

# The City Record

Official Publication of the City of Cleveland

February the Fifth, Nineteen Hundred and Ninety-Seven

<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	Merle R. Gordon
16	Patrick J. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	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	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

**Clerk of Council-Artha Woods, 216 City Hall, 664-2840.**  
**First Assistant Clerk-Sandra Franklin.**  
**MAYOR-Michael R. White**  
 LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy  
 Barry Withers, Executive Assistant for Administration  
 Judith Zimomra, Executive Assistant for Service  
 Kenneth Silliman, Executive Assistant for Economic Development  
 Richard Werner, Executive Assistant for Governmental Affairs.  
 Susan E. Axelrod, Executive Assistant for Communications and Support Services  
 Linda Willis, Director, Office of Equal Opportunity

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

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

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

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

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

**DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building**  
 1925 St. Clair Avenue.  
**DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building,**  
 1925 St. Clair Avenue  
 Environment - Carolyn Wallace, Acting Commissioner, Mural Building,  
 1925 St. Clair Avenue  
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 Northfield Road

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, \_\_\_\_\_,**  
 Councilmen James Rokakis, Jay Westbrook.

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

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

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

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

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

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

# The City Record

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WEDNESDAY, FEBRUARY 5, 1997

No. 4339

## CITY COUNCIL

MONDAY, FEBRUARY 3, 1997

### The City Record

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### ARTHA WOODS

Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

2:00 P.M.—**Finance Committee:** Westbrook, Chairman; Polensek, Vice Chairman; Britt, Coats, Johnson, Lewis, Patmon, Paulenske, 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:** Willis, Chairman; Melena, Vice Chairman; Dolan, Johnson, Rybka, Sweeney, White.

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio February 3, 1997.  
The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

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

Also present were Chief of Staff Sheffield-McClain, and Directors Sobol Jordan, Carmody, Cunningham, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Lynch, Holland, Willis, Morrison and Acting Directors Majer and Withers.

Absent: Mayor White and Directors Konicek and Denihan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. David Bahr of Archwood United Church of Christ. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 148-97.

From the Department of Public Utilities re: Entering into contract with Motorola, Inc. for the City's 800 MHz radio system upgrade. Received.

##### File No. 149-97.

From the Tax Incentive Review Council re: Tax Incentive Review Council Resolution to Cleveland City Council. Received.

##### File No. 150-97.

From the Division of Purchases and Supplies re: Excess City Property - Reference No. 002-97. Received.

##### File No. 151-97.

From the Division of Purchases and Supplies re: Excess City Property - Reference No. 003-97. Received.

##### File No. 152-97.

From the Division of Purchases and Supplies re: Monthly Report of all Departmental Requirement Contracts for February, 1997. Received.

##### File No. 153-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation Standard Steam Service Agreement with The Cleveland Athletic Club. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 154-97.

Re: Transfer of Ownership Application - 1360589 - Central American Cooperative Restaurant, Inc. dba La Tortilla Feliz, 2661 West 14th Street. (Ward 13). Received.

##### File No. 155-97.

Re: Stock Application - 9125555 - Two N, Inc. dba Convenient Food Mart #3112, 5910 Detroit Avenue. (Ward 17). Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 156-97.

From the Department of Port Control re: Contract No. 48468 for the improvement of the West Concourse Apron. Received.

#### COMMUNICATIONS

##### File No. 157-97.

January 24, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mr. Raymond Negron for appointment to the Community Relations Board as a public representative. This appointment is effective immediately upon approval by Council and will expire on March 31, 1998.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received. Referred to Committee on Mayor's Appointments.

#### COMMITTEE ON MAYOR'S APPOINTMENTS

The Chair appointed Councilman Gary Paulenske as Chairman and Councilmen Craig Willis, Charles L. Patton, Jr., Michael D. Polensek, and Odelia V. Robinson to consider the Mayor's Appointments.

**File No. 158-97.**

January 14, 1997

Honorable Jay Westbrook  
President of Council  
601 Lakeside Avenue, Room 216  
Cleveland, Ohio 44114

Dear Council President Westbrook:

Plased be advised that I will officially resign from Ward 15, Cleveland City Council, effective Monday, February 3, 1997, at 6:00 p.m.

I would like to extend my special thanks to you and my colleagues for your many years of support.

It has been a pleasure to serve the residents of Ward 15 and the City of Cleveland.

Very truly yours,

James Rokakis  
Councilman, Ward 15

Received.

**ELECTION TO FILL  
VACANCY IN WARD 15**

The Clerk of Council read a letter of resignation from Councilman James Rokakis of Ward 15. The President of Council accepted the resignation and declared a vacancy in Ward 15. Councilwoman Helen K. Smith nominated Ms. Merle R. Gordon to serve as Councilwoman from Ward 15. Councilwoman Odelia V. Robinson seconded the nomination. Council Majority Whip Michael D. Polensek moved that the nominations be closed. Without objection, the nominations were closed.

Thereupon the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilperson of Ward 15. Upon completion of the roll call, the Clerk announced that Ms. Merle R. Gordon received 20 votes. Those who voted for Ms. Gordon were: Councilmen Britt, Coats, Dolan, Jackson, Johnson, Lewis, Melena, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rybka, Smith, Sweeney, Westbrook, White, Willis, Zone.

The Chair declared Ms. Merle R. Gordon, having received the unanimous vote of all the members elected to Council to be the duly elected Councilwoman of Ward 15. The President requested Councilmembers Helen K. Smith, Odelia V. Robinson, Michael D. Polensek and Roosevelt Coats to escort the duly elected member of Council and her family to the podium to have the oath of office administered by former Ward 15 Councilman and Cuyahoga County Treasurer-Elect, James Rokakis.

**File No. 159-97.****OATH OF OFFICE**

STATE OF OHIO )  
) SS:  
COUNTY OF CUYAHOGA )

I, MERLE R. GORDON do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, hon-

estly, and impartially discharge the duties of the office of CITY COUNCILMAN, WARD 15 of the City of Cleveland, State of Ohio, during my continuance in said office.

MERLE R. GORDON

Sworn before me and subscribed in my presence this 3rd day of February, 1997.

Charlene M. Berry  
Notary Public

Received.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 182-97.** John T. D'Angelo.  
**Res. No. 183-97.** Vera Mae Jones.  
**Res. No. 184-97.** Nellie R. Lawrence.  
**Res. No. 185-97.** Mrs. Dorothy Fowler.  
**Res. No. 186-97.** Frances Suster.  
**Res. No. 187-97.** Jerry Melillo.  
**Res. No. 188-97.** Walter Valgy.

**CONGRATULATORY RESOLUTIONS**

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

- Res. No. 189-97.** Devin Lewis.  
**Res. No. 190-97.** Mr. and Mrs. Vincenzo Ruggiero.  
**Res. No. 191-97.** Det. Thomas Del Regno.  
**Res. No. 192-97.** Mr. and Mrs. Edward Harden.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 160-97.**  
**By Councilmen Britt, Jackson, Rybka and Westbrook (by departmental request).**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 2215 East 87th Street to Fairfax Bicentennial Village Development Ltd.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 119-31-041, as more fully described in Section 2 below, to Fairfax Bicentennial Village Development Ltd.

**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. 119-31-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 408 and bounded and described as follows:

Beginning at the Southwest corner of Sublot No. 11 in Henry White's and Howard White's Allotment of a part of Original One Hundred Acre Lot No. 408 as recorded in Volume 11 of Maps, Page 40 of Cuyahoga County Records, thence Northerly along the Westerly line of said Sublot No. 11, 40 feet, thence Westerly at right angles with East 87th Street, (formerly Vienna Street) about 165 feet to the Easterly line of East 87th Street, thence Southerly along the Easterly line of East 87th Street, 40 feet; thence Easterly about 165 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 161-97.**

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

**An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXIII year grant pursuant to Title I of the Housing and Community Development Act of 1974; and authorizing the Director of Community Development to apply for and accept grants from the United States Department of Housing and Urban Development for the Federal HOME Grant Program, the 1997 Emergency Shelter Program, and the Housing Opportunities for Persons with AIDS Program.**

Whereas, pursuant to Title I of

the Housing and Community Development Act of 1974 (hereinafter referred to as the "Act"), the City of Cleveland may apply for and be granted approximately Thirty One Million Five Hundred Ninety Thousand Dollars (\$31,590,000.00) from the United States Department of Housing and Urban Development (hereinafter referred to as "HUD"); and

Whereas, under the Act, the City of Cleveland is defined as the entitlement City; and

Whereas, in accordance with Section 104(a) of the Act, the City of Cleveland has held public hearings to inform the public concerning the nature of the Act to obtain the public's views on Community Development and housing needs; and

Whereas, the application requires that the Mayor and the Director of Law sign certain assurances that the City will comply with the Civil Rights Act of 1964 and 1968 and Executive Order 11063 on Equal Opportunity Housing, as well as assurances set forth in the Housing Act of 1974; and

Whereas, under the Act, the Chief Executive Officer assumes the stature of the responsible Federal official under the National Environmental Policy Act of 1969 for projects to be carried out pursuant to the application and grant; and

Whereas, the Community Development Plan and Program as set forth in the application gives maximum feasible priority to activities which benefit low and moderate income families to aid in the prevention or elimination of slum and blight; and

Whereas, the City of Cleveland may also apply for and accept approximately Eight Million Three Hundred Thirty-Six Thousand Dollars (\$8,336,000.00) from the United States Department of HUD to implement the Federal Home Grant Program, the Emergency Shelter Grant Program and the Housing Opportunities for Persons with AIDS Program; and

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

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

**Section 1.** That the Mayor is hereby authorized to submit an application to HUD on behalf of the City of Cleveland for a XXIII year grant under Title I of the Housing and Community Development Act of 1974, as amended, for the fullest extent of funding allowed and determined under said Act. That the Mayor is hereby authorized to act as the authorized representative of the City of Cleveland for purposes of said Act, and to provide such further information as may be necessary to obtain a grant under the Act.

**Section 2.** That the application, Community Development Plan and Program as set forth in File No. 161-97-A, with the adjustments to the line items as reflected in the document title Community Development Block Grant, Year XXII Submission Projected Use of Funds (Revised \_\_\_\_\_), a copy of which is also in said file is hereby approved.

**Section 3.** That the Director of Community Development is hereby authorized to accept the XXIII year grant, pursuant to Title I of the Housing and Community Act of 1974.

**Section 4.** That the Mayor, the Directors of Community Develop-

ment and Law and such other officers of the City of Cleveland as may be necessary, are hereby authorized to execute such assurances and certifications as may be required under the Community Development Block Grant Rules and Regulations.

**Section 5.** That the Director of Community Development is hereby authorized to apply for and accept a grant in the amount of \$6,898,000 from the United States Department of Housing and Urban Development to conduct the Federal Home Grant Program; a grant in the amount of \$846,000 to conduct the Emergency Shelter Grant Program; and a grant in the amount of \$592,000 to conduct the Housing Opportunities for Persons with AIDS Program, for the purposes set forth in the application and according thereto; that the Director of Community Development is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grants; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grants.

**Section 6.** That the applications for the grants authorized in Section 5 of this ordinance, placed in the file specified in Section 2 above, are made a part hereof as if fully rewritten herein, are hereby approved in all respects.

**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.

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

**Ord. No. 162-97.**

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

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Cavaliers Charities for the Cavaliers Charities-1997 Recreation Program; and to enter into contract to implement the program.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$24,000, from the Cavaliers Charities, to conduct the Cavaliers Charities-1997 Recreation Program, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 162-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That the Director of

Parks, Recreation and Properties is hereby authorized to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for such labor, materials and equipment necessary to implement the Cavaliers Charities-1997 Recreation Program as the program is described in the application contained in the File, to be purchased by the Commissioner of Purchases and Supplies.

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

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

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

**Ord. No. 163-97.**

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

**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract without competitive bidding with Appraisal Consulting Research and Training, Inc. for the purchase of services necessary to update tree inventory, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Appraisal Consulting Research and Training, Inc. ("ACRT, Inc."). Therefore, the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written contract with said ACRT, Inc. upon the basis of its proposal dated January, 1996, for professional services associated with updating tree inventory, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 038, Request No. 20500.

**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 Parks, Properties and Recreation, Finance.

**Ord. No. 164-97.**  
**By Councilmen Polensek, Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Aluma-Form, Inc., or its designee, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a facility at 17800 St. Clair Avenue located in the Cleveland Area Enterprise Zone.**

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Aluma-Form, Inc. (the "Enterprise") has proposed to construct a new facility at 17800 St. Clair Avenue in the City of Cleveland; and

Whereas, the Enterprise has certified to the City that, but for abatement of personal property and real estate taxes the Enterprise would be at a competitive disadvantage by operating at this location; and

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of Aluma-Form, Inc., or its designee(s), for enterprise zone incentives on the basis that Aluma-Form, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Aluma-Form, Inc., or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a facility at 17800 St. Clair Avenue in Cleveland Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 164-97-A.

**Section 4.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

**Ord. No. 165-97.**  
**By Councilmen Lewis, Jackson, Rybka and Westbrook (by departmental request).**

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-06-029 and 107-06-031, as more fully described in Section 2 below, to Shirle Crumbs aka Shirle L. Crumbs.

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

P.P. No. 107-06-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 196 in the Posen Subdivision of part of Original One Hundred Acre Lots Nos. 375 and 376, as shown by the recorded plat in Volume 20 of Maps, Page 29 of Cuyahoga County Records and being 39.63 feet front on the Southwesterly side of Ansel Road, N.E. and extending back 94.66 feet on the Northerly line, which is also the Southerly line of Pulaski Avenue, N.E., 115.09 feet on the Southerly line and having a rear line of 34 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 107-06-031

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 194 in Joseph Hollman's "Posen" Subdivision of part of Original 100 Acre Lot Nos. 375 and 376, as shown by the recorded plat in Volume 20

of Maps, Page 29 of Cuyahoga County Records and being 38.47 feet front on the Southwesterly side of Ansel Avenue, N.E. and extending back 134.92 feet on the Northerly line, 154.75 feet on the Southerly line and having a rear line of 33 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 166-97.**  
**By Councilmen Lewis, Jackson, Rybka and Westbrook (by departmental request).**

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

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 Sec-

tion 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-02-060 and 119-02-061 as more fully described in Section 2 below, to William E. and Dolores Harper.

**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. 119-02-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots 12 and 13 in Pedrick Allotment of part of Original 100 Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land, bounded and described as follows:

Beginning on the westerly line of East 81st Street, (formerly Princeton Street), as the same was opened and widened by Ordinance of the City Council of the City of Cleveland and proceedings in the Probate Court Case of this County, in the year 1893, at a point in said line 8 feet Southerly of the Northerly corner of Sublot No. 12; thence Northerly along the Westerly line of East 81st Street, 46 feet; thence Westerly parallel with the Northerly line of Sublot No. 13, about 142 feet 8 inches to the Westerly side of Sublot No. 13; thence Southerly along said Westerly line and along the Westerly line of Sublot No. 12, 46 feet; thence Easterly about 143 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

1. Easement from Luther and Addie Roby and Harris and Eva L. Burrows to Skadden Burton, dated August 20, 1896, filed for record August 20, 1896, filed for record August 26, 1896 at 2:36 P.M. and recorded in Volume 649, Page 226 of Cuyahoga County Records.

2. Easement from Rose W. and John P. Gager, to Rose A. Hartz, dated June 3, 1905, filed for record June 6, 1905 at 3:59 P.M. and recorded in Volume 980, Page 69 of Cuyahoga County Records.

Also subject to Zoning Ordinances, if any.

P.P. No. 119-02-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sub Lots Nos. 13 and 14 in W.E. and C.F. Pedrick's Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat of said Subdivision in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and bounded and described as follows:

Beginning as a point on the Westerly line of East 81st Street, (formerly Princeton Street) as appropriated in Probate Court, Docket 32, No. 8078, 12 feet Southerly from the Southerly line of Sublot No. 14; thence Northerly along said Westerly line of East 81st Street, 30 feet; thence Westerly at right angles with said East 81st Street about 142.96 feet to the Westerly line of Sublot No. 14; thence Southerly along the Westerly line of Sub Lots Nos. 14 and 13, 30 feet; thence Easterly and parallel with the Southerly line of said Sub Lot No. 14 about 142.98 feet to the place of beginning, as appears by said plat, be the same more or less but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

**Ord. No. 167-97.**

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

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-22-114, as more fully described in Section 2 below, to Susan D. Whatley.

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

P.P. No. 106-22-114

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 391 and described as follows:

Beginning at a point on the Easterly line of East 84th Street (formerly Van Ness Avenue) 463.17 feet Southerly from the Southerly line of Wade Park Avenue, N.E. (formerly Wade Park Avenue), thence Easterly parallel with Wade Park Avenue, N.E., 102 feet; thence Southerly parallel with East 84th Street 37 feet; thence Westerly parallel with Wade Park Avenue, N.E. 102 feet to said Easterly line of East 84th Street; thence Northerly 37 feet to the place of beginning, and being further known as the Northerly 37 feet of Parcel No. 132 in L. M. Southern's proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to restrictions and easement contained in deed recorded in Volume 485, Page 491, Cuyahoga County Records.

Also subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 168-97.**

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

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

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

lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-05-092, as more fully described in Section 2 below, to James and Estella McCrary.

**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. 119-05-092

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 400 and part of Sublots 15 and 16 in Crumb Baslington and Oviatt's Subdivision of part of Original One Hundred Acre Lot No. 400, the plat of which is recorded in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and together bounded and described as follows:

Beginning on the Easterly line of East 86th Street (formerly Glen Park Place) 40 feet wide on the Easterly line of which is parallel with and 45 feet Westerly from the Westerly line of said Sublots No. 15 and 16, at a point 184 feet Northerly from the Northwesterly corner of the parcel conveyed by L. M. Southern and wife to G. J. Hardway by deed recorded in Volume 436, Page 428 of Cuyahoga County Records; thence Northerly along the Easterly line of East 86th Street, 30 feet; thence Easterly at right angles with said (Glen Park Place), now known as East 86th Street, 75 feet; thence Southerly parallel with (Glen Park Place), now known as East 86th Street, 30 feet; thence Westerly 75 feet to the place of beginning.

Also subject to zoning ordinances, if any.

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

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

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

Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

**Ord. No. 169-97.**

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

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-22-004, as more fully described in Section 2 below, to Allie M. McClerkin.

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

P.P. No. 106-22-004

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original One Hundred Acre Lot No. 391 bounded and described as follows:

Beginning on the Southerly line of Wade Park Avenue N.E. at a point distant Easterly (measured along said Southerly line) 141.91/100 feet from its intersection with the Easterly line of East 82nd Street (formerly Genesse Avenue); thence Southerly parallel with the Easterly line of East 86th Street (formerly Marcy Avenue), 140 feet to the center line of a 10 foot alley; thence Westerly along the centerline of said 10 foot alley, 34.50/100 feet to a point; thence Northerly parallel with said Easterly line of East 86th Street, 140 feet to the Southerly line of Wade Park Avenue N.E.; thence Easterly along said Southerly line of Wade Park Avenue N.E. 34.50/100 feet to the place of beginning, be

the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 170-97.**

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

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-08-090, as more fully described in Section 2 below, to Christine Connor.

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



## P.P. No. 106-08-090

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 6 feet from front to rear of Sublot No. 63 and the Westerly 24 feet from front to rear of Sublot No. 62 in the Zoeter and Decker's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records and together forming a parcel of land 30 feet front on the Southerly side of Zoeter Avenue, N.E. and extending back of equal width 165 feet 4 inches, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Easement recorded in Volume 9062, Page 500 of Cuyahoga County Records.

Subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 171-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Mt. Pleasant Now Development Corporation or designee.**

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the

terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 127-23-060, 130-04-028, 130-06-038, 130-08-014, 130-21-089, 135-07-132, 137-01-062, as more fully described in Section 2 below, to Mt. Pleasant Now Development Corporation or designee.

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

## P.P. No. 127-23-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in Southern, Hower, Stone, and Raymond's Subdivision of a part of Original One Hundred Acre Lot No. 441 as shown by the recorded plat in Volume 6 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Raymond Avenue, S.E. and extending back of equal width, 123 feet deep as per plat of said Subdivision, be the same more or less, but subject to all legal highways.

## P.P. No. 130-04-028

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 83 and 84 in Crawford-Woodhill Subdivision of part of Original One Hundred Acre Lot Nos. 436, 444 and 445 as shown by the recorded plat in Volume 47 of Maps, Page 12 of Cuyahoga County Records. Said parts of Sublots 83 and 84 together form a parcel of land bounded and described as follows:

Beginning on the Northeasterly line of Kinsman Road, S.E., at a point 6 33/100 feet Northwesterly, measured along said Northeasterly line from the Southeasterly corner of said Sublot No. 84, thence Northerly on a line parallel with the Easterly line of said Sublot No. 84, 110 34/100 feet; thence Easterly on a line parallel with the Northerly line of said Sublot Nos. 84 and 83, 39 27/100 feet; thence Southerly on a line parallel with the Westerly line of said Sublot Nos. 83, 122 13/100 feet to the said Northeasterly line of Kinsman Road, S.E.; thence Northwesterly along said Northeasterly line of Kinsman Road, S.E. 41 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

## P.P. No. 130-06-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 38 feet of Sublot No. 94 and the Southerly 1 foot of Sublot No. 95 in the Walton Brothers Mount Pleasant Allotment of part of Original One Hundred Acre Lot No. 445, as shown by the recorded plat of said Allotment in Volume 14 of Maps, Page 6 of Cuyahoga County Records and together forming a par-

cel of land having a frontage of 39 feet on the Westerly side of East 128th Street (formerly Collinwood Avenue) and extending back between parallel lines 150 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

## P.P. No. 130-08-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 163, in the Walton Brother's Mt. Pleasant Allotment of part of Original 100 Acre Lot No. 445, as shown by the recorded plat in Volume 14 of Maps, Page 6 of Cuyahoga County Records. Said Sublot No. 163 has a frontage of 40 feet on the Easterly side of East 128th Street, and extends back of equal width 150 feet, as appears by said plat be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

## P.P. No. 130-21-089

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. Fourteen (14) in Karoline Knopf's Allotment of part of Original One Hundred Acre Lot No. 444 as shown by the recorded plat of said Allotment in Volume 32 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 117th Street and extending back between parallel lines 128.49 feet deep on the Northerly line, 128.45 feet deep on the Southerly line and 40 feet wide in the rear as appears by said plat, be the same more or less but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

## P.P. No. 135-07-132

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 64 in the Union Heights Subdivision of part of Original One Hundred Acre Lot No. 450, as shown by the recorded plat in Volume 43 of Maps, Page 20 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 106th Street, and extending back of equal width 117 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

## P.P. No. 137-01-062

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 165 in the Union Rice Subdivision of part of Original 100 Acre Lot No. 452, as shown by the recorded plat in Volume 47 of Maps, Page 24 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 117th Street, and extending back of equal width 125 feet on the Southerly line, (which is also the Northerly side of Benham Avenue), 125 feet on the Northerly line, and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

and covenants as are deemed necessary or appropriate.

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

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

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

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

**Ord. No. 172-97.**

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

**An emergency ordinance to make appropriations for the current expenses and other expenditures of the City of Cleveland for the year 1997.**

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 to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 1997, the following sums be and they are hereby appropriated viz:

The sum of Four hundred two million five hundred seventy four thousand eighty seven dollars (\$402,574,087) from the General Fund;

The sum of Fifty three million nine hundred seventy thousand one hundred ninety eight dollars (\$53,970,198) from the Special Revenue Funds;

The sum of Twenty three million one hundred sixteen thousand three hundred ninety seven dollars (\$23,116,397) from the Internal Service Funds;

The sum of Three hundred ninety six million two hundred seventy thousand three hundred thirty two dollars (\$396,270,332) from the Enterprise Funds;

The sum of Five million seven hundred twenty eight thousand four hundred fifty four dollars (\$5,728,454) from the Trust and Agency Funds;

The sum of Forty three million nine hundred thirteen thousand seven hundred sixty five dollars (\$43,913,765) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified as File No. 172-97-A in the aggregate amount for each department as follows:

APPROPRIATION FOR THE YEAR 1997

GENERAL FUND

Legislative Branch	\$3,550,873
Municipal Court	20,540,515
Executive Branch	
Office of the Mayor	1,737,601
Department of Public Safety	235,602,033
Community Relations Board	818,408
Department of Public Service	31,206,660
Department of Parks, Recreation & Properties	34,466,079
Boxing & Wrestling Commission	8,437
Urban Planning & Development	9,802,249
Department of Public Health	10,365,479
Department of Aging	253,265
Support Functions	28,796,234
Transfers to Other Funds	25,426,254
<b>TOTAL EXECUTIVE BRANCH</b>	<b>\$378,482,699</b>
<b>TOTAL GENERAL FUND</b>	<b>\$402,574,087</b>

Special Revenue Funds	\$53,970,198
Internal Service Funds	23,116,397
Enterprise Funds	396,270,332
Trust and Agency Funds	5,728,454
Debt Service Funds	43,913,765
<b>TOTAL APPROPRIATIONS FOR 1997</b>	<b>\$925,573,233</b>

GENERAL GOVERNMENT

LEGISLATIVE BRANCH

COUNCIL AND CLERK OF COUNCIL		\$3,550,873
I. Personnel and Related Expenses	\$2,534,116	
II. Other Expenses	1,016,757	
<b>TOTAL LEGISLATIVE BRANCH</b>	<b>\$3,550,873</b>	<b>\$3,550,873</b>

MUNICIPAL COURT		
MUNICIPAL COURT-JUDICIAL DIVISION		\$12,216,735
I. Personnel and Related Expenses	\$10,731,823	
II. Other Expenses	1,484,912	
MUNICIPAL COURT-HOUSING DIVISION		\$1,549,439
I. Personnel and Related Expenses	\$1,473,265	
II. Other Expenses	76,174	
MUNICIPAL COURT-CLERK'S DIVISION		\$6,774,341
I. Personnel and Related Expenses	\$5,048,845	
II. Other Expenses	1,725,496	
TOTAL MUNICIPAL COURT	\$20,540,515	\$20,540,515
EXECUTIVE BRANCH		
OFFICE OF THE MAYOR		\$1,737,601
I. Personnel and Related Expenses	\$1,461,716	
II. Other Expenses	275,885	
TOTAL EXECUTIVE BRANCH	\$1,737,601	\$1,737,601
DEPARTMENT OF PUBLIC SAFETY		
PUBLIC SAFETY ADMINISTRATION		\$10,022,036
I. Personnel and Related Expenses	\$9,179,707	
II. Other Expenses	842,329	
DIVISION OF POLICE		\$142,416,287
I. Personnel and Related Expenses	\$132,202,913	
II. Other Expenses	10,213,374	
DIVISION OF FIRE		\$64,621,437
I. Personnel and Related Expenses	\$62,099,984	
II. Other Expenses	2,521,453	
DIVISION OF EMERGENCY MEDICAL SERVICES		\$14,583,783
I. Personnel and Related Expenses	\$13,562,843	
II. Other Expenses	1,020,940	
DIVISION OF TRAFFIC ENGINEERING		\$3,296,732
I. Personnel and Related Expenses	\$2,562,786	
II. Other Expenses	733,946	
DIVISION OF DOG POUND		\$661,758
I. Personnel and Related Expenses	\$509,850	
II. Other Expenses	151,908	
TOTAL DEPARTMENT OF PUBLIC SAFETY	\$235,602,033	\$235,602,033
COMMUNITY RELATIONS BOARD		\$818,408
I. Personnel and Related Expenses	\$752,775	
II. Other Expenses	65,633	
TOTAL COMMUNITY RELATIONS BOARD	\$818,408	\$818,408
DEPARTMENT OF PUBLIC SERVICE		
PUBLIC SERVICE ADMINISTRATION		\$309,562
I. Personnel and Related Expenses	\$289,435	
II. Other Expenses	20,127	
DIVISION OF ARCHITECTURE		\$543,735
I. Personnel and Related Expenses	\$493,467	
II. Other Expenses	50,268	
DIVISION OF WASTE COLLECTION & DISPOSAL		\$25,835,796
I. Personnel and Related Expenses	\$14,467,575	
II. Other Expenses	11,368,221	
DIVISION OF ENGINEERING AND CONSTRUCTION		\$4,517,567
I. Personnel and Related Expenses	\$4,009,062	
II. Other Expenses	508,505	
TOTAL DEPARTMENT OF PUBLIC SERVICE	\$31,206,660	\$31,206,660

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
PARKS, RECREATION AND PROPERTIES ADMINISTRATION		\$744,815
I. Personnel and Related Expenses	\$570,774	
II. Other Expenses	174,041	
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		\$680,722
I. Personnel and Related Expenses	\$594,532	
II. Other Expenses	86,190	
DIVISION OF RECREATION		\$9,628,805
I. Personnel and Related Expenses	\$6,942,547	
II. Other Expenses	2,686,258	
DIVISION OF PARKING FACILITIES-ON STREET		\$921,137
I. Personnel and Related Expenses	\$880,431	
II. Other Expenses	40,706	
DIVISION OF PROPERTY MANAGEMENT		\$10,417,842
I. Personnel and Related Expenses	\$7,975,269	
II. Other Expenses	2,442,573	
DIVISION OF PARK MAINTENANCE & PROPERTIES		\$12,072,758
I. Personnel and Related Expenses	\$8,068,618	
II. Other Expenses	4,004,140	
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$34,466,079	\$34,466,079
BOXING AND WRESTLING COMMISSION		
BOXING AND WRESTLING COMMISSION		\$8,437
I. Personnel and Related Expenses	\$8,253	
II. Other Expenses	184	
TOTAL DEPARTMENT BOXING AND WRESTLING COMMISSION	\$8,437	\$8,437
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
DIVISION OF ADMINISTRATIVE SERVICES		\$83,864
I. Personnel and Related Expenses	\$83,864	
DIVISION OF BUILDING & HOUSING		\$5,625,740
I. Personnel and Related Expenses	\$5,057,971	
II. Other Expenses	567,769	
DIRECTOR'S OFFICE		\$100,210
I. Personnel and Related Expenses	\$100,210	
DIVISION OF NEIGHBORHOOD DEVELOPMENT		\$429,170
I. Personnel and Related Expenses	\$219,170	
II. Other Expenses	210,000	
DIVISION OF NEIGHBORHOOD SERVICES		\$78,015
I. Personnel and Related Expenses	\$78,015	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$6,316,999	\$6,316,999
REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		\$92,285
I. Personnel and Related Expenses	\$78,997	
II. Other Expenses	13,288	
BOARD OF BUILDING STANDARDS & APPEALS		\$95,251
I. Personnel and Related Expenses	\$76,000	
II. Other Expenses	19,251	
BOARD OF ZONING APPEALS		\$232,171
I. Personnel and Related Expenses	\$211,001	
II. Other Expenses	21,170	

BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		\$88,814
I. Personnel and Related Expenses	\$84,367	
II. Other Expenses	4,447	
FAIR CAMPAIGN FINANCE COMMISSION		\$9,843
II. Other Expenses	\$9,843	
TOTAL REGULATORY BOARDS	\$518,364	\$518,364
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		\$1,200,741
I. Personnel and Related Expenses	\$1,162,338	
II. Other Expenses	38,403	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT	\$1,200,741	\$1,200,741
OFFICE OF EQUAL OPPORTUNITY		\$535,948
I. Personnel and Related Expenses	\$451,426	
II. Other Expenses	84,522	
CITY PLANNING COMMISSION		\$1,171,861
I. Personnel and Related Expenses	\$1,107,290	
II. Other Expenses	64,571	
DIVISION OF HARBORS		\$58,336
I. Personnel and Related Expenses	\$58,336	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$9,802,249	\$9,802,249
DEPARTMENT OF PUBLIC HEALTH		
PUBLIC HEALTH AND WELFARE ADMINISTRATION		\$247,729
I. Personnel and Related Expenses	\$136,001	
II. Other Expenses	111,728	
DIVISION OF CORRECTION		\$5,025,718
I. Personnel and Related Expenses	\$3,975,457	
II. Other Expenses	1,050,261	
DIVISION OF HEALTH		\$2,905,220
I. Personnel and Related Expenses	\$2,358,736	
II. Other Expenses	546,484	
DIVISION OF ENVIRONMENT		\$2,186,812
I. Personnel and Related Expenses	\$1,980,979	
II. Other Expenses	205,833	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$10,365,479	\$10,365,479
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		\$253,265
I. Personnel and Related Expenses	\$194,597	
II. Other Expenses	58,668	
TOTAL DEPARTMENT OF AGING	\$253,265	\$253,265
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		\$255,380
I. Personnel and Related Expenses	\$206,539	
II. Other Expenses	48,841	
DIVISION OF ACCOUNTS		\$1,137,397
I. Personnel and Related Expenses	\$757,168	
II. Other Expenses	380,229	
DIVISION OF ASSESSMENTS & LICENSES		\$997,755
I. Personnel and Related Expenses	\$865,346	
II. Other Expenses	132,409	

DIVISION OF TREASURY		\$374,245
I. Personnel and Related Expenses	\$310,979	
II. Other Expenses	63,266	
DIVISION OF PURCHASES & SUPPLIES		\$652,422
I. Personnel and Related Expenses	\$545,798	
II. Other Expenses	106,624	
BUREAU OF INTERNAL AUDIT		\$424,859
I. Personnel and Related Expenses	\$188,644	
II. Other Expenses	236,215	
DIVISION OF FINANCIAL REPORTING AND CONTROL		\$923,072
I. Personnel and Related Expenses	\$838,767	
II. Other Expenses	84,305	
TOTAL DEPARTMENT OF FINANCE	\$4,765,130	\$4,765,130
OFFICE OF BUDGET & MANAGEMENT-BUDGET ADMIN.		\$482,336
I. Personnel and Related Expenses	\$437,420	
II. Other Expenses	44,916	
DEPARTMENT OF LAW		\$7,546,701
I. Personnel and Related Expenses	\$5,434,185	
II. Other Expenses	2,112,516	
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$12,794,167	\$12,794,167
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		\$1,351,102
I. Personnel and Related Expenses	\$962,898	
II. Other Expenses	388,204	
CIVIL SERVICE COMMISSION		\$985,293
I. Personnel and Related Expenses	\$603,003	
II. Other Expenses	382,290	
TOTAL PERSONNEL ADMINISTRATION	\$2,336,395	\$2,336,395
NON DEPARTMENTAL		
COUNTY AUDITOR DEDUCTIONS		\$1,183,000
II. Other Expenses	\$1,183,000	
OTHER ADMINISTRATIVE		\$12,482,672
II. Other Expenses	\$12,482,672	
TOTAL NON DEPARTMENTAL	\$13,665,672	\$13,665,672
TOTAL SUPPORT FUNCTIONS	\$28,796,234	\$28,796,234
TRANSFERS TO OTHER FUNDS		\$25,426,254
II. Other Expenses	\$25,426,254	
TOTAL GENERAL FUND	\$402,574,087	\$402,574,087
SPECIAL REVENUE FUNDS		
RESTRICTED INCOME TAX FUND		\$28,343,206
I. Capital	\$20,843,206	
II. Debt Service	7,500,000	
STREET CONSTRUCTION, MAINTENANCE & REPAIR FUND		\$23,626,992
I. Personnel and Related Expenses	\$12,608,871	
II. Other Expenses	11,018,121	
SCHOOLS RECREATION & CULTURAL ACTIVITIES FUND		\$2,000,000
II. Other Expenses	\$2,000,000	
TOTAL SPECIAL REVENUE FUNDS	\$53,970,198	\$53,970,198

## INTERNAL SERVICE FUNDS

INFORMATION SYSTEMS SERVICES-TELEPHONE EXCHANGE		\$3,877,005
I. Personnel and Related Expenses	\$379,821	
II. Other Expenses	3,497,184	
INFORMATION SYSTEMS SERVICES		\$2,676,126
I. Personnel and Related Expenses	\$1,380,931	
II. Other Expenses	1,295,195	
DIVISION OF MOTOR VEHICLE MAINTENANCE		\$14,643,427
I. Personnel and Related Expenses	\$4,427,086	
II. Other Expenses	10,216,341	
DIVISION OF PRINTING AND REPRODUCTION		\$1,109,451
I. Personnel and Related Expenses	\$519,584	
II. Other Expenses	589,867	
CITY STOREROOM AND CENTRAL WAREHOUSE		\$810,388
I. Personnel and Related Expenses	\$89,590	
II. Other Expenses	720,798	
TOTAL INTERNAL SERVICE FUNDS	\$23,116,397	\$23,116,397

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

UTILITIES ADMINISTRATION		\$2,422,302
I. Personnel and Related Expenses	\$868,282	
II. Other Expenses	1,554,020	
DIVISION OF FISCAL CONTROL		\$1,684,023
I. Personnel and Related Expenses	\$1,538,173	
II. Other Expenses	145,850	
DIVISION OF WATER		\$184,552,299
I. Personnel and Related Expenses	\$60,848,299	
II. Other Expenses	123,704,000	
DIVISION OF WATER POLLUTION CONTROL		\$17,877,525
I. Personnel and Related Expenses	\$7,194,081	
II. Other Expenses	10,683,444	
DIVISION OF CLEVELAND PUBLIC POWER		\$113,708,088
I. Personnel and Related Expenses	\$21,504,252	
II. Other Expenses	92,203,836	
TOTAL DEPARTMENT OF PUBLIC UTILITIES	\$320,244,237	\$320,244,237

## DEPARTMENT OF PORT CONTROL

DIVISIONS OF CLEVELAND HOPKINS & BURKE LAKEFRONT AIRPORTS-OPERATIONS		\$56,484,723
I. Personnel and Related Expenses	\$15,995,723	
II. Other Expenses	40,489,000	
AIRPORT DEVELOPMENT FUND		\$60,000
II. Other Expenses	\$60,000	
TOTAL DEPARTMENT OF PORT CONTROL	\$56,544,723	\$56,544,723

## DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES

DIVISION OF CEMETERIES		\$1,851,229
I. Personnel and Related Expenses	\$1,340,932	
II. Other Expenses	510,297	
GOLF COURSE FUND		\$2,200,226
I. Personnel and Related Expenses	\$923,200	
II. Other Expenses	1,277,026	
DIVISION OF PARKING FACILITIES-OFF STREET PARKING		\$7,214,864
I. Personnel and Related Expenses	\$832,760	
II. Other Expenses	6,382,104	

DIVISION OF CONVENTION CENTER & STADIUM-CONVENTION CENTER		
I.	Personnel and Related Expenses	\$1,876,090
II.	Other Expenses	5,054,969
DIVISION OF CONVENTION CENTER & STADIUM-WEST SIDE MARKET		
I.	Personnel and Related Expenses	\$349,325
II.	Other Expenses	750,381
DIVISION OF PROPERTY MANAGEMENT-EAST SIDE MARKET		
I.	Personnel and Related Expenses	\$39,269
II.	Other Expenses	145,019
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES		
		\$19,481,372
TOTAL ENTERPRISE FUNDS		
		\$396,270,332
AGENCY FUND		
CENTRAL COLLECTION AGENCY		
I.	Personnel and Related Expenses	\$3,595,575
II.	Other Expenses	2,132,879
TOTAL AGENCY FUND		
		\$5,728,454
DEBT SERVICE FUND		
SINKING FUND COMMISSION		
I.	Personnel and Related Expenses	\$107,487
II.	Other Expenses	351,044
III.	Debt Service	42,592,734
STADIUM BOND FUND		
III.	Debt Service	\$862,500
TOTAL DEBT SERVICE FUNDS		
		\$43,913,765

**Section 2.** That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate File No. 172-97-A, but are appropriated to the several departments, offices, and purposes in the aggregate for I. - Personnel and Related Expenses; and II. - Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 1996 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 1997 or prior years. The Mayor's Estimate File No. 172-97-A, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 1997 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. - Personnel and Related Expenses, or II. - Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

**Section 3.** That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

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

#### FIRST READING ORDINANCE REFERRED

##### Ord. No. 173-97.

##### By Councilman Westbrook.

**An ordinance to change the Use, Area, and Height Districts of lands on the southwesterly side of Detroit Avenue between West 110 Street and the N.Y.C. Railroad tracks. (Map Change No. 1931, Sheet No. 1)**

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

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

Beginning at the intersection of the northwesterly extension of a line located one hundred seven (107) feet southwest of the southwesterly line of Detroit Avenue, N.W. and the center line of West 110 Street; thence northeasterly along

said center line of West 110 Street to the center line of Detroit Avenue, N.W.; thence southeasterly along said center line of Detroit Avenue, N.W. to the center line of the New York Central Railroad tracks; thence southwesterly along said center line of said New York Central Railroad tracks to its intersection with the southeasterly extension of the southwesterly line of Sublot No. 8 in the Jennings Wetmore Schilling, Et. Al. Allotment as recorded in Volume 3, Page 47 of the Cuyahoga County Map Records; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 8 and continuing northeasterly along the southwesterly lines of Sublots Nos. 6, and 5 in said Jennings, Wetmore, and Schilling, Et. Al. Allotment to its intersection

with a line located one hundred ten (110) feet southeast of the southeasterly line of West 107 Street; thence northeasterly along said line which is parallel to and one hundred ten (110) feet southeast of said southeasterly line of West 107 Street to its intersection with a line located one hundred fifty one and ten hundredths (151.10) feet southwest of the southwesterly line of Detroit Avenue, N.W.; thence northwesterly along said line which is parallel to and one hundred fifty one and ten hundredths (151.10) feet southwest of said southwesterly line of Detroit Avenue, N.W. and along its northwesterly extension to the center line of West 107 Street; thence southwesterly along said center line of West 107 Street to its intersection with the southeasterly extension of the southwesterly line of Sublot No.



1 in the John W. Wetmore Trustees Subdivision as recorded in Volume 15, Page 14 of the Cuyahoga County Map Records; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 1 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 1 to its intersection at a point located one hundred ten (110) feet southwest of said southwesterly line of Detroit Avenue, N.W.; thence northwesterly from said point to a point located on the southeasterly side of West 110 Street one hundred seven (107) feet southwest of said southwesterly line of Detroit Avenue, N.W. and along its northwesterly extension to the place of beginning,

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

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1931, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

**Section 3.** That the Use District of lands bounded and described as follows,

Beginning at the intersection of the center line of West 107 Street and the southeasterly extension of the southwesterly line of Sublot No. 4 in said John W. Wetmore Trustees Subdivision as recorded in Volume 15, Page 14 of the Cuyahoga County Map Records; thence northwesterly along said southeasterly extension and along said southwesterly line of said Sublot No. 4 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 4 to its intersection with a line located one hundred ten (110) feet southwest of said southwesterly line of Detroit Avenue, N.W.; thence southwesterly along said line which is parallel to and one hundred ten (110) feet southwest of said southwesterly line of Detroit Avenue, N.W. to its intersection with a line located sixty (60) feet northwest of the northwesterly line of West 107 Street; thence southwesterly along said line which is parallel to and sixty (60) feet northwest of said northwesterly line of West 107 Street to its intersection with the northeasterly line of said Sublot No. 4; thence southeasterly along said northeasterly line of said Sublot No. 4 and along its southeasterly extension to the center line of West 107 Street; thence southwesterly along said center line of West 107 Street to the place of beginning,

and as outlined in green on the map hereto attached, be and the same is hereby changed to a Local Retail District.

**Section 4.** That said changed designation of lands described in Section 3 shall be identified as Map Change No. 1931, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated

for such purpose by the City Planning Commission.

**Section 5.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

##### Res. No. 174-97.

**By Councilman Dolan.**

**An emergency resolution urging the Cleveland Public Library to study and implement procedures restricting children's access to adult reading, viewing and audio materials on the Internet.**

Whereas, the Cleveland Public Library is a participant on the Internet; and

Whereas, adult reading, viewing and audio materials can be accessed on the Internet by children using library computers; and

Whereas, certain adult books, video and audio material may be inappropriate to be accessed by minors; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that restriction of access to adult materials on the Internet is essential to the healthy development and welfare of the children of this country; now, therefore, Be it resolved by the Council of the City of Cleveland:

**Section 1.** That this Council urges the Cleveland Public Library to conduct a study on the feasibility of procedures that restrict the access of children to adult reading, viewing and audio materials on the Internet.

**Section 2.** That this Council urges the Cleveland Public Library to implement procedures which will restrict access of children to adult reading, viewing, and audio material on the Internet.

**Section 3.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Board of Trustees of the Cleveland Public Library.

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

Referred to Director of Law; Committee on Legislation.

##### Res. No. 175-97.

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

**An emergency resolution declaring the intention to vacate a portion of Prospect Court S.E.**

Whereas, this Council is satisfied that there is good cause for vacating a portion of Prospect Court S.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:

PROSPECT COURT S.E. (20.00 feet wide), extending Easterly from the section proposed to be vacated by Resolution No. 1254-95, 90.00 feet to the Southerly prolongation of the Easterly line of a parcel of land conveyed to Retail Clerk's Local 880 Realty Co. by deed dated December 21, 1966 and recorded in Volume 11883, Page 21 of Cuyahoga County Records.

**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.

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

##### Ord. No. 176-97.

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

**An emergency ordinance authorizing the Director of Public Service to cause payment of the City of Cleveland's share to the State of Ohio for the cost of repair and rehabilitation of the Prospect Avenue, Huron Road, West 2nd Street, West 3rd Street and West 6th Street viaducts.**

Whereas, in Ordinance No. 2435-92, passed July 14, 1993, this Council gave consent to the Director of Transportation, State of Ohio, for the cost of repair and rehabilitation of the Prospect Avenue, Huron Road, West 2nd Street, West 3rd Street and West 6th Street viaducts (the "Improvement"); and

Whereas, this Council authorized the City to cooperate with the State of Ohio in the cost of the Improvement; and

Whereas, the City's share of the cost of the Improvement is currently estimated to be \$863,894.00; and

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

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

**Section 1.** That this Council hereby authorizes payment to the State of Ohio of the City's share of the cost of repair and rehabilitation of the Prospect Avenue, Huron Road, West 2nd Street, West 3rd Street and West 6th Street viaducts from Fund Nos. 20 SF 883, 20 SF 302, 20 SF 334 and 20 SF 322, Request No. 21928.

**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. 177-97.****By Councilman Paulenske.**

**An emergency ordinance consenting and approving the issuance of a permit for the 9th Annual Walk-A-Thon on May 10, 1997, 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 a Walk-A-Thon, sponsored by the Hunger Network of Greater Cleveland, on May 10, 1997, beginning at Burke Lakefront Airport, exit the parking lot and proceed west onto North Marginal Road, cross E. 9th Street and go northwest on Erieside Avenue and around the former Cleveland Municipal Stadium, then go south on W. 3rd Street to St. Clair Avenue, head west on St. Clair Avenue then south on W. 9th Street, continue southeast onto Huron Road and stay on Huron Road until E. 13th Street, then go west onto Euclid Avenue, continue west on Euclid Avenue and go north at Public Square on Mall Drive, continue on Mall Drive until Lakeside Avenue, where walkers will head east until they reach E. 9th Street, continue north on E. 9th Street until they reach Bicentennial Park, where the walk will finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall 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. 178-97.****By Councilman Patmon.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 8, (Maria Skantzos — 7300 St. Clair Avenue).**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public

interest to allow each of said persons to peddle in Ward 8; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 8, at the locations specified: 7300 St. Clair Avenue.

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

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

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

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

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

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

**Res. No. 179-97.****By Councilman Polensek.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 17318 Lake Shore Blvd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 32543435924, Golden Stores Inc., dba Dairy Mart 5924, c/o Gregory Wozniak, 17318 Lake Shore Blvd., Cleveland, Ohio 44119, to Permit No. 1709098, Convenient Express Inc., 17318 Lake Shore Blvd., Cleveland, Ohio 44119; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public

decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 32543435924, Golden Stores Inc., dba Dairy Mart 5924, c/o Gregory Wozniak, 17318 Lake Shore Blvd., Cleveland, Ohio 44119, to Permit No. 1709098, Convenient Express Inc., 17318 Lake Shore Blvd., Cleveland, Ohio 44119, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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. 180-97.****By Councilman Robinson.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 11726 Union Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 9796599, Aaron B. Wulu, dba Bolleviere Variety Store, 11726 Union Avenue, Cleveland, Ohio 44105; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department

of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 9796599, Aaron B. Wulu, dba Bolleviere Variety Store, 11726 Union Avenue, Cleveland, Ohio 44105, 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. 181-97.**  
**By Councilman White.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 10213 Aetna Road.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 5492749, Naretta L. Mann, dba Community Beverage, 10213 Aetna Road, Cleveland, Ohio 44105; and

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

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

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

Whereas, the place for which the

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 5492749, Naretta L. Mann, dba Community Beverage, 10213 Aetna Road, Cleveland, Ohio 44105, 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.

**SECOND READING**  
**EMERGENCY ORDINANCES**

**Ord. No. 1598-96.**  
 By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of heating, ventilating and air conditioning equipment and supplies, including on-site supplies, including on-site service if necessary, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period not to exceed four years.

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

1. In the title, line 10, strike "not to exceed four years" and insert in lieu thereof "**of one year**".

2. In Section 1, lines 5, 14, and 17, strike "four years" and insert in lieu thereof "**one year**".

3. In Section 1, line 10, strike "ad" and insert in lieu thereof "**and**". Amendments agreed to.

**Ord. No. 1981-96.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease City-owned property located on the southeast corner of Kirtland Park at East 49th Street and South Marginal Road to the Ohio Department of Natural Resources, or their designee, for the purpose of developing, maintaining and operating a Cleveland Civilian Conservation Corp Camp, for a term not to exceed twenty five years.

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

**Ord. No. 2033-96.**

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 modify and maintain the Trac-Vac residuals collection system at the Garrett A. Morgan Waterworks Facility, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 2151-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of disposal of catch basin debris at a sanitary landfill, for the Division of Water Pollution Control, Department of Public Utilities.

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

**Ord. No. 2188-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Digital Matrix Services, Inc. for software maintenance for the City's Geographic Information system, for the Division of Engineering and Construction, Department of Public Service.

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

**Ord. No. 2191-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Data General Corporation for the purchase of computer hardware and operating system maintenance services, for the Division of Engineering and Construction, Department of Public Service, for a one year period.

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

**Ord. No. 2197-96.**

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 make hydraulic repairs, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 2198-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract for a maintenance agreement without competitive bidding with Banctec Service Corp. on not to exceed two Banctec payment transaction processors and supporting equipment, for the Division of Fiscal Control, Department of Public Utilities.

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

1. In Section 1, line 8 after "period", insert the following: "with an option to renew for an additional one year period."

Amendment agreed to.

**Ord. No. 2199-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a storm sewer on Pawnee Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 2200-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a combined sewer on Rosewood Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 2201-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a sewer on Rustic Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

**Ord. No. 19-97.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed thirty six pieces of heavy duty equipment, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 120-97.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to apply for and accept a grant from the Cleveland Foundation for the Cleveland Municipal Court Staff Training - Cleveland Foundation Grant; and to enter into contract with D.L. Cummings, Inc. to implement the program.

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

**SECOND READING EMERGENCY ORDINANCE PASSED****Ord. No. 45-97.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Ohio City Development, Ltd. or its designee, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a Dave's Supermarket in the Ohio City neighborhood in the Cleveland Area Enterprise Zone.

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

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

**THIRD READING EMERGENCY ORDINANCES PASSED****Ord. No. 1710-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Executive Director of the Community Relations Board to apply for and accept a grant from the Bruening Foundation for Court-watch-The Balance of Justice Program.

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

**Ord. No. 2040-96.**

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance to amend the title and Section 3 of Ordinance No. 2016-95, passed December 18, 1995, relating to the 1996-97 All Kids Count Program and to enter into a contract with the Federation for Community Planning.

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

**THIRD READING ORDINANCE PASSED****Ord. No. 24-97.**

By Councilman Coats.

An ordinance to change the Use and Height District of lands on the easterly side of East 124 Street

approximately 190' to 302' south of St. Clair Avenue. (Map Change No. 1928, Sheet No. 8)

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

**MOTION**

The Council adjourned at 8:15 p.m. to meet on Monday, February 10, 1997 at 7:00 p.m.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES****Ord. No. 1598-96.**

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of heating, ventilating and air conditioning equipment and supplies, including on-site supplies, including on-site service if necessary, for the Division of Property Management, Department of Parks, Recreation and Properties, for a period of one year.

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of heating, ventilating and air conditioning equipment and supplies, including on-site service if necessary, 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 Property Management, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than one year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire one 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 20315)

**Section 3.** That this ordinance is

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

**Ord. No. 1981-96.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease City-owned property located on the southeast corner of Kirtland Park at East 49th Street and South Marginal Road to the Ohio Department of Natural Resources, or their designee, for the purpose of developing, maintaining and operating a Cleveland Civilian Conservation Corp Camp, for a term not to exceed twenty five years.

**Ord. No. 2033-96.**

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 modify and maintain the Trac-Vac residuals collection system at the Garrett A. Morgan Waterworks Facility, for the Division of Water, Department of Public Utilities.

**Ord. No. 2151-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of disposal of catch basin debris at a sanitary landfill, for the Division of Water Pollution Control, Department of Public Utilities.

**Ord. No. 2188-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Digital Matrix Services, Inc. for software maintenance for the City's Geographic Information system, for the Division of Engineering and Construction, Department of Public Service.

**Ord. No. 2191-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with Data General Corporation for the purchase of computer hardware and operating system maintenance services, for the Division of Engineering and Construction, Department of Public Service, for a one year period.

**Ord. No. 2197-96.**

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 make hydraulic repairs, for the Division of Water, Department of Public Utilities.

**Ord. No. 2198-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract for a maintenance agreement without competitive bidding with BancTec Service Corp. on not to exceed two BancTec payment transaction processors and supporting equipment, for the Division of Fiscal Control, Department of Public Utilities.

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than BancTec Service Corp. Therefore, the Director of Public Utilities is hereby authorized and directed to make a written contract with said BancTec Service Corp. upon the basis of its proposal dated November 15, 1996, for a maintenance agreement on not to exceed two BancTec payment transaction processors and supporting equipment, including all parts and labor, for a one year period, **with an option to renew for an additional one year period**, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Fiscal Control, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 50 SF 001, Request No. 20931.

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

**Ord. No. 2199-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a storm sewer on Pawnee Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 2200-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a combined sewer on Rosewood Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 2201-96.**

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

An emergency ordinance determining the method of making the public improvement of replacing a sewer on Rustic Avenue, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

**Ord. No. 19-97.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed thirty six pieces of heavy duty equipment, for the Division of Water, Department of Public Utilities.

**Ord. No. 120-97.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to apply for and accept a grant from the Cleveland Foundation for the Cleveland Municipal Court Staff Training - Cleveland Foundation Grant; and to enter into contract with D.L. Cummings, Inc. to implement the program.

**BOARD OF CONTROL**

January 29, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 29, 1997, at 11:00 a.m., Acting Director Terry presiding.

Present: Acting Director Terry, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Absent: Mayor White.

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

On motion, the following resolutions were adopted.

**Resolution No. 50-97.**

By Director Carmody.

Resolved by the Board of Control of the City of Cleveland that the bid of Meteor Heating & Air Conditioning, Inc. for the following: Computer Room Air Conditioner, labor and materials for removal and replacement (All Items) for the Cleveland Municipal Court, received on the 18th day of December, 1996, pursuant to the authority of Ordinance No. 1095-95, passed July 19, 1995, which on the basis of order quantity would amount to \$34,407.00, (Net 45 Days), is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Yeas: Acting Director Terry, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Lynch.

Nays: None.

Absent: Director Warren.

**Resolution No. 51-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Valley Ford Truck Sales, Inc. for the following: three (3) pickup trucks with 8' bodies, camper tops and auxiliary heaters; three (3) units equipped with 8' bodies and tonneau covers; two (2) units equipped with 8' bodies and bed liners; six (6) units equipped with 8' bodies and camper tops; three (3) units equipped with four wheel drive, camper tops and hydraulic valve turners (items 1B, 1C, 2A, 2B and 2C) for the Division of Water, Department of Public Utilities, received on the 25th day of

September, 1996, pursuant to the authority of Ordinance No. 1228-95, passed January 29, 1996, which on the basis of order quantities would amount to Four Hundred Twelve Thousand Six Hundred Eighteen and 14/100, (\$412,618.14), (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Be it further resolved by the Board of the Control of the City of Cleveland that the employment of the following subcontractor by Valley Ford Truck Sales, Inc., for the above-mentioned standard purchase is hereby approved:

SUBCONTRACTOR	WORK
Logical Services	\$650.00 per unit MBE

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.  
Absent: Director Carmody.

**Resolution No. 52-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Leader Electric Supply Company for an estimated quantity of 12kV and 2.4 kV Distribution Transformers, item nos. 22, 26, 28, 30, 32 thru 36, 39, 40, 42, 44 thru 49, 51, 52, 55, 58, 78, 81, 83 thru 87, 89 thru 92, 95, 111 thru 120, 123, 141 thru 145, 147, 159 thru 165, 174 thru 177, 180 thru 183, 188, 189, 190, 192, 193, 194, 198, 224, 228, 231, 233, 235, 236, 237 and 245 thru 247, including the bid condition of price escalation of 4% after July 31, 1997 on various items as indicated on bid, except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 4th day of October, 1996, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Three Hundred Sixteen Thousand Two Hundred Twenty One and no/cents Dollars, (\$1,316,221.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 88780

which shall be certified against such contract in the sum of Sixty Nine Thousand Seven Hundred Three and no/cents Dollars, (\$69,703.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham,

Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

**Resolution No. 53-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Reed City Power Line Supply Co., dba Power Line Supply Co. for an estimated quantity of 12kV and 2.4 kV Distribution Transformers, item nos. 1 thru 15, 17, 19 thru 21, 23 thru 25, 27, 29, 31, 41, 43, 50, 53, 54, 56, 57, 59 thru 70, 72, 75 thru 77, 79, 80, 82, 93, 94, 96 thru 110, 148 thru 158, 166, 167, 171, 179, 184, 186, 187, 191, 195, 196, 197, 199 thru 208, 210 thru 217, 219, 225, 226, 232 and 238 thru 244, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 4th day of October, 1996, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Million Four Hundred Sixty Six Thousand Eight Hundred Twenty Three and no/cents Dollars, (\$1,466,823.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 88781

which shall be certified against such contract in the sum of Seventy Three Thousand Seven Hundred Eighty Six and no/cents Dollars, (\$73,786.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

**Resolution No. 54-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Precision Electric Inc. for an estimated quantity of 12kV and 2.4 kV Distribution Transformers, item nos. 16, 18, 37, 38, 71, 73, 74, 88, 121, 122, 124 thru 140, 168 thru 170, 172, 173, 185, 209, 218, 220 thru 223, 227, 229, 230, 234, and 258 thru 260, including the bid condition of price escalation of 4% after September 1, 1997 on various items as indicated on bid, except for such terms and conditions as are not acceptable to the Director of Law, for the Division of Cleveland Public Power, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 4th day of October, 1996, pursuant to the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to

One Million Five Hundred Seventy Four Thousand One Hundred Ten and no/cents Dollars, (\$1,574,110.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 88782

which shall be certified against such contract in the sum of Eighty One Thousand Nine Hundred Forty One and no/cents Dollars, (\$81,941.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

**Resolution No. 55-97.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Victory White Metal Company for an estimated quantity of pipe repair couplings (items 3, 4, 5, 6) for the Division of Water, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 23rd day of October, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Eight Hundred Twenty Six and 40/100 Dollars, (\$826.40), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00166

which shall be certified against such contract in the sum of One Thousand Dollars, (\$1,000.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

**Resolution No. 56-97.**

By Director Konicek.

Resolved, by the Board of Control of the City of Cleveland that the bid of Perk Co., Inc. for the public improvement of Constructing and repairing catch basins and manholes in various locations throughout the City for the Division of Water Pollution Control, Department of Public

Utilities, received on the 12th day of December, 1996, pursuant to the authority of Ordinance No. 2077-94, passed March 6, 1995, upon a unit basis for the improvement to be performed as ordered during the period of one (1) year beginning with the date of execution of a contract at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Three hundred twenty-three thousand four hundred and 00/100 (\$323,400.00) Dollars is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 098341 which shall be certified against such contract in the sum of One hundred twenty thousand and 00/100 (\$120,000.00) Dollars.

Said requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately against said requirement contract whether the same shall be less than the total estimate of work to be performed under said contract or shall exceed the same by not more than ten percent.

Be it further resolved that the employment of the following subcontractors to Perk Co., Inc. for the above-mentioned public improvement is hereby approved:

<b>SUBCONTRACTORS</b>	<b>WORK</b>
Cuyahoga Supply	Supply material FBE
Collinwood Shale & Brush	Supply ready mix FBE
R.V.G.S. dba Alexa Trucking	Trucking MBE
Choice Construction	Pavement restoration and catch basin reconstruction MBE

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.  
Absent: Director Carmody.

**Resolution No. 57-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Stahl Gear and Machine Co. for an estimated quantity of labor and materials to fabricate ring and pinion gears (items 1-8) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 4th day of December, 1996, pursuant to the authority of Ordinance No. 314-96, passed May 6, 1996, on the basis of the estimated quantity would amount to Forty Nine Thousand Two Hundred Forty Dollars,

(\$49,240.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00170

which shall be certified against such contract in the sum of Two Thousand Five Hundred Dollars, (\$2,500.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.  
Absent: Director Carmody.

**Resolution No. 58-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Miami Systems Corporation/Shelby B/F Division for an estimated quantity of paper products (items C-1 thru C-6) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 21st day of November, 1996, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996, on the basis of the estimated quantity would amount to One Hundred Thirteen Thousand Five Hundred Thirty Seven and 45/100 Dollars, (\$113,537.45), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00205

which shall be certified against such contract in the sum of Fifty Thousand Dollars (\$50,000.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.  
Absent: Director Carmody.

**Resolution No. 59-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Mail-Well I Corporation dba American Mail-Well Envelope for an estimated quantity of paper products (items C-8 thru C-12 and C-16) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the

21st day of November, 1996, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996, on the basis of the estimated quantity would amount to One Hundred Two Thousand Four Hundred Seventy Six and 75/100 Dollars, (\$102,476.75), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00204

which shall be certified against such contract in the sum of Fifty Thousand Dollars (\$50,000.00).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.  
Absent: Director Carmody.

**Resolution No. 60-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the conditional bid of Westvaco Envelope Division of Westvaco Corporation for an estimated quantity of paper products (items C-13 and C-14; C-17 and C-18) for the Division of Water, Department of Public Utilities, for the period of one (1) year beginning with the date of execution of a contract received on the 21st day of November, 1996, pursuant to the authority of Ordinance No. 764-96, passed May 20, 1996, on the basis of the estimated quantity would amount to Fifteen Thousand Four Hundred Fifty Nine and 75/100 Dollars, (\$15,459.75), (1% 10; Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00203

which shall be certified against such contract in the sum of Fifteen Thousand Four Hundred Fifty Nine and 75/100 Dollars (\$15,459.75).

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.  
Absent: Director Carmody.

**Resolution No. 61-97.**

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland, that all bids received on January 2, 1997 for

Various sewer maintenance appurtenances - casting for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976, be and the same are hereby rejected.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.  
Absent: Director Carmody.

**Resolution No. 62-97.**

By Director Guzman.

Whereas, Ordinance No. 918-96, passed by the Council of the City of Cleveland on June 18, 1996, authorized the Director of Public Service to purchase various vehicles referenced therein through cooperative agreements entered into by the State of Ohio following its procedures, and to enter into contract with the vendor(s) selected through such procedures; and

Whereas, after competitive bidding for such vehicles and comparison of the bid prices received to the prices available under a State of Ohio cooperative purchase contract with 32 Ford Mercury, Inc., the Director has determined that the cooperative purchase contract prices for such vehicles are lowest and best; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Section 108(b) of the Charter and Ordinance No. 918-96, passed June 18, 1996, the Director of Public Service is directed to execute all documents and do all things necessary to enter into contract to purchase seventy nine (79) of the vehicles referenced in said Ordinance No. 918-96 through the cooperative purchase contract between the State of Ohio and 32 Ford Mercury, Inc.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 63-97.**

By Director Guzman.

Whereas, Ordinance No. 918-96, passed by the Council of the City of Cleveland on June 18, 1996, authorized the Director of Public Service to purchase various vehicles referenced therein through cooperative agreements entered into by the State of Ohio following its procedures, and to enter into contract with the vendor(s) selected through such procedures; and

Whereas, after competitive bidding for such vehicles and comparison of the bid prices received to the prices available under a State of Ohio cooperative purchase contract with Mike Pruitt's Lima Ford, Inc., the Director has determined that the cooperative purchase contract prices for such vehicles are lowest and best; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Section 108(b) of the Charter and Ordinance No. 918-96, passed June 18, 1996, the Director of Public Service is directed to execute all documents and do all things necessary to enter into contract to purchase seven (7) of the vehicles referenced in said Ordinance No. 918-96 through the coop-

erative purchase contract between the State of Ohio and Mike Pruitt's Lima Ford, Inc.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 64-97.**

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that the bid of Hutchinson Equipment Sales, Inc. for the following: one (1) tar kettle (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, received on the 11th day of October, 1996, pursuant to the authority of Ordinance No. 918-96, passed June 18, 1996, which on the basis of order quantity would amount to \$24,655.00, (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into contract for such items.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 65-97.**

By Directors Spellman and Nolan.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 152-96, adopted March 13, 1996, as amended by Resolution No. 543-96, adopted on August 7, 1996, authorizing the Director of Parks, Recreation and Properties and the Director of Personnel & Human Resources to enter into contract with Snider Blake Personnel Service, Inc., to provide for Project Clean Program temporary and seasonal personnel at an hourly billing rate not to exceed \$6.46 per hour is hereby further amended due to another increase in the minimum wage effective September 1, 1997, to increase the billing rate by Snider-Blake under Contract No. 49846 to not to exceed \$7.01 per hour.

Be it further resolved that the above-mentioned directors are hereby authorized to enter into a second amendment to said Contract No. 49846 on the basis of Snider Blake's proposal dated January 22, 1997.

Be it further resolved that the second amendment to said Contract No. 49846 authorized hereby shall reflect that the correct initial term commenced April 1, 1996 and expired December 31, 1996, with an option in the City to renew for an additional one year term commencing January 1, 1997.

Be it further resolved that all other provisions of said Resolution No. 152-96, as previously amended, not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 66-97.**

By Director Hamilton.

Whereas, pursuant to Ordinance No. 50-97, passed January 27, 1997, the City of Cleveland desires to lease from the Board of County Com-

missioners of Cuyahoga County a certain parcel of real estate located north and adjacent to the Main Avenue Bridge between West 6th and West 9th Streets, as more fully described in said Ordinance No. 50-97, for the purpose of enhancing housing development; and

Whereas, the City of Cleveland desires to lease the foregoing property to Water Street Associates Ltd., or its designee, for a housing project to be developed consistent with policies and standards set by the City; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 50-97, passed by Cleveland City Council on January 27, 1997, the rent for the leased premises noted above and which is more fully described in said Ordinance shall be One Thousand Dollars (\$1,000.00) per year which amount is hereby determined to be not less than the fair market value for the leasing of said property.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 67-97.**

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 020-14-145 and 020-14-146 under said Land Reutilization Program; and

Whereas, Ordinance No. 1602-96 passed November 25, 1996 authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Thomas J. Dlugo, Jr. and Thomas J. Dlugo, Sr. have proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1602-96 passed November 25, 1996 by the Cleveland City Council, the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Thomas J. Dlugo, Jr. and Thomas J. Dlugo, Sr. for the sale and development of Permanent Parcel Nos. 020-14-145 and 020-14-146, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.  
Nays: None.

Absent: Director Carmody.

**Resolution No. 68-97.**

By Director Hamilton.

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



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

Whereas, City has acquired Permanent Parcel Nos. 106-23-023 and 106-23-024 under said Land Reutilization Program; and

Whereas, Ordinance No. 57-97 passed January 13, 1997 authorized the sale of said parcels subject to the direction of the Board of Control; and

Whereas, Sophia D. Moncrieffe has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 57-97 passed January 13, 1997 by the Cleveland City Council, the Mayor is hereby authorized and the Commissioner of Purchases and Supplies is hereby directed to execute an Official Deed for and on behalf of the City of Cleveland with Sophia D. Moncrieffe for the sale and development of Permanent Parcel Nos. 106-23-023 and 106-23-024, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

#### Resolution No. 69-97.

By Director Spellman.

Whereas, the Commissioner of the Convention Center has the authority granted under Section 133.14(a) of the Codified Ordinances to enter into contract to rent portions of the Cleveland Convention Center; and

Whereas, Section 133.14(f) C.O. authorizes the Board of Control to establish rates for the rental of space at the Convention Center; and

Whereas, NBA Properties, Inc. entered into a Concession Agreement with the City for the use of the Convention Center from February 5 through 9, 1997 for the NBA All-Star Jam Session; and

Whereas, NBA Properties, Inc. has requested permission to use the Convention Center garage as a comfort station for Jam Session attendees; now, therefore,

Whereas, pursuant to Section 133.14(a) the Commissioner of the Convention Center has granted permission to NBA Properties for its use of the Convention Center garage as a comfort station.

Be it resolved by the Board of Control of the City of Cleveland that in accordance with the provisions of Section 133.14 C.O. Cleveland, Ohio 1976, a rental rate of Five Thousand Four Hundred Dollars (\$5,400) per day shall be charged to the NBA Properties, Inc. for its use of the Convention Center Garage as a comfort area for 1997 NBA All-Star Jam Session attendees during the NBA All-Star Weekend, February 5 through February 9, 1997. Other than those vehicles necessary to carry out the functions of the comfort station, no parking shall be permitted in this area during this time.

Be it further resolved that

notwithstanding any provisions of this or any prior Board of Control resolution, the rental rate, terms, and conditions set forth in this resolution shall apply only to the concession agreement executed with NBA Properties, Inc. for the purposes and the use described herein.

Yeas: Acting Director Terry, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: Director Carmody.

JEFFREY B. MARKS,  
Secretary

## CIVIL SERVICE NOTICES

### General Information

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

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

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

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

FREDDIE J. FENDERSON,  
President

## SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 18, 1997

9:30 A.M.

Calendar No. 97-9: 2121 W. 117 St. Welded Ring Properties Co., owner; c/o Theresa Yagiolo, and Freedom House Inc., tenant; c/o Mark Woods, to convert to a dormitory for 75 individuals, in a drug and alcohol treatment program, the 105' x 125' one and two story masonry offices building on the northwest portion of an irregular shaped acreage corner parcel located in a General Industry District on the northeast corner of W. 117 St. and Western Ave. and extending through to W. 114 St. at 2121 W. 117 St.; said residential use being contrary to the habitation prohibitions of Section 345.04 of the Codified Ordinances.

Calendar No. 97-11: 1001 Huron Rd., S.E.

Ohio American Financial Inc., owner, c/o Mark Freimuth and Huron Square Associates Ltd., prospective purchaser, c/o Martin Lax, to convert to 70 dwelling units

floors two through eleven in the 110' x 112' eleven story masonry stores and offices building on a 110' x 142' (average) irregular shaped lot located in an E-6 General Retail District at 1001 Huron Rd.; the proposed gross floor area, 77923 square feet, being in excess of the 23952 square feet permitted by Section 355.04 and there being insufficient rear yard area as regulated by Section 357.08 and the interior side yards being 0' instead of the 44' required by Section 357.09 of the Codified Ordinances.

Calendar No. 97-12: 4141 W. 130 St. Mathew Wissel, owner, to erect a 40' x 64' one story addition to the north side of the 57' x 29' 6" one story nonconforming auto repair garage on a 167.5' x 140' corner lot located in a Local Retail District on the north east corner of Leella Ave. and W. 130 St. at 4141 W. 130 St.; said use as an auto repair garage being contrary to the local retail use limitations of Section 343.01 and said use to be 16' from the Residence District to the east instead of the 100' requirement of Section 345.03 and said addition to constitute an expansion of a nonconforming use contrary to the provisions of Section 359.01 and portions of the parking area being 6' from the street line of W. 130 St. instead of back of the 10' specific setback building line area as limited by Sections 357.07 and 357.14 of the Codified Ordinances.

Calendar No. 97-13: 5507 Clark Ave., S.W.

Joseph Hasrouni appeals, under authority of Sections 329.01(e) and 329.02(d), from the refusal to approve a lot split by J. Christopher Nielson, Commissioner of Engineering and Construction, and by Hunter Morrison, Director of City Planning, for the 59' x 125' irregular shaped corner lot located on the southeast corner of Clark Ave. and W. 56 St. at 5507 Clark Ave. based upon the requirements of Section 355.04 of the Codified Ordinances.

Calendar No. 97-16: 4258 E. 131 St.

Elmer Fryerson, owner, to convert to a senior care home for 11 adults and to erect a 26' x 22' 8" one story frame addition to the rear of the 26' x 47' two story frame one family dwelling house on a 40' x 125' lot located in a C-Local Retail District at 4258 E. 131 St.; said premises not to conform to the off-street parking requirements of Sections 349.03 and 349.04 and the total floor area of said building to be 59% of the lot area instead of not more than 50% as limited by Section 355.04 and the south sideyard being 2' instead of the 8' width required for a multi-family structure by Section 357.09 of the Codified Ordinances.

ANTHONY COSTANZO,  
Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 3, 1997

At the Meeting of the Board of Zoning Appeals, on, Monday, January 27, 1997, the following appeals were heard by the Board, and decided on Monday, February 3, 1997.

The following appeal was heard and **Granted** on Monday, February 3, 1997.

Calendar No. 96-247: 1133 W. 9th Street.

Bardons & Oliver Inc., owner, and 1033 West 9th Associates L.L.C.

prospective purchaser, c/o Michael Gibbons and Walter Street Associates Ltd. tenant, c/o Robert Rains, to convert to 100 dwelling units the 90' x 265' 4 and 6 story masonry irregular shaped industrial building.

The following appeals were heard on Monday, January 27, 1997 and **Granted** on Monday, February 3, 1997.

Calendar No. 96-249: 3741-43 W. 36th Street

Alexandru Badea, owner, to convert to a boarding house (group home) for 9 elderly residents and with a manager's suite 53' x 38' two story brick nonconforming 4 dwelling unit apartment building.

Calendar No. 97-1: 11875 Putnam Avenue, S.E.

Michael Butler, owner, to use as an auto repair garage and motorcycle repair shop.

The following appeals were **Refused**:

Calendar No. 96-240: 2978 W. 25th Street

Gary Grace, owner, and Ruben Laracuento, tenant, to use as an auto repair garage (body shop) and for retail auto parts sales.

Calendar No. 96-251: 1252-56 E. 74th Street

Come Home Missionary Baptist Church, appealed, under Section 329.01 (e) and Section 329.01 (d) from the refusal to approve a lot split.

The following appeals were **Postponed**:

Calendar No. 97-4: 10613 Lorain Avenue to March 3, 1997.

Calendar No. 97-5: 601 Erieside Avenue, N.E. to February 18, 1997.

ANTHONY COSTANZO,  
Secretary

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

NO MEETING

### PUBLIC NOTICE

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

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

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

### NOTICE OF PUBLIC HEARING

#### Notice of Public Hearing By the Council Committee on City Planning

Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, February 10, 1997  
12:30 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning

will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, February 10, 1997, at 12:30 P.M., to consider the following ordinances now pending in the Council:

#### Ord. No. 877-96.

By Councilman Paulenske.  
An ordinance to change the Use, Area and Height Districts of lands on the northerly side of Lakeside Avenue, N.E. to the Shoreway between E. 13 Street and E. 23 Street. (Map Change No. 1905, Sheet Nos. 1, 4 & 5)

#### Ord. No. 2131-96.

By Councilman Westbrook.  
An ordinance to change the Use, Area, and Height Districts of lands on the southwesterly side of Detroit Avenue, N.W. to the center line of the Rapid Transit - N.Y.C., R.R. tracks. (Map Change No. 1922, Sheet No. 1).

All interested persons are urged to be present or to be represented at the above time and place.

Edward W. Rybka,  
Chairman  
Committee on City Planning

January 29 and February 5, 1997

### CITY OF CLEVELAND BIDS

#### For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

### FRIDAY, FEBRUARY 14, 1997

#### Luke Easter Park Landscaping Improvements and Fairfax Recreation Center Sidewalk Improvements,

for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 762-96 and 1284-96, passed by the Council of the City of Cleveland, May 20, 1996 and October 14, 1996, 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 Computer Network System, Including All Hardware, Software and Maintenance (Part I), for the Department of Law, as authorized by Ordinance Nos. 1130-93 and 1711-96, passed by the Council of the City of Cleveland, May 24, 1993 and October 28, 1996, respectively.

A MANDATORY PRE-BID MEETING IS SCHEDULED FOR FEBRUARY 5, 1997, 10:00 A.M. IN ROOM 400 OF THE DIVISION OF INFORMATION SYSTEMS, 1404 EAST 9TH STREET.

A Computer Network System, Including All Hardware, Software and Maintenance (Part II), for the Department of Law, as authorized by Ordinance Nos. 1130-93 and 1711-96, passed by the Council of the City of Cleveland, May 24, 1993 and October 28, 1996, respectively.

A MANDATORY PRE-BID MEETING IS SCHEDULED FOR FEBRUARY 5, 1997, 10:00 A.M. IN ROOM 400 OF THE DIVISION OF INFORMATION SYSTEMS, 1404 EAST 9TH STREET.

January 29 and February 5, 1997

### WEDNESDAY, FEBRUARY 19, 1997

Lamps, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2206-96, passed by the Council of the City of Cleveland.

Dry Cell Batteries, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2208-96, passed by the Council of the City of Cleveland.

Copper Pipe, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Bypass Piping, Fittings and Valves, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

January 29 and February 5, 1997

### THURSDAY, FEBRUARY 20, 1997

Interim Repairs of Fulton Road Bridge Over Metro Parks Zoo, for the Division of Engineering and

Construction, Department of Public Service, as authorized by Ordinance No. 535-96, passed by the Council of the City of Cleveland, May 13, 1996.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. PLANS AND SPECIFICATIONS SHALL BE AVAILABLE FOR PICK UP AFTER JANUARY 29, 1997.

**Phase 2 - Continuation Residential Sound Insulation Program**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, passed by the Council of the City of Cleveland, June 19, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 6, 1997, 10:00 A.M. LOCAL TIME IN CONCOURSE "B" CONFERENCE ROOM IN CLEVELAND HOPKINS INTERNATIONAL AIRPORT PASSENGER TERMINAL BUILDING, CLEVELAND, OHIO.

**Layout, Printing and Distribution of the Cleveland Flight Guide**, for the Department of Port Control, as authorized by Ordinance No. 2147-96, passed by the Council of the City of Cleveland.

January 29 and February 5, 1997

**FRIDAY, FEBRUARY 21, 1997**

**Paper Stock and Envelopes**, for the Division of Printing and Reproduction, Department of Finance.

**Three (3) Step/Cargo Vans, One (1) Horse Trailer and Tow Vehicle (Pickup) and Ten (10) 4-Wheel Drive Passenger Utility Vehicle**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

**Sound System**, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-94, passed by the Council of the City of Cleveland, November 21, 1994.

January 29 and February 5, 1997

**WEDNESDAY, FEBRUARY 26, 1997**

**Personal Computers and Various Peripherals and Software**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance

No. 143-95, passed by the Council of the City of Cleveland, March 27, 1995.

January 29 and February 5, 1997

**THURSDAY, FEBRUARY 20, 1997**

**Various Sewer Maintenance Appurtenances - Castings**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 169.27 of the Codified Ordinances of the City of Cleveland, 1976.

February 5 and February 12, 1997

**FRIDAY, FEBRUARY 21, 1997**

**Caterpillar Equipment Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1928-96, passed by the Council of the City of Cleveland, December 16, 1996.

**Reproduction and Mounting Services**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2210-96.

February 5 and February 12, 1997

**WEDNESDAY, FEBRUARY 26, 1997**

**Lake Road Exterior Maintenance - Metal Siding and Painting**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 424-96, passed by the Council of the City of Cleveland, December 16, 1996.

A MANDATORY PRE-BID MEETING IS SCHEDULED FOR WEDNESDAY, FEBRUARY 19, 1997, 10:00 A.M. AT THE OFFICES OF CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE.

**Hauling and Disposal of Water Plant Residuals**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1936-96, passed by the Council of the City of Cleveland, December 2, 1996.

**Rental of Flashers, Safety Lights, Arrow Bars and Traffic Control Devices**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1456-96, passed by the Council of the City of Cleveland, September 23, 1996.

February 5 and February 12, 1997

**WEDNESDAY, MARCH 5, 1997**

**Cleaning and Cement Mortar Lining of Distribution Water Mains Areas 97-4, 97-5 and 97-6**, for the Division of Water, Department of Port Utilities, as authorized by Ordinance No. 1796-96, passed by the Council of the City of Cleveland, December 16, 1996.

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 CON-

DITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 20, 1997, 10:00 A.M. IN AUDITORIUM A OF THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 5 and February 12, 1997

**FRIDAY, MARCH 7, 1997**

**Cleaning and Cement Mortar Lining of Distribution Water Mains Areas 97-1, 97-2 and 97-3**, for the Division of Water, Department of Port Utilities, as authorized by Ordinance No. 1796-96, passed by the Council of the City of Cleveland, December 16, 1996.

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 THURSDAY, FEBRUARY 20, 1997, 10:00 A.M. IN AUDITORIUM A OF THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

February 5 and February 12, 1997

## ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 130-97.**

**By Councilman Coats.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue, and repealing Res. No. 1120-96, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue by Res. No. 1120-96, adopted June 10, 1996; 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 D1 and D2 Liquor Permit to 18324 Euclid Avenue be and the same is hereby withdrawn and Res. No. 1120-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 27, 1997.

Effective January 31, 1997.

**Res. No. 131-97.**  
**By Councilman Jackson.**  
**An emergency resolution declar-**  
**ing the intention to vacate a portion**  
**of East 51st Street.**

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 51st Street, 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 EAST 51ST STREET (width varies), extending from the Northerly line of Woodland Avenue S.E. (99.00 feet wide), Northerly, to the Southerly line of Ruble Court S.E. (width varies).

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

Adopted January 27, 1997.

Awaiting the approval or disapproval of the Mayor.

**Res. No. 132-97.**  
**By Councilman O'Malley.**  
**An emergency resolution object-**  
**ing to the transfer of ownership of a**  
**C1 and C2 Liquor Permit to 4744**  
**Broadview Road.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 53786470005, M. Bush & Co. Inc., dba Broadview Food Mart, 4744 Broadview Road, Cleveland, Ohio 44109, to Permit No. 7114610, Puran Corp., dba Broadview Food Market, 4744 Broadview Road, Cleveland, Ohio 44109; and

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

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

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

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

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

Whereas, this objection is based on other legal grounds as set forth

in Revised Code Section 4303.292; and

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 53786470005, M. Bush & Co. Inc., dba Broadview Food Mart, 4744 Broadview Road, Cleveland, Ohio 44109, to Permit No. 7114610, Puran Corp., dba Broadview Food Market, 4744 Broadview Road, Cleveland, Ohio 44109, 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 January 27, 1997.

Effective January 31, 1997.

**Res. No. 133-97.**  
**By Councilman O'Malley.**  
**An emergency resolution object-**  
**ing to the transfer of ownership of a**  
**D1, D2 and D3 Liquor Permit to**  
**6801 Denison Avenue, first floor.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Avenue, first floor, Cleveland, Ohio 44102, to Permit No. 8200067, 6801 Denison Ave. Inc., dba Sand Bar, 6801 Denison Avenue, first floor, Cleveland, Ohio 44102; and

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

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

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

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

Whereas, the place for which the

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Avenue, first floor, Cleveland, Ohio 44102, to Permit No. 8200067, 6801 Denison Ave. Inc., dba Sand Bar, 6801 Denison Avenue, first floor, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 27, 1997.

Effective January 31, 1997.

**Res. No. 134-97.**  
**By Councilman Polensek.**  
**An emergency resolution with-**  
**drawing objection to the transfer of**  
**ownership of a D1 and D2 liquor**  
**permit to 16015 Lake Shore, and**  
**repealing Res. No. 1228-96, object-**  
**ing to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 16015 Lake Shore by Res. No. 1228-96, adopted June 18, 1996; 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 D1 and D2 Liquor Permit to 16015 Lake Shore be and the same is hereby withdrawn and Res. No. 1228-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Res. No. 135-97.**  
**By Councilman Rybka.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3996 East 71st Street.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 9323692, W.K.J. Family Market Inc., 3996 East 71st Street, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 9323692, W.K.J. Family Market Inc., 3996 East 71st Street, Cleveland, Ohio 44105, 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 January 27, 1997.  
Effective January 31, 1997.

**Res. No. 136-97.**  
**By Councilman Rybka.**  
**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7001 Union Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 6755337-0005, Deborah A. Patton, dba Dot's Carryout Beverage Store, 7001 Union Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 6755337-0005, Deborah A. Patton, dba Dot's Carryout Beverage Store, 7001 Union Avenue, Cleveland, Ohio 44105, 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 January 27, 1997.  
Effective January 31, 1997.

**Res. No. 137-97.**  
**By Councilman Westbrook.**  
**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 9613 Madison Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 0586851, Belinda's Bar Inc., dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102, to Permit No. 7593448, Alicia Ruitto, dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 0586851, Belinda's Bar Inc., dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102, to Permit No. 7593448, Alicia Ruitto, dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Res. No. 138-97.**  
**By Councilmen Westbrook, Patton and Rybka.**

**An emergency resolution to support the work of the Ohio Farmland Preservation Task Force and submit recommendations in conjunction with the First Ring Consortium.**

Whereas, Governor George V. Voinovich has established the Ohio Farmland Preservation Task Force for the purposes of studying the loss of farmland and making recommendations on methods for preserving land for agricultural production; and

Whereas, the policies, programs and practices of the State of Ohio have encouraged development of farmland at the outer edges of the Greater Cleveland region over redevelopment and maintenance of built communities such as Cleveland and its First Suburbs; and

Whereas, these policies and practices have undermined the economic strength and attractiveness of Cleveland and its First Suburbs, and put them at a competitive disadvantage to newer and developing communities; and

Whereas, conditions have been created that entice and push citizens and employers to locate in newer and developing communities; and

Whereas, growth in public funds required to service sprawling ex-urban development coupled with erosion of economic strength in Cleveland and its First Suburbs jeopardizes economic performance of the Greater Cleveland region; and

Whereas, preservation of farmland at the outer edges of the metropolitan region depends on the creation of more opportunities for citizens and employers to remain or locate in Cleveland and its First Suburbs.

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

**Section 1.** That the Council of the City of Cleveland hereby requests that the Ohio Farmland Preservation Task Force include the following in its recommendations to the Governor:

(a) The State of Ohio policies, programs and activities should be modified so as to favor redevelopment and maintenance of built communities over development of new communities; and

(b) The State of Ohio should set objectives for Ohio metropolitan regions concerning preservation of farmland and open spaces, and redevelopment and maintenance of built communities; and

(c) The State of Ohio should require that the counties that comprise each metropolitan region jointly and cooperatively devise a plan for meeting the State's objectives and establish mechanisms for implementing such plan.

**Section 2.** That the Clerk of Council shall transmit copies of this resolution to Governor George V. Voinovich, the Ohio Farmland Preservation Task Force and the First Ring Consortium.

**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 January 27, 1997.  
Effective January 31, 1997.

**Res. No. 139-97.**  
**By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 453 Dundee Drive, and repealing Res. No. 1548-96, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 453 Dundee Drive by Res. No. 1548-96, adopted August 14, 1996; 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 C2 and C2X Liquor Permit to 453 Dundee Drive be and the same is hereby withdrawn and Res. No. 1548-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Res. No. 140-97.**  
**By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 1429 Lakeview Road, and repealing Res. No. 1559-96, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road by Res. No. 1559-96, adopted August 14, 1996; 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 C2 and C2X Liquor Permit to 1429 Lakeview Road be and the same is hereby withdrawn and Res. No. 1559-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Res. No. 141-97.**  
**By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 10604 Superior Avenue, and repealing Res. No. 1557-96, objecting to said renewal.**

Whereas, this Council objected to the renewal of a Liquor Permit to 10604 Superior Avenue by Res. No. 1557-96, adopted August 14, 1996; 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 Liquor Permit to 10604 Superior Avenue be and the same is hereby withdrawn and Res. No. 1557-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Res. No. 142-97.**  
**By Councilman Willis.**

**An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 12420 Superior Avenue, and repealing Res. No. 1546-96, objecting to said renewal.**

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12420 Superior Avenue by Res. No. 1546-96, adopted August 14, 1996; 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 C2 and C2X Liquor Permit to 12420 Superior Avenue be and the same is hereby withdrawn and Res. No. 1546-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

Adopted January 27, 1997.  
Effective January 31, 1997.

**Ord. No. 2203-96.**

**By Councilmen Paulenske, 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 895 East 70 Street aka 850 East 72 Street to Even Cut Abrasive Company or its designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 105-16-087, as more fully described in Section 2 below, to Even Cut Abrasive Company or its designee.

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

P.P. No. 105-16-087

**Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Nos. 13 to 25 inclusive and the southerly one-half of Sublot No. 26 in W.J. Gordon's Estate Subdivision of part of Original One Hundred Acre Lots Nos. 348 and 350, as shown by the recorded plat in Volume 28 of Maps, Page 2 of Cuyahoga County Records, and together forming a parcel of land having frontage of 540 feet on the westerly side of East 72nd Street, (formerly Gordon Park Avenue) and extending back 180.83 feet deep on the northerly line, 180.77 feet deep on the southerly line, and having a rear line of 540 feet, as appears by 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 Nos. 20, 21, 22 and part of Sublot No. 23 in the W.J. Crawford's Re-Subdivision of parts of Original One Hundred Acre Lots Nos. 347 and 349, recorded in Volume 13 of Maps,

Page 17 of Cuyahoga County Records, and bounded and described as follows:

Beginning at the southwesterly corner of Sublot No. 20 on the Easterly line of East 70th Street (formerly Hoyt Avenue), 70 feet wide; thence North 00° 33' West, 149.00 feet along the easterly line of East 70th Street, to a point; thence North 89° 59' 27" East, 166.96 feet to the easterly line of the aforementioned W.J. Crawford's Subdivision; thence South 00° 00' 33" West, 149 feet, along the Easterly line of the aforesaid W. J. Crawford's Re-Subdivision to the southeast corner of Sublot No. 20; thence South 89° 59' 27" West, 166.96 feet along the southerly line of said Sublot No. 20 to the easterly line of East 70th Street, and the place of beginning, containing within the above premises 24,811.52 square feet of land, according to a survey made December 6, 1956 by Bauer Surveys Company, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed January 27, 1997.  
Effective January 31, 1997.

**Ord. No. 50-97.**

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

**An emergency ordinance authorizing the Director of Community Development to lease real property located north and adjacent to the Main Avenue Bridge between West 6th and West 9th Streets from the Board of County Commissioners of Cuyahoga County, and to then lease all or part of that same real property to Water Street Associates, Ltd., or its designee, for a term not to exceed fifty years to make parking available in support of a housing development project.**

Whereas, the acquisition of real property and interests in real property for housing development is a proper public purpose pursuant to Article VIII, Section 16 of the Ohio

Constitution; and

Whereas, the Board of County Commissioners of Cuyahoga County has proposed to lease to the City of Cleveland certain real property, located north and adjacent to the Main Avenue Bridge between West 6th and West 9th Streets, for the purposes of enhancing housing development; and

Whereas, the City of Cleveland desires to lease all or part of that same real property to Water Street Associates, Ltd., or its designee, for the purpose of providing parking for a housing project developed consistent with policies and standards set by the City; and

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

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

**Section 1.** That notwithstanding and as an exception to the provision of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease from the Board of County Commissioners of Cuyahoga County certain real property located north and adjacent to the Main Avenue Bridge between West 6th and West 9th Streets, and more fully described as follows:

**LEASE PARCEL 1**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Numbers 1 and 2, together forming a parcel of land bounded and described as follows:

Beginning in the Northeasterly line of West 9th Street, 99 feet wide, at a drill hole and cross found at the most Southerly corner of a parcel of land conveyed to Bardons and Oliver, Inc., by deed dated December 20, 1938 and recorded in Volume 5045, Page 412 of Cuyahoga County Records, said point also being distant North 33° 53' 07" West measured along said Northeasterly line of West 9th Street, 244.75 feet from the center line of Lakeside Avenue N.W., 99 feet wide;

Course No. 1: Thence North 56° 07' 23" East along the Southeasterly line of land so conveyed to Bardons and Oliver, Inc., 132.82 feet to a capped 5/8" iron pin found at the most Easterly corner thereof and a point in the Southwesterly line of Original Two Acre Lot Number 2;

Course No. 2: Thence South 33° 53' 34" East along said Southwesterly line of Lot Number 2, 0.25 feet to a railroad spike found at the most Westerly corner of a parcel of land conveyed to the Board of County Commissioners of Cuyahoga County by deed dated October 29, 1938 and recorded in Volume 4911, Page 690 of Cuyahoga County Records;

Course No. 3: Thence North 56° 07' 23" East along the Northwesterly line of land so conveyed to the County Commissioners, 132.82 feet to a railroad spike found at the most Northerly corner thereof and the Northeasterly line of Original Two Acre Lot Number 2;

Course No. 4: Thence South 33° 54' 01" East along said Northeasterly line of Original Two Acre Lot number 2, 9.52 feet to the Northwesterly face of the wall of the ramp leading to the Main Avenue Bridge;

Thence in a general Southwesterly

ly direction along the face of the wall of the ramp leading to the Main Avenue Bridge the following courses and distances;

Course No. 5: Thence South 56° 13' 19" West, 20.82 feet to an angle point therein;

Course No. 6: Thence South 56° 04' 22" West, 49.99 feet to an angle point therein;

Course No. 7: Thence South 56° 09' 11" West, 100.29 feet to an angle point therein;

Course No. 8: Thence South 56° 04' 05" West, 79.62 feet to the bridge pier of said ramp;

Course No. 9: Thence North 33° 39' 40" West along the Northeasterly face of said bridge pier, 4.84 feet;

Course No. 10: Thence South 56° 20' 20" West along the Northwesterly face of said bridge pier and in Southwesterly prolongation, 14.94 feet to its intersection with the first aforementioned Northeasterly line of West 9th Street;

Course No. 11: Thence North 33° 53' 07" West, along said Northeasterly line of West 9th Street, 4.91 feet to the place of beginning, bearings are to be assumed meridian and are used to indicate angles only, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in December, 1996.

#### LEASE PARCEL 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Two Acre Lot Numbers 3 and 4, together forming a parcel of land bounded and described as follows:

Beginning in the Southwesterly line of West 6th Street, 99 feet wide, at a capped 5/8" iron pin found at the most Easterly corner of a parcel of land conveyed to Bardons and Oliver, Inc., by deed dated June 25, 1979 and recorded in Volume 15058, Page 819 of Cuyahoga County Records;

Course No. 1: Thence South 33° 56' 25" East along said Southwesterly line of West 6th Street, 3.04 feet to its intersection with the back of the curb of the ramp leading to the Main Avenue Bridge;

Thence in a general Southwesterly direction along said back of curb the following courses and distances;

Course No. 2: Thence Southwesterly along the arc of a circle deflecting to the right, a distance of 6.33 feet to a point of compound curvature therein, said curved line having a radius of 42.27 feet and a chord which bears South 38° 14' 06" West, 6.32 feet;

Course No. 3: Thence continuing Southwesterly along the arc of a circle deflecting to the right, a distance of 43.56 feet to a point of compound curvature therein, said curved line having a radius of 281.88 feet and a chord which bears South 46° 57' 22" West, 43.51;

Course No. 4: Thence continuing Southwesterly along the arc of a circle deflecting to the right, a distance of 26.01 feet to its intersection with the Northeasterly face of the wall of said ramp, said curved line having a radius of 356.30 feet and a chord which bears South 53° 28' 28" West, 26.00 feet;

Course No. 5: Thence North 37° 17' West along said Northeasterly edge of the wall of the ramp leading to the Main Avenue Bridge, 1.11 feet to the most Northerly corner thereof;

Thence in a general Southwester-

ly direction along the Northwesterly face of the wall of said ramp, the following courses and distances:

Course No. 6: Thence South 56° 03' 04" West, 34.56 feet to an angle point therein;

Course No. 7: Thence South 56° 06' 59" West, 57.74 feet to a corner therein;

Course No. 8: Thence South 33° 53' 01" East, 0.53 feet to an inner corner therein;

Course No. 9: Thence South 56° 13' 19" West, 48.86 feet to a point in the Southwesterly line of the aforementioned Original Two Acre Lot Number 3;

Course No. 10: Thence North 33° 54' 01" West along said Southwesterly line of Original Two Acre Lot Number 3, 12.55 feet to the most Southerly corner of Parcel A of land conveyed to Bardons and Oliver, Inc., by deed dated December 20, 1938 and recorded in Volume 5045, Page 412 of Cuyahoga County Records;

Course No. 11: Thence North 56° 08' 08" East along the Southeasterly line of Parcel A of land so conveyed to Bardons and Oliver, Inc., and along the Southeasterly line of land conveyed to Bardons and Oliver, Inc., as first aforementioned, passed through a drill hole at 0.51 feet, 216.17 feet to the place of beginning, bearings are to an assumed meridian and are used to indicate angles only, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors made in December, 1996.

**Section 2.** That the rent for the lease described in Section 1 shall be for fair market value as determined by the Board of Control; that the lease shall be for a term of not to exceed fifty (50) years as determined by the Director of Community Development and subject to an annual appropriation by Council; that the lease shall be for the purpose of enhancing housing development; that the costs of the lease shall be paid from Fund No. 14 SF 810 and that the lease shall contain any other provisions that the Director of Community Development and Director of Law deem necessary to protect the public interest and effect the purpose of housing development.

**Section 3.** 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 Community Development is authorized to lease all or part of the real property described in Section 1 to Water Street Associates, Ltd., or its designee, which property is determined to be not needed for any public use other than the provision of parking for housing development.

**Section 4.** That the rent for the real property described in Section 3 shall be for fair market value as determined by the Board of Control; that the lease shall be for a term equal to the term described in Section 2; that the lease shall be for the purpose of provision of parking for housing development; and that the lease shall contain any other provisions that the Director of Community Development and Director of Law deem necessary to protect the public interest and effect the purpose of housing development.

**Section 5.** That the Director of Community Development and Law, and other appropriate City officials, are hereby authorized to execute any other documents and certificates, and take any other actions as

may be necessary or appropriate to effect the leases 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.

Passed January 27, 1997.

Effective January 28, 1997.

#### Ord. No. 126-97.

##### By Councilman Coats.

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Coupe One Lounge to stretch a banner on Euclid Avenue at Green Road for the period from January 30, 1997 to March 1, 1997, inclusive, publicizing "Black History Month".**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Coupe One Lounge to install, maintain and remove a banner on Euclid Avenue at Green Road for the period from January 30, 1997 to March 1, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed January 27, 1997.

Effective January 31, 1997.

#### Ord. No. 127-97.

##### By Councilman Patmon.

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Pilgrim Church of Christ to stretch a banner at East 105th Street and St. Clair Avenue for the period from April 11, 1997 to May 1, 1997, inclusive, publicizing the 14th Annual Family, Health & Job Expo.**

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

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



**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Pilgrim Church of Christ to install, maintain and remove a banner at East 105th Street and St. Clair Avenue for the period from April 11, 1997 to May 1, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed January 27, 1997.  
Effective January 31, 1997.

**Ord. No. 128-97.**

**By Councilman Patmon.**

**An emergency ordinance to amend Sections 667.05 and 667.99, as enacted and amended by Ordinance No. 272-96, passed December 16, 1996, relating to discrimination and the penalty therefor.**

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 Sections 667.05 and 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended, respectively, by Ordinance No. 272-96, passed December 16, 1996, are hereby amended to read, respectively, as follows:

**Section 667.05 Unlawful Discrimination in Employment**

(a) No person shall refuse to employ or to bar or to discharge from employment any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(b) No person shall refuse to promote or grant any condition or privilege of employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(c) As used in this section, "person" means an individual, corporation, business trust, estate, trust, partnership, labor organization and association.

(d) As used in this section, "labor organization" means any organization which exists and is constructed for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection in connection with employment.

(e) In accordance with the Religious Freedom Restoration Act, 42 U.S.C. 2000bb *et seq.*, and other state and federal laws, nothing in this ordinance shall be construed to infringe the free exercise of religious rights under the First Amendment to the United States Constitution, nor shall the ordinance be construed to affect bona fide occupational qualifications based upon religion for employment.

**Section 667.99 Penalty**

(a) Whoever violates any of the provisions of Section 667.05 shall be guilty of a misdemeanor of the first degree and shall be fined not less than one thousand dollars (\$1,000.00), or sentenced to not less than three (3) months imprisonment, or both. The minimum fine and imprisonment to be imposed by a court for a violation of Section 667.05 is mandatory and may not be suspended in whole or in part.

(b) Whoever violates any other provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) and imprisoned for not more than thirty days.

**Section 2.** That existing Section 667.05 and 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended, respectively, by Ordinance No. 272-96, passed December 16, 1996, are hereby repealed.

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

Passed January 27, 1997.  
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 129-97.**

**By Councilmen Paulenske and Westbrook.**

**An emergency ordinance granting permission and authority to the Women's City Club to dispense alcoholic beverages in the City Hall Rotunda on Saturday, May 3, 1997.**

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 anything to the contrary contained in the Codified Ordinances of Cleveland, Ohio, 1976, permission and authority is hereby granted to the Women's City Club to dispense alcoholic beverages in the City Hall

Rotunda on Saturday, May 3, 1997, in connection with their event, provided said dispensing meets all requirements of state law.

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

Passed January 27, 1997.  
Effective January 31, 1997 without the signature of the Mayor.

**RULES OF THE DIRECTOR OF PUBLIC SAFETY**

Pursuant to the authority vested in the Director of Public Safety by Council of the City of Cleveland under Section 403.03 of the Codified Ordinances of the City of Cleveland, the following are hereby adopted, ordered published in the City Record immediately and to take effect and be in force Ten (10) days thereafter and upon the erection of signs as required by Section 403.03 of the Codified Ordinances of the City of Cleveland.

**Rule No. 2-97.1 - Amendment of Rule No. 2 - No Parking 7 A.M. to 6 P.M.**

**Rule No. 2 is hereby amended by adding thereto the following streets or sections of streets:**

Wadepark Ave. both sides from east curb line of E. 105 St. to west curb line of E. 118 St. (Approved by Councilman Willis)

DAVID B. RITZ,  
Commissioner  
Division of Traffic Engineering

WILLIAM M. DENIHAN,  
Director  
Department of Public Safety  
January 29, 1997

February 5, 1997

**COUNCIL COMMITTEE MEETINGS**

**Monday, February 3, 1997**

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

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

**Wednesday, February 5, 1997**

**Public Safety Committee: 10:00 A.M.** — Present: Polensek, Chrm.; Dolan, Gordon, Jackson, O'Malley, Patmon, Patton, Zone. Excused: Willis, Vice Chrm.

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