
**By Councilmen Patton and Rokakis (by departmental request).**  
**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to fabricate ring and pinion gears, for the Division of Water, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials needed to fabricate ring and pinion gears in the estimated sum of \$85,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 20938)

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

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

**Ord. No. 315-96.**  
**By Councilmen Patton and Rokakis (by departmental request).**  
**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain landscapes at various waterworks facilities, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Utilities is hereby authorized

and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to maintain landscapes at various waterworks facilities in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20936)

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

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

**Ord. No. 316-96.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to convey to the Board of Trustees of the Cleveland Public Library certain easement rights in property known as Eastman Park and declaring said easement rights no longer needed for public use.**

Whereas, the Board of Trustees of the Cleveland Public Library has requested the Director of Parks, Recreation and Property to convey certain easement rights in property known as Eastman Park; and

Whereas, the City entered into a Lease by Way of Concession, Agreement No. 47153, whereby the City agreed, subject to approval of Council, to grant to the Board of Trustees of the Cleveland Public Library an easement for a period of fifty (50) years in approximately fifty (50) square feet of the surface area of Eastman Park in consideration for the use of an equivalent sized portion of library property for Eastman Park; 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:

**LIBRARY ANNEX  
BUILDING ENCROACHMENT  
ON EASTMAN GARDEN TRACT**  
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot No. 67, and bounded and described as follows:

**Parcel No. 1**

Beginning at the intersection of the Northerly line of Superior Avenue N.E. (132 feet wide) with the Westerly line of East 6th Street (99 feet wide);

Thence South 55° 48' 18" West 124.54 feet along the Northerly line of Superior Avenue and the Southerly line of Sublots Nos. 46 and 44 of John A. Rockwell and Others Subdivision as shown by the recorded plat in Volume 2 of Maps, Page 58 of Cuyahoga County Records, to the Southwesterly corner of said Sublot No. 44 and of the property conveyed to Louise G. Bickford by Deed dated April 29, 1992 in Volume 92-3538, Page 56 of Cuyahoga County Records;

Thence North 33° 47' 46" West 5.49 feet along the Westerly line of said Sublot No. 44 to the principal place of beginning;

Thence North 34° 11' 42" West 30.85 feet along the Westerly face of the Annex Building to a corner;

Thence North 55° 48' 18" East 0.21 feet along said building to the Westerly line of said Sublot No. 44;

Thence South 33° 47' 46" East 30.85 feet along said Sublot line to the principal place of beginning, containing 3.31 square feet, more or less, but subject to all legal highways and easements of record.

**Parcel No. 2**

Beginning at the Southwest corner of Sublot No. 44 as aforesaid in Parcel No. 1 above;

Thence North 33° 47' 46" West 162.59 feet along the Westerly line of Sublot No. 44 to the principal place of beginning on the Southerly face of the Northerly 36.33 feet of said Annex Building;

Thence South 55° 48' 18" West 1.09 feet along said Southerly face to a corner;

Thence North 34° 11' 42" West 36.33 feet along the Westerly face of said Annex Building to the Northwesterly corner thereof;

Thence North 55° 48' 18" East 1.35 feet along the Northerly line of said building to the Westerly line of said Sublot No. 44;

Thence South 33° 47' 46" East 36.34 feet along said Sublot line to the principal place of beginning, containing 44.32 square feet, more or less, but subject to all highways and easements of record.

The above descriptions are based on a survey of this parcel by Ralph C. Tyler, P.E., P.S., Register Surveyor No. 4236.

**Section 2.** That the easement shall be exclusive and the purpose of the easement shall be to accommodate two corner pavilions of the East Wing Building.

**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 exclusive easement interest to the Board of Trustees of the Cleveland Public Library at a price of one dollar (\$1.00).

**Section 4.** That the duration of the easement shall be fifty (50) years; that the easement may include reasonable access rights; that the easement shall not be assignable; that the easement shall terminate and all rights in the easement shall revert to the City, in the event the Board of Trustees of the Cleveland Public Library ceases to own the East Wing Building and operate same as a public library; that the easement shall require the grantee to 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 Mayor and the Director of Parks, Recreation and Properties and/or the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The Deed of Easement shall contain such additional terms and conditions as are required to protect the interests of the parties.

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

**Ord. No. 317-96.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a Humphrey Park Facility expansion project at 15900 Lake Shore Boulevard and 16013 Damon Avenue, for the Division of Property Management, 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of expanding the Humphrey Park Facility:

15900 LAKE SHORE BOULEVARD  
(PARTIAL TAKING)

PPN: 113-13-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Tract No.

16, and being part of lands conveyed to Montlack Management Co. by deed dated November 14, 1986 and recorded in Volume 86-7446 Pg. 37 of Cuyahoga County Records, further bounded and described as follows:

Beginning at the Northeast corner of Sublot 413 in the Eastwood Subdivision of a part of Original Euclid Township Tract No. 16 as shown by the recorded Plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, said point also being the Southeast corner of said lands conveyed to Montlack Management Co.;

Thence North 89° 52' 03" West along the Northerly line of said Eastwood Subdivision, also being the Southerly line or said land conveyed to Montlack Management Co., 53.47 feet to a point being the Northwesterly corner of Sublot 414 in said Subdivision;

Thence North 00° 00' 00" East through said land conveyed to Montlack Management Co. 148.70 feet to a point;

Thence North 70° 05' 53" East through said land conveyed to the Montlack Management Co., 57.26 feet to a point on the Easterly line of said land conveyed to Montlack Management Co., also being the Southwest corner of lands conveyed to Euclid Beach Plaza Association, by deed dated March 2, 1988 and recorded in Volume 88-0877 Pg. 67 of Cuyahoga County Records, and the Northwest corner of lands conveyed to the City of Cleveland, by deed dated August 17, 1967 and recorded in Volume 10674, Pg. 493 of Cuyahoga County Records;

Thence South 00° 07' 35" West along the Easterly line of said land conveyed to Montlack Management Co., also being the Westerly line of said land conveyed to The City of Cleveland, 168.32 feet to the principal place of beginning, and containing 8503.00 sq. ft. of land, be the same more or less, but subject to all legal highways.

Bearings herein are to an assumed meridian and are used to indicate angles only.

**16013 DAMON AVENUE  
(VACANT LOT)**

PPN: 113-13-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 12.5 feet of Sublot No. 416 and all of Sublot No. 415 in the Eastwood Subdivision of part of Original Euclid Township, Tract No. 16, as shown by the recorded plat in Volume 31, Page 27 of Cuyahoga County Records, and together forming a parcel of land 37.5 feet front on the Northerly side of Damon Avenue, formerly Nansen Street, and extending back 101.31 feet on the Easterly line, 101.40 feet on the Westerly line, and having a rear line of 37.5 feet, as appears by said plat be the same more or less but subject to all legal highways.

**Section 2.** That the Director of Parks, Recreation and Properties is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That the consideration to be paid for such property shall not exceed its fair market value as determined by the Board of Control.

**Section 4.** That all costs of acquisition of land shall be paid from Fund Nos. 20 SF 180, 20 SF 303, 20 SF 192 and 20 SF 323, Request No. 20556.

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

**Ord. No. 318-96.  
By Councilmen Polensek and Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Maltese Fire Equipment for the purchase of replacement parts and labor for L.T.I. apparatus in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Services, Department of Public Safety, for a two year period.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Maltese Fire Equipment. Therefore, the Director of Public Safety be and he hereby is authorized and directed to make a written requirement contract for the period of two years with said Maltese Fire Equipment for replacement parts and labor for L.T.I. apparatus being used by the Division of Fire and Emergency Medical Services in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Services, Department of Public Safety.

**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 21145)

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

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

**Ord. No. 319-96.**

**By Councilmen Polensek and Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Simon Duplex for the purchase of replacement parts and labor for duplex chassis in order for such equipment to remain under warranty, for the Divisions of Fire and Emergency Medical Services, Department of Public Safety, for a two year period.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Simon Duplex. Therefore, the Director of Public Safety be and he hereby is authorized and directed to make a written requirement contract for the period of two years with said Simon Duplex for replacement parts and labor for duplex chassis being used by the Division of Fire and Emergency Medical Services in order for such equipment to remain under warranty, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Divisions of Fire and Emergency Medical Services, Department of Public Safety.

**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 21146)

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

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

**Ord. No. 320-96.  
By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Finance to enter into contracts with Blue Cross Blue Shield of Ohio, Medical Life Insurance Company, HMO Health Ohio, Kaiser Permanente, Aetna Health Plans of Northern Ohio and Personal Physician Care, 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 Cleve-

land, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with Blue Cross Blue Shield of Ohio to provide Super Blue group medical insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated January 26, 1996.

**Section 2.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with Blue Cross Blue Shield of Ohio to provide Super Blue Select point of service style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated January 26, 1996.

**Section 3.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with Medical Life Insurance Company to provide group life insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, and to provide Section 125 Premium Pass Through services, on the basis of its proposal dated January 4, 1996.

**Section 4.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with HMO Health Ohio to provide health maintenance organization-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated January 26, 1996.

**Section 5.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a Contract with Kaiser Permanente to provide health maintenance organization-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated January 29, 1996.

**Section 6.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with Aetna Health Plans of Northern Ohio to provide health maintenance organization-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated January 15, 1996.

**Section 7.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to enter into a contract with Personal Physician Care, Inc., to provide health maintenance organization-style health insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996, on the basis of its proposal dated June 9, 1995.

**Section 8.** That notwithstanding any Codified Ordinance of Cleveland, Ohio, 1976, to the contrary, the Director of Finance is hereby authorized and directed to employ by contract an insurance agency, on a joint venture basis, which joint ven-

ture shall include at least one minority insurance agency, to provide group dental insurance coverage for City of Cleveland employees for a one year term commencing April 1, 1996. The selection of said insurance agency for such services shall be made by the Director of Finance after a full and complete canvass.

**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 Finance, Law; Committee on Finance.

**Ord. No. 321-96.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2407 W. 40 Street and 2413 W. 40 Street.**

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 Nos. 007-04-037 and 007-04-038, as more fully described in Section 2 below, to Johnny L. and Joann Belt.

**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. 007-04-037

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 16 in J.P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and being 30 feet front on the Easterly side of West 40th Street, (formerly Freas Avenue), and extending back of equal width 100 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 007-04-038

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No.

17 in J. P. Hill's Allotment of part of Original Brooklyn Township Lot No. 53, as shown by the recorded plat in Volume 8 of Maps, Page 16 of Cuyahoga County Records, and bounded and described as follows: Beginning at the Southeasterly corner of land conveyed to George and Margaret Webber, by deed dated May 15, 1943, and recorded in Volume 5610, Page 668 of Cuyahoga County Records; thence Westerly along the Southerly line of land so conveyed to George and Margaret Webber to its intersection with the Southeasterly corner of land conveyed to the City of Cleveland, by deeds dated February 17, 1969 and March 27, 1969 and recorded in Volume 12508, Pages 475 and 477 of Cuyahoga County Records; thence Northwesterly along the Northeastly line of land so conveyed to the City of Cleveland, to its intersection with the Northerly line of land conveyed to George and Margaret Webber, as aforesaid; thence Easterly along said Northerly line to the Northeastly corner of land so conveyed to George and Margaret Webber; thence Southerly along said Easterly line to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**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, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**FIRST READING EMERGENCY RESOLUTION REFERRED**

**Res. No. 322-96.**

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

**An emergency resolution declaring the intention to vacate a portion of Hazard Court, N.E.**

Whereas, this Council is satisfied that there is good cause for vacating all that portion of Hazard Court, N.E., as hereinafter described; and

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

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

**Section 1.** That it hereby declares its intention to vacate the following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of HAZARD COURT, N.E. (width varies) located between East 21st Street (66.00 feet wide), and East 22nd Street (60.00 feet wide).

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

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

**Res. No. 324-96.**

**By Councilman Coats.**

**An emergency resolution urging all major industries and businesses based in Cleveland and the vicinity to adopt a school within the Cleveland Public School system to provide human and financial resources to that school.**

Whereas, the schools in the Cleveland Public School system are in dire need of assistance from both the private and public sector; and

Whereas, the children within the Cleveland Public School system are in need of tutoring, training programs, role models and textbooks; and

Whereas, the schools themselves are in dire need of repair and maintenance because of deteriorating buildings; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the industries and businesses in the community have the resources to provide tutoring and training programs, role models and speakers, as well as funds for computers, textbooks, scholarships and building repair; now, therefore,

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

**Section 1.** That the Council of the City of Cleveland hereby urges all major industries and businesses based in Cleveland and the vicinity to adopt a school within the Cleveland Public School system to provide human and financial resources to that school.

**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.

Referred to Director of Law; Committee on Finance.

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

**Ord. No. 311-96.**

**By Councilmen O'Malley, Jackson, Rybka and Rokakis (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase the former Memphis School located at 4103 Memphis Avenue for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey said property to Charter One Bank, or its designee.**

Whereas, the Director of Community Development has requested the purchase of property, which is located at 4103 Memphis Avenue for redevelopment of said property; and

Whereas, the Director of Community Development has requested the sale of said property to Charter One Bank, or its designee, for the public purpose of redevelopment of said property; and

Whereas, Charter One Bank, or its designee, has submitted a proposal which the Director of Community Development has determined to be a satisfactory means of achieving redevelopment of said property; and

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

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

**Section 1.** That notwithstanding and as an exception to the Provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing an operations center for Charter One Bank:

4103 Memphis Avenue  
PPN: 014-13-014

**Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Numbers 203, 204, 205, 186, 187 and 188 in The Brooklyn Realty Company's Subdivision No. 2 of part of Original Brooklyn Township Lot No. 58 as shown by the recorded plat of said Subdivision in Volume 40 of Maps, Page 11 of Cuyahoga County Records. Said Sublots Numbers 203, 204, and 205 together forming a parcel of land having a frontage or 120 feet on the Southerly side of Memphis Avenue, S.W., and extending back 121 86/100 feet on the Easterly line, 121 92/100 feet on the Westerly line and having a rear line of 120 feet. Said Sublots Numbers 186, 187 and 188 together forming a parcel of land having a frontage of 120 feet on the Northerly side of Henritze Avenue, S.W., and extending back between parallel lines 122 feet according to said plat, be the same more or less, but subject to all legal highways.

**Parcel No. 2**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202 in the Brooklyn Realty Company's Subdivision No. 2 of a part of

Original Brooklyn Township Lot No. 58 as shown by the recorded plat of said Subdivision in Volume 40, Page 11 of Cuyahoga County Records. Said Sublots together forming a parcel of land having a frontage of 280.28 feet on the Southerly line of Memphis Avenue, S.W., 243.72 feet on the Westerly line of West 41st Street and 280.28 feet on the Northerly line of Henritze Avenue S.W., and measuring 243.86 feet on its Westerly line, be the same more or less, but subject to all legal highways.

**Section 2.** That the Director of Community Development is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

**Section 3.** That all costs of acquisition of land shall be paid from Fund No. 13 SF 844, Request No. 21674.

**Section 4.** That notwithstanding and as an exception to the provisions of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with Charter One Bank, or its designee, for the acquisition, disposition and private redevelopment for the property which is described in Section 1.

**Section 5.** That this Council finds that the conveyance to Charter One Bank, or its designee, constitutes a public use of said property for the purposes of redevelopment.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the described property in Section 1 to Charter One Bank, or its designee, at a price not less than fair market value of the property taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed or deeds of conveyance.

**Section 7.** That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such necessary provisions (including such restrictive reversionary interests as may be specified by the Board of Control or Director of Law) which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

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

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

**Ord. No. 325-96.****By Councilman Paulenske.**

**An emergency ordinance consenting and approving the issuance of a permit for a Walk on March 2, 1996, sponsored by the People Before Profits March and Rally Committee.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk, sponsored by the People Before Profits March and Rally Committee, on March 2, 1996, beginning at the Sheraton City Centre (E. 6th Street and St. Clair), east on St. Clair to E. 12th Street, north on E. 12th Street to Hamilton, finishing at the Bridgestone-Firestone Service 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 this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 326-96.****By Councilman Paulenske.**

**An emergency ordinance consenting and approving the issuance of a permit for the 1996 Walk for Hunger on May 11, 1996, sponsored by the Hunger Network of Greater Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the 1996 Walk for Hunger, sponsored by the Hunger Network of Greater Cleveland, on May 11, 1996, beginning at Burke Lakefront Airport, exit the Apcoa Parking Lot and proceed west on North Marginal Road using the pedestrian bridge, progress west on North Marginal to E. 9th Street, go north on E. 9th Street to Erieside Avenue, west on Erieside Avenue and around the Cleveland Municipal Stadium to W. 3rd Street, south on W. 3rd Street to St. Clair, west on St. Clair to W. 9th Street, southeast

onto Huron Road, stay on Huron Road until E. 13th Street, west on Euclid Avenue, north at Public Square on Mall Drive, continue on Mall Drive until Lakeside Avenue, east on Lakeside Avenue until E. 9th Street, north on E. 9th Street and finish at the Bicentennial Park at North Coast Harbor, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 327-96.****By Councilmen Smith and Paulenske.**

**An emergency ordinance consenting and approving the issuance of a permit for the M.S. Walk for Multiple Sclerosis on April 14, 1996, sponsored by the Northeast Ohio Chapter of the National Multiple Sclerosis Society.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the M.S. Walk for Multiple Sclerosis, sponsored by the Northeast Ohio Chapter of the National Multiple Sclerosis Society, on April 14, 1996, beginning at the Nautica Entertainment Complex/Powerhouse entrance in the Flats, exit the complex via Washington Ave., continue west on Washington (south side) to W. 25th St., turn left onto W. 25th St., continue south on W. 25th St. (east side) crossing Superior Viaduct, Franklin Ave., Bridge Ave., Gould Ct. and Market St.; at the corner of W. 25th St. and Lorain Ave., turn left onto Lorain Ave. and proceed east over the Lorain-Carnegie Bridge to Ontario St.; at the traffic lights, cross from the west to the east side of Ontario, turn left and continue north on Ontario (east side) to Huron Rd., turn right onto Huron and continue east on Huron (south side) to E. 6th St., turn right onto E. 6th St. and continue south on E. 6th St. (west side) to Eagle Ave. and turn left, continue east on Eagle (south side) to E. 9th St., at the corner of E. 9th St. and Eagle, turn left, cross from the south to the north side of Eagle

and proceed north on E. 9th St. (west side) to Bolivar Rd., at traffic light, turn right and cross from west to east side of E. 9th St., turn right and continue south on E. 9th St. (east side) to Sumner Ct. and turn left onto Sumner, continue east on Sumner (north side) to E. 14th St. and turn left onto E. 14th St., continue north on E. 14th St. (west side) to Prospect Ave., turn right at Prospect and at traffic light, cross from west to east side of E. 14th St., turn left and at traffic light, cross from south to north side of Prospect, turn right and continue east on Prospect (north side) to E. 22nd St., turn left on E. 22nd St. and continue north on E. 22nd St. (west side) to Euclid Ave. and turn right; at traffic light, cross from west to east side of E. 22nd St. and turn left, at traffic light, cross from south to north side of Euclid Ave. and turn left, at traffic light, cross from east to west side of E. 22nd St., continue west on Euclid Ave. (north side) crossing E. 18th St., E. 17th St., E. 14th St., E. 13th St., E. 12th St., E. 9th St. and E. 6th St. to Public Square, turn right onto Public Square (BP Building), continue north on Public Square (east side) to Superior Ave., at traffic light, cross from south to north side of Superior and turn left; at traffic light, cross from Public Square from east to west side, continue west on Superior (north side) to W. 6th St. and turn right onto W. 6th St. (east side) to W. St. Clair Ave. and turn right, continue east on W. St. Clair Ave. (south side) crossing Ontario, E. 6th St., E. 9th St., E. 12th St. and E. 13th St. to E. 17th St., at corner of St. Clair and E. 17th St., turn left, cross at traffic light from south to north side of St. Clair Ave., continue north on E. 17th St. (west side) to Lakeside Ave. and turn right, cross from west to east side of E. 17th St. and turn left, cross from south to north side of Lakeside Ave., turn left and continue west on Lakeside Ave. (north side) to E. 9th St., turn right onto E. 9th St., continue north on E. 9th St. (east side), cross Erieside Ave. and continue north on E. 9th St. to North Coast Parking Lot, follow circular sidewalk (thereby turning around) and proceed south on E. 9th St. (west side) to Erieside Ave., cross from north to south side of Erieside Ave., turn right and continue west on Erieside (south side) to W. 3rd St., continue south on W. 3rd St. (east side) to Lakeside Ave., at traffic light, cross from north to south side of Lakeside Ave. and turn right onto W. Lakeside Ave., at traffic light, cross from east to west side of W. 3rd St., continue west on W. Lakeside Ave. (south side) to W. 9th St. and turn right, cross from south to north side of W. Lakeside Ave., continue north on W. 9th St. (east side) to Front St., turn left onto Front St. and cross from east to west side of W. 9th St., continue west on Front St. (south side) to Old River Rd. and turn left, continue south on Old River Rd. (east side) to Center St., at corner of Old River Rd. and Center, cross from the north to south side of Center, turn right and continue west on Center St. (south side) to Center St. Bridge, continue north over Center St. Bridge (west side) to Riverbed, at intersection of Center St. and Riverbed Rd., turn right; cross from west to east side of Center St. and continue east on Riverbed (south

side) to Elm St. and turn left onto Elm, cross from south to north side of Riverbed and continue north on Elm (east side) to Washington, turn right onto Washington and proceed into the Nautica Entertainment Complex, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

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

**Res. No. 323-96.**

**By Councilman Willis.**

**An emergency resolution urging the law firm of Jones, Day, Reavis and Pogue to make a substantial contribution to the Cleveland public school system out of payments received from Art Modell and Cleveland Stadium Corporation in defense of the Cleveland Browns' litigation.**

Whereas, the law firm of Jones, Day, Reavis and Pogue ("Jones, Day") has received a substantial amount of fees from the defense of Art Modell in his efforts to relocate his football team to Baltimore; and

Whereas, the strenuous defense of Art Modell has tarnished the reputation of Jones, Day within the Cleveland community; and

Whereas, it is most fitting and appropriate that Jones, Day seek to restore its reputation in our community by making a substantial contribution to the Cleveland public school system out of the monies received from Art Modell and the Cleveland Stadium Corporation; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it is time to try to heal some of the wounds caused by Art Modell's reprehensible decision; now, therefore,

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

**Section 1.** That this Council urges the law firm of Jones, Day to make a substantial contribution to the Cleveland public school system out of payments received from Art Modell and Cleveland Stadium Corporation in defense of the Cleveland Browns' litigation.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to the managing partners at Jones, Day.

**Section 3.** That this resolution is

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

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

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

**Res. No. 323-96.**

**By Councilman Britt.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 8502 Quincy Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 2455445, 8502 Quincy Ave., Inc., dba Quincy Eagle Market, 8502 Quincy Avenue, Cleveland, Ohio 44106, to Permit No. 7680789, Salem Quincy Market, Inc., dba Quincy Savmor, 8502 Quincy Avenue, Cleveland, Ohio 44106; 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 C2 and C2X Liquor Permit from Permit No. 2455445, 8502 Quincy Ave., Inc., dba Quincy Eagle Market, 8502 Quincy Avenue, Cleveland, Ohio 44106, to Permit No. 7680789, Salem Quincy Market, Inc., dba Quincy Savmor, 8502 Quincy Avenue, Cleveland, Ohio 44106, and requests the Director of Liquor Control to set a hear-

ing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 329-96.**

**By Councilman Melena.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5404 Storer Avenue, first floor and basement front.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Permit No. 00240100005, Maha Hammad Abed, dba Economy Market, 5404 Storer Avenue, first floor and basement front, Cleveland, Ohio 44102, to Permit No. 3554772, Hammad Hammad, dba Economy, 5404 Storer Avenue, first floor and basement front, Cleveland, Ohio 44102; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said per-



mit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 00240100005, Maha Hammad Abed, dba Economy Market, 5404 Storer Avenue, first floor and basement front, Cleveland, Ohio 44102, to Permit No. 3554772, Hammad Hammad, dba Economy, 5404 Storer Avenue, first floor and basement front, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 330-96.**

**By Councilman Miller.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4735 Rocky River Drive, and repealing Res. No. 2251-95, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4735 Rocky River Drive by Res. No. 2251-95, adopted December 11, 1995; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4735 Rocky River Drive be and the same is hereby withdrawn and Res. No. 2251-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Motion to suspend rules. Charter

and statutory provisions and place on final passage.

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

**Res. No. 331-96.**

**By Councilmen Polensek, Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Miller, O'Malley, Patmon, Patton, Paulenske, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.**

**An emergency resolution opposing the staff report of the Joint Legislative Committee on Public Retirement Plans which recommends that the minimum retirement age for STRS, PERS and SERS employees be increased.**

Whereas, on January 11, 1996, the staff of the Joint Legislative Committee on Public Retirement Plans issued recommended changes to the STRS, PERS and SERS retirement plans; and

Whereas, the staff report recommended that Ohio's public retirement systems use the Social Security standards for full retirement; and

Whereas, the staff recommendations mean that the minimum retirement age for public employees in order to receive full benefits will increase to 67 years of age or 33 years of service; and

Whereas, the staff report states that there will be no grandfathering for current employees; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that it is unconscionable for an Ohio legislative staff to recommend tampering with the existing retirement program for thousands of public employees; now, therefore,

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

**Section 1.** That this Council opposes the recommendations of the staff of the Joint Legislative Committee on Public Retirement Plans to extend the minimum retirement age for STRS, PERS and SERS employees.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the members of the Joint Legislative Committee on Public Retirement Plans.

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

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

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

**Res. No. 333-96.**

**By Councilman Rokakis.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 3829 Denison Avenue, first floor and basement, and repealing Res. No. 2073-95, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3829 Denison

Avenue, first floor and basement, by Res. No. 2073-95, adopted November 13, 1995; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D5 Liquor Permit to 3829 Denison Avenue, first floor and basement, be and the same is hereby withdrawn and Res. No. 2073-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**Res. No. 334-96.**

**By Councilman Smith.**

**An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 2615 Lorain Avenue, and repealing Res. No. 1500-95, objecting to said renewal.**

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D3A Liquor Permit to 2615 Lorain Avenue by Res. No. 1500-95, adopted August 23, 1995; 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 D2, D2X, D3 and D3A Liquor Permit to 2615 Lorain Avenue be and the same is hereby withdrawn and Res. No. 1500-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 1242-95.**

By Councilmen Planka, Miller, Rybka and Rokakis (by departmental request).

An emergency ordinance approving a Development Agreement between the City of Cleveland and Chelm Management Company providing for the sale by the City of Cleveland to Chelm Management Company or its designees of real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport in the City of Cleveland on terms and conditions set forth therein; authorizing and directing the execution and delivery of the deeds, certifications, and other instruments necessary or appropriate to give effect to such Development Agreement; and declaring an emergency.

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

1. Strike the title, all the whereas clauses and Sections 1 and 2 in their entirety, and insert in lieu thereof the following:

**"An emergency ordinance authorizing a professional services contract with Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; setting forth the scope of services of the professional services agreement; authorizing the Director of Economic Development to enter into a Development Agreement, Purchase Agreement and Escrow Agreement; and the form of those agreements.**

Whereas, the City of Cleveland desires to obtain the services of Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; and

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

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

**Section 1. That the Director of Economic Development is hereby authorized and directed to enter into an agreement with Chelm Properties, Inc. to create a development plan relating to real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport, which property is more fully described in the exhibits to the development agreement on file with the Clerk of Council in File No. 1242-95-A.**

**Section 2. That the development plan shall include, among other things: site plans and renderings of proposed structures; design standards; environmental assessments and reviews required by the Federal Aviation Administration; marketing studies and financing plans for each development phase; traffic studies containing a plan for minimizing traffic congestion in and near the real property that is the subject of the development agree-**

**ment; title reviews and surveys; general objectives for development, such as, economic land use, utility and community objectives; use restrictions, building requirements, zoning and enforcement procedures therefor; a communications system, if necessary; preliminary scope of the access road (Grayton Road); detailed plans for infrastructure and other public improvements; a description of the quality and type of facilities to be included in the development; and such other feasibility studies as may be necessary.**

**Section 3. That said development plan shall be completed and delivered to the Director of Economic Development within eight months of the date of execution of the contract to create the development plan at a cost not exceeding \$250,000.00, payable from Fund No. 10 SF 501.**

**Section 4. That the Director of Port Control is authorized, upon approval of the development plan by the City Planning Commission, to submit the development plan, the development agreement, the purchase agreement, escrow agreement, and any other documents relating to the development to the Federal Aviation Administration for approval of land release.**

**Section 5. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into the development agreement, the purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase agreement, and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as may be requested by the Federal Aviation Administration, for the first phase of development with Cleveland Business Park, Ltd.**

**Section 6. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into a development agreement, purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as maybe requested by the Federal Aviation Administration for subsequent phases of development with Cleveland Business Park, Ltd."**

2. Renumber existing Section 3 as new "Section 7".  
Amendments agreed to.

**Ord. No. 155-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with International Business Machines Corporation for computer software, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

**Ord. No. 156-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance autho-

rizing and directing the Director of Finance to enter into a license agreement without competitive bidding with SAS Institute, Inc. for certain software products, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

**Ord. No. 157-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a maintenance agreement without competitive bidding with Decision One Corporation for maintenance for various Braegen computer devices, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

**Ord. No. 158-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of maintenance for a mainframe computer system and associated subsystems, for the Division of Information Systems Services, Department of Finance, for a period of one year with a one year option to renew.

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

**Ord. No. 207-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Cleveland Foundation for the 1996 Attorney Training Program.

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

**SECOND READING EMERGENCY  
ORDINANCES PASSED**

**Ord. No. 2186-95.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 1424-95, passed September 25, 1995, relating to the appropriation of property for public right-of-way purposes at West 9th Street near Front Avenue for the West 9th Street Bridge.

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

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

**Ord. No. 202-96.**

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into an agreement for the purchase, lease, or lease with option to purchase of heavy duty equipment and accessories, for the Division of Park Maintenance and Properties,


Department of Parks, Recreation and Properties.

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

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

#### MOTION

The Council adjourned at 8:45 p.m. to meet on Monday, March 4, 1996, 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. 1242-95.

By Councilmen Pianka, Miller, Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing a professional services contract with Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; setting forth the scope of services of the professional services agreement; authorizing the Director of Economic Development to enter into a Development Agreement, Purchase Agreement and Escrow Agreement; and the form of those agreements.

Whereas, the City of Cleveland desires to obtain the services of Chelm Properties, Inc. to create a development plan for real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport; and

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

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

Section 1. That the Director of Economic Development is hereby authorized and directed to enter into an agreement with Chelm Properties, Inc. to create a development plan relating to real property owned or hereafter acquired by the City of Cleveland and located north of Cleveland Hopkins Airport, which property is more fully described in the exhibits to the development agreement on file with the Clerk of Council in File No. 1242-95-A.

Section 2. That the development plan shall include, among other things: site plans and renderings of proposed structures; design standards; environmental assessments and reviews required by the Federal Aviation Administration; marketing studies and financing plans for each development phase; traffic studies containing a plan for minimizing traffic congestion in and near the real property that is the

subject of the development agreement; title reviews and surveys; general objectives for development, such as, economic land use, utility and community objectives; use restrictions, building requirements, zoning and enforcement procedures therefor; a communications system, if necessary; preliminary scope of the access road (Grayton Road); detailed plans for infrastructure and other public improvements; a description of the quality and type of facilities to be included in the development; and such other feasibility studies as may be necessary.

Section 3. That said development plan shall be completed and delivered to the Director of Economic Development within eight months of the date of execution of the contract to create the development plan at a cost not exceeding \$250,000.00, payable from Fund No. 10 SF 501.

Section 4. That the Director of Port Control is authorized, upon approval of the development plan by the City Planning Commission, to submit the development plan, the development agreement, the purchase agreement, escrow agreement, and any other documents relating to the development to the Federal Aviation Administration for approval of land release.

Section 5. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into the development agreement, the purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase agreement, and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as may be requested by the Federal Aviation Administration, for the first phase of development with Cleveland Business Park, Ltd.

Section 6. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into a development agreement, purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase and escrow agreement on file with the Clerk of Council in File No. 1242-95-A, with such changes as may be requested by the Federal Aviation Administration for subsequent phases of development with Cleveland Business Park, Ltd.

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. 155-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with International Business Machines Corporation for computer software, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

##### Ord. No. 156-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a license agreement without competitive bidding with SAS Institute, Inc. for certain software products, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

##### Ord. No. 157-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a maintenance agreement without competitive bidding with Decision One Corporation for maintenance for various Braegen computer devices, for the Division of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

##### Ord. No. 158-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of maintenance for a mainframe computer system and associated subsystems, for the Division of Information Systems Services, Department of Finance, for a period of one year with a one year option to renew.

##### Ord. No. 207-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Cleveland Foundation for the 1996 Attorney Training Program.

### BOARD OF CONTROL

February 21, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 21, 1996, at 10:30 a.m., with Mayor White presiding.

Present: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Absent: None.

Others: William Moon, Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

##### Resolution No. 103-96.

By Director Hyer.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of November, 1995 in the amount of \$5,070.42, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 104-96.**

By Director Konicek.  
Resolved by the Board of Control of the City of Cleveland that all bids received on January 17, 1996 for waste disposal site for construction debris, (Item No. 2 Only), for the Divisions of Water Pollution Control and Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 1142-95, passed by the Council of the City of Cleveland on October 23, 1995, be and the same are hereby rejected.

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 105-96.**

By Director Cunningham.  
Whereas, pursuant to Section 571.85 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Port Control is authorized to fix fees for parking aircraft at City-owned and operated ramp areas at Cleveland Hopkins International and Burke Lakefront Airports in such amounts as said director deems appropriate, now; therefore,

Be it resolved by the Board of Control of the City of Cleveland that, pursuant to the authority of Section 571.85 C.O., the following parking fees fixed by the Director of Port Control for aircraft at non-leased, City-owned and operated ramp areas, exclusive of the ramp adjacent to the terminal buildings at Cleveland Hopkins International and Burke Lakefront Airports are hereby approved and set for the one (1) year period commencing upon the effective date of this resolution:

**Aircraft Design Group Charges**  
(for each 24 hour period or part thereof)

Group I.—Wingspan up to but not including 49 feet  
\$25.00

Group II.—Wingspan from 49 feet up to but not including 79 feet:  
35.00

Group III.—Wingspan from 79 feet up to but not including 118 feet:  
35.00 - prop  
50.00 - jet

Group IV.—Wingspan from 118 feet up to but not including 171 feet:  
75.00

Groups V. & VI.—Wingspan from 171 feet or greater  
100.00

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 106-96.**

By Director Cunningham.  
Whereas, Board Control Resolution No. 67-96, adopted February 5, 1996, approved a requirement contract with Dover Elevator Company for labor and materials to maintain and repair elevators and escalators for six hundred sixty-seven thousand five hundred eighty and no/100 (\$ 667,580.00); and

Whereas, Resolution No. 67-96 incorrectly stated the contract amount; now, therefore

Be it resolved by the Board of Control that Resolution No. 67-96 is hereby amended by changing "six hundred sixty-seven thousand five hundred eighty and no/100" to "six hundred seventy-seven thousand five hundred eighty and no/100 (\$677,580.00).

Be it further resolved that all other terms of Resolution No. 67-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 107-96.**

By Director Denihan.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Pyramid Electric, Inc., for the public improvement of Police Headquarters, 15 K.V. Feeder Replacement for the Division of Police, Department of Public Safety, received on January 26, 1996, pursuant to the authority of Ordinance No. 1578-90, passed February 24, 1992, for a gross price, for the improvement in the aggregate amount of Twenty Thousand, Five Hundred and no/100 (\$20,500.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Safety is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor for the Police Headquarters, 15 K.V. Feeder Replacement be and the same hereby is approved:

Noble Electric Co.  
Labor associated with feeder replacement (MBE 30%)

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 108-96.**

By Director Denihan.  
Resolved by the Board of Control of the City of Cleveland that the bid of Physio-Control Corporation for the following: Lifepak 10 Monitor/Defibrillators (All Items) for the Division of Emergency Medical Services, Department of Public Safety, received on the 28th day of December, 1995, pursuant to the authority of Ordinance No. 477-95, passed May 15, 1995, which on the basis of order quantities would amount to \$19,495.00 is hereby

approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into contract for such items.

Yeas: Mayor White, Acting Directors Terry, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Acting Directors Patterson, Balraj, Director 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

**Civil Service will be accepting applications from March 11 through March 15 for the following examinations:**

Accountant IV (Promotional)  
Accountant Supervisor (Promotional)  
Air Pollution Technician I (Open)  
Budget Analyst (Open)  
Budget and Management Analyst (Open)  
Financial Analyst (Open)  
Information Control Analyst (Open)  
Junior Personnel Assistant (Open)  
Programmer (Open)  
Water Pipe Repairman (Open)

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, MARCH 11, 1996**

**9:30 A.M.**

Calendar No. 96-18: 1519 Lakeview Rd., N.E.

Lemaud Williams, to convert to a nightclub and lounge a 110' x 30' portion of the first floor of the two and one story 180' x 400' former

bakery building and to convert to a party center the one story 60' x 100' building, both on the approximate 200' x 400' "T" shaped through parcel, situated partially in the City of East Cleveland, located in a Two Family District and Semi-Industry District at 1519 Lakeview Rd.; said uses for a lounge and for a party center being contrary to the residence limitations of Section 337.03 but subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 96-20: 1415-23 W. 28 St. Cuyahoga Metropolitan Housing Authority, owner, c/o Kenneth Maxwell, to install accessory off-street parking lot for 21 cars on the 137' x 42' irregular shaped corner lot located in a Semi-Industry District on the northeast corner of W. 28 St. and Detroit Ave.; said proposed parking lot not to conform to the landscaping provisions of Sections 352.08, 352.09 and 352.10 of the Codified Ordinances.

Calendar No. 96-21: 3722 Woburn Ave., S.W.

Thomas E. Walsh dba Dina's Pizza & Pub, owner, to install an off-street parking lot for 7 cars, accessory to the restaurant at 4376 Pearl Rd., on the front of the 40' x 135' lot located in a Two Family District, with a dwelling house known as 3722 Woburn Ave. to remain on the rear; said parking lot usage being contrary to the residential use limitations of Section 337.03 and said proposed parking lot and fencing installed therewith to be located within the front setback area along Woburn Ave. contrary to Sections 357.06 and 357.14 and said proposed parking lot not to conform to the landscaping provisions of Sections 352.08, 352.09 and 352.11 and said installation would be contrary to the independent area and independent yard requirements of Sections 355.03 and 357.02 of the Codified Ordinances.

ANTHONY COSTANZO,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, FEBRUARY 26, 1996**

At the Meeting of the Board of Zoning Appeals, on, Tuesday, February 20, 1996, the following appeals were heard by the Board, and, on, Monday, February 26, 1996 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 96-4: 3770 W. 133rd Street

Peter Z. Pinter, owner, to erect 12' x 9' one story addition to the front of the two story frame one family dwelling.

Calendar No. 96-6: 5802 Madison Ave., N.W.

Leonard Strimpel, owner, to erect 152' of 4' high chain link fence to partially enclose the irregular shaped corner lot.

The following appeals were **Refused:**

Calendar No. 95-234: 3274 E. 143rd St. Claudine C. Husband, owner, to

add a 24'6"x 12' two story frame addition for five additional occupants for a total of 16 occupants.

Calendar No. 96-3: 6115 Broadway, S.E.

Michael Ferek, owner, and Broadway Video, tenant to use as adult bookstore and adult mini-motion picture theater.

Calendar No. 96-7: 15100 Lorain Avenue

Robert Labuda, owner, to convert to an auto repair garage and warehouse the one story building on the rear of a irregular shaped lot.

The following appeals were **Post-poned:**

Calendar No. 95-236: 2143 W. 7th St. to March 25, 1996.

Calendar No. 95-237: 2147 W. 7th St. to March 25, 1996.

Calendar No. 95-241: 2169 W. 7th St. to March 25, 1996.

Calendar No. 95-242: 2173 W. 7th St. to March 25, 1996.

ANTHONY COSTANZO,  
Secretary

**REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS**

Re: Report of the Meeting of February 21, 1996

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

\* \* \*

**Docket A-4-96.**

RE: Appeal of Daryl & Mel Ross dba The Bernard Group, Owners of the Property located on the premises known as 2012 West 25th Street from a NOTICE OF VIOLATION - NEC of the Commissioner of the Division of Building and Housing dated December 19, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).  
No action.

\* \* \*

**Docket A-6-96.**

RE: Appeal of Edward Fields, Owner of the Residential Property located on the premises known as 1796 East 89th Street from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated December 12, 1995, 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 require a multiple occupancy permit be obtained within thirty days (30 das.) and that all violations be abated within six months (6 mos.); the property at 1796 East 89th Street 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 by Mr. Birch.

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

\* \* \*

**Docket A-7-96.**

RE: Appeal of Edward Fields, Owner of the Residential Property located on the premises known as 1795 Crawford Road from a NOTICE OF VIOLATION - RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated January 12, 1996, 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 require that occupancy permits be obtained within thirty days (30 das.) and that all violations be abated within six months (6 mos.); the property at 1795 Crawford Road is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

Docket A-8-96 - RE: Appeal of Edward Fields, Owner of the Residential Property located on the premises known as 1594 East 85th Street from a NOTICE OF VIOLATION - RESIDENTIAL MAINTENANCE of the Commissioner of the Division of Building and Housing dated January 12, 1996, 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 require that occupancy permits be obtained and all hazardous violations be abated within thirty days (30 das.), and that all violations be abated within six months (6 mos.); the property at 1594 East 85th Street 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. Birch.

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

\* \* \*

**Docket A-9-96.**

RE: Appeal of National Terminal Apartment Limited Liability Co., Owner of the Property located on the premises known as 1200 West 10th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).  
Docket A-9-96 has been POSTPONED to be rescheduled for a later date.

\* \* \*

**Docket A-12-96.**

RE: Appeal of Lawrence Zupanic, Owner of the Residential Property located on the premises known as 15251 Saranac Road from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated January 9,

1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, Based on the fact that the Appellant is going to reside on the premises at 15251 Saranac Road, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring Appellant to obtain a Home Owner's permit within fourteen days (14 das.), and to grant the Appellant thirty days (30 das.) in which to complete abatement of the violations; and to request an interior inspection to insure compliance with all Codified Ordinances. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT 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 April 6, 1996. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-19-96.**

RE: Appeal of Urban Housing Limited, Owner of the Residential Property located on the premises known as 2453 Tremont Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated January 16, 1996, 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 structure to be constructed as indicated on the drawings with the provision that ADULTS ONLY occupy the loft bedroom, and that the statue opening on window #2 on the third level be identified as 5.7 s.f by Code requirements, and that an emergency rope ladder be installed in the window to allow egress on the deck.

Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-22-96.**

RE: Appeal of Malinda Orahoske, Owner of the Residential Property and proposed Swimming Pool located on the premises known as 918 Bern Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated February 2, 1996, 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 pool to be erected as indicated on the drawings, noting the concurrence of the adjacent neighbor and noting that there is no occupancy in the other two directions on the north boundary line. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-24-96.**

RE: Appeal of C.M.H.A./Carver Park Estates, Owner of the Property located on the premises known as 2370 Unwin Road from a NOTICE OF NONCONFORMANCE - HVAC of the Commissioner of the Division of Building and Housing dated January 26, 1996, 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 plumbing and heating systems to remain without full inspection, noting that an additional access door will be provided and that there are access doors at this time that allow the inspector to review in general the character of the installed piping, and noting that venting will be provided in the soffits to prevent build up of any gases; the variance is granted to all structures pending the agreement of the inspector. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-25-96.**

RE: Appeal of C.M.H.A./Carver Park Estates, Owner of the Property located on the premises known as 2370 Unwin Road from a NOTICE OF NONCONFORMANCE - NEC of the Commissioner of the Division of Building and Housing dated January 26, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

A-185-95—Arto Green  
A-14-96—C.M.H.A./Carver Park Estates

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

\* \* \*

Separate motions were entered by Mr. Birch and seconded by Mr. Williams for Approval and Adoption of the Resolution as presented by

the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-186-95—William Averyhart  
A-3-96—Eleanore Middleton

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

\* \* \*

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

A-187-95—The Huntington National Bank  
A-188-95—Patricia Gonzales  
A-190-95—Greater Cleveland R.T.A.

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

\* \* \*

**APPROVAL OF MINUTES:**

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

February 7, 1996

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

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Clubroom B, Convention Center, in accordance with the appended schedule, and will be opened and read in Clubroom B, Convention Center, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to

the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**THURSDAY, MARCH 7, 1996**

**Jail Cells/Safety Screens Installation at City District Police Stations (5-96)**, for the Department of Public Safety, as authorized by Ordinance No. 1333-88, passed by the Council of the City of Cleveland, February 24, 1992.

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.

February 21 and February 28, 1996

**WEDNESDAY, MARCH 13, 1996**

**Three (3) Tractors**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1911-94, passed by the Council of the City of Cleveland, March 6, 1995.

**Herbicides**, for the Division of Parks Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 86-96, passed by the Council of the City of Cleveland, February 12, 1996.

**Cleaning and Cement Mortar Lining of Distribution Mains in Areas 96-3, 96-4, 96-5 and 96-6**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1662-95, passed by the Council of the City of Cleveland, November 20, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 4, 1996 AT 10:00 A.M. IN

AUDITORIUM A OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE.

February 21 and February 28, 1996

**FRIDAY, MARCH 15, 1996**

**E Z Pack Packer Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2146-95, passed by the Council of the City of Cleveland, January 8, 1996.

**Cleaning and Cement Mortar Lining of Distribution Mains in Areas 96-1 and 96-2**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1662-95, passed by the Council of the City of Cleveland, November 20, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, MARCH 4, 1996 AT 10:00 A.M. IN AUDITORIUM A OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE.

February and February 28, 1996

**WEDNESDAY, MARCH 20, 1996**

**Moulton Park - Phase II Cul-de Sac and Site Improvements**, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1455-94 and 683-95, passed by the Council of the City of Cleveland, November 24, 1994 and June 12, 1995, respectively.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON FRIDAY, MARCH 8, 1996 AT 10:00 A.M. AT 1501 NORTH MARGINAL ROAD, 1ST FLOOR CONFERENCE ROOM.

February 28 and March 6, 1996

**THURSDAY, MARCH 21, 1996**

**Traffic Painting, Thermoplastic and Reflective Glass Beads**, for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 2191-95, passed by the Council of the City of Cleveland, February 5, 1996.

**Marking Center and Lane Lines**, for the Division of Traffic Engineering, Department of Public Safety, as authorized by Ordinance No. 2192-95, passed by the Council of the City of Cleveland, February 5, 1996.

**High Voltage Test Equipment**, for the Division of Cleveland Public Utilities, as authorized by Ordinance No. 213-93, passed by the Council of the City of Cleveland, March 13, 1996.

February 28 and March 6, 1996

**FRIDAY, MARCH 22, 1996**

**One (1) Tandem Dump Truck**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 679-95, passed by the Council of the City of Cleveland, June 19, 1995.

**Repair Rear Loading Packer Bodies**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 2280-95, passed by the Council of the City of Cleveland, February 12, 1996.

**Repair Compactors and Push Pits at Ridge Road Transfer Station**, for the Division of Waste Collection, Department of Public Service, as authorized by Ordinance No. 2281-95, passed by the Council of the City of Cleveland, February 12, 1996.

February 28 and March 6, 1996

**FRIDAY, MARCH 29, 1996**

**Electric Motors and Pumps**, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1237-95, passed by the Council of the City of Cleveland, November 29, 1995.

**Hydraulic Pumps, Motors and Valves**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2004-94, passed by the Council of the City of Cleveland, December 12, 1994.

February 28 and March 6, 1996

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**REPRINT**

**Res. No. 269-96. By Councilman Patmon. An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1023 Ansel Road, first floor and basement.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6261442, Mustafa & Brahim, Inc., 1023 Ansel Road, first floor and basement, Cleveland, Ohio 44103; to Permit No. 0037008, Abukhalil & Sons, Inc., dba Abeco Deli, 1023 Ansel Road, first floor and basement, Cleveland, Ohio 44108; and

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

Whereas, the applicant does not qualify to be a permit holder and/or

has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 6261442, Mustafa & Brahim, Inc., 1023 Ansel Road, first floor and basement, Cleveland, Ohio 44103, to Permit No. 0037008, Abukhalil & Sons, Inc., dba Abeco Deli, 1023 Ansel Road, first floor and base-

ment, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted February 12, 1996.

Effective February 20, 1996.

**COUNCIL COMMITTEE MEETINGS**

**Thursday, February 22, 1996**

**Committee of the Whole (Stadium): 9:30 P.M.** — Present: Britt, Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Excused: O'Malley.

**Friday, February 23, 1996**

**Committee of the Whole (Stadium): 9:30 P.M.** — Present: Britt,

Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone. Excused: O'Malley.

**Monday, February 26, 1996**

**Finance Committee (Budget): 9:30 P.M.** — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

**Finance Committee: 2:00 P.M.** — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

**City Planning Committee (Joint with Finance): 2:30 P.M.** — Present: Rybka, Chrm.; Britt, V-Chrm.; Paulenske, Rokakis, White, Zone. Excused: O'Malley.

**Finance Committee (Joint with City Planning): 2:30 P.M.** — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

**Tuesday, February 27, 1996**

**Finance Committee (Budget): 9:30 P.M.** — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

**Wednesday, February 28, 1996**

**Finance Committee (Budget): 9:30 P.M.** — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

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