

The City Record

Official Publication of the City of Cleveland

January the Thirty-First, Nineteen Hundred and Ninety-Six

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odellia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	13726 Elsetta Avenue	44135
21	David McGuiRK	17101 Amber Drive	44111

Clerk of Council-Artha Woods, 216 City Hall, 664-2840.
First Assistant Clerk-Sandra Franklin.

MAYOR-Michael R. White
Lavonne Sheffield-Turner, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
Linda Willis, Director, Office of Equal Opportunity

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

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

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, Rm. 518
Motor Vehicle Maintenance, Donald L. Haskins, 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 - Juan Molina Crespo, Acting 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, 1825 Lakeside Avenue.
DIVISIONS - Police - John J. Collins, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - William E. Lee, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.

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 - Festus Cassels, 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, Susan Axelrod, Director

COMMUNITY RELATIONS BOARD - Room 11, Sam Thomas, III, Exec. Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele Springman, Vice-Chairman; Councilmen Michael Polensek and Edward Rybka, City Council Representatives; Louise Boddie, Jr., Muqit Abdul Sabur, Clifford Savren, Henry Simon, George S. Smilnak, Harry Taketa, Timothy Cosgrove.

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; James J. Marniella, Vice President; Donna K. Nelson, Secretary; Timothy J. Cosgrove, Member.

SINKING FUND COMMISSION - Michael R. White, President; Patricia Stokes, Asst. Sec'y.; Kathryn Burrer Hyer, Director; President of Council Jay Westbrook.

BOARD OF ZONING APPEALS - Room 516, Valerie Schwonek, Chairman; Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony Petkovsek, Anthony Costanzo, Sec'y.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room 516, J. F. Denk, Chairman; J. Bowes, S. K. Birch, Alternate Members - D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan. Exec. Sec'y.

BOARD OF REVISION OF ASSESSMENTS - Law Director, Sharon Sobol Jordan; Pres. Finance Director, Kathryn Burrer Hyer, 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 Thomas D. Corrigan, 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, Kathryn Burrer Hyer, Councilmen James Rokakis, Jay Westbrook.

BOARD OF EXAMINERS OF ELECTRICIANS - Ralph R. Carpinelli, Chairman; Marion J. Long, Anton J. Eichmuller, Samuel Montfort J. Gilbert Steele, Laszlo V. Kemes, Secretary.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Ben S. Eulinberg, Martin J. Kilbane, 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
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

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OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, JANUARY 31, 1996

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CITY COUNCIL

MONDAY, JANUARY 29, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio January 22, 1996.
The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.

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

Also present were Chief of Staff Sheffield-Turner and Directors Konicek, Cunningham, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Axelrod, Thomas, and Acting Directors Horvath, Brown, Carmody and Holland.

Absent: Mayor White and Directors Sobol Jordan, Hyer, Morrison and Denihan.

The opening prayer was dispensed with. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 185-96.

From Concerned Parents. Letters and petitions from concerned parents of children attending Cleveland Public Schools. Received.

File No. 186-96.

From Fair Campaign Finance Commission. By-Laws of the City of Cleveland, Ohio, Fair Campaign Finance Commission. Received.

File No. 187-96.

From Cablevision of Cleveland, L.P. — FCC Form 1210, updating maximum permitted rates for regulated cable services. Received.

File No. 135-96.

January 19, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Kathryn Hall for appointment to the Community Relations Board as a public appointment. This appointment is effective immediately upon approval of Council and will expire 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 APPOINTMENT

The Chair appointed Councilman Edward Rybka as Chairman and Councilmen Patricia Britt, Charles Patton, Michael Polensek and Craig Willis to consider the Mayor's Appointment to the Community Relations Board.

CONDOLENCE RESOLUTIONS

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

Res. No. 174-96. Marie Mack Matthews.

Res. No. 175-96. George Apling.

Res. No. 176-96. Charlie Sidney Roberts.

Res. No. 177-96. Earlene Brooks.

Res. No. 178-96. Dorothy Brown.

CONGRATULATORY RESOLUTIONS

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

Res. No. 179-96. Michael DeGrandis.

Res. No. 180-96. Betty Ann Martin Anson Lawrence.

Res. No. 181-96. Patrolman Stanley Barchanowicz.

RESOLUTIONS OF RECOGNITION

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

Res. No. 182-96. Harold & Mary Jones.

Res. No. 183-96. Rose Lovano.

Res. No. 184-96. AIDS Taskforce of Greater Cleveland/National Black Church Week.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 136-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gasoline for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21029)

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

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

Ord. No. 137-96.

By Councilmen Coats and Rokakis (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 rehabilitating or reconstructing the West 44th Street Bridge over Conrail and Train Avenue, City Bridge No. 1:053.

Whereas, in Ordinance No. 649-87, passed March 30, 1987, this Council

gave consent to the Director of Transportation, State of Ohio, for rehabilitating, repairing and reconstructing the West 44th Street Bridge over Conrail and Train Avenue, City Bridge No. 1:053; and

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

Whereas, the City's share of the cost of such improvement is approximately \$778,100.00; 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 the improvement of rehabilitating, repairing and reconstructing the West 44th Street Bridge over Conrail and Train Avenue, City Bridge No. 1:053 from Fund Nos. 20 SF 322, 20 SF 190, 20 SF 312, and 20 SF 883, Request No. 21791.

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

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

Ord. No. 138-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor to apply for, and the Director of Community Development to accept, a XXII 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 1996 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 Nine Hundred Twenty Thousand Dollars (\$31,920,000.00) 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 Seven Hundred Fifty Three Thousand Dollars (\$8,753,000.00) 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 XXII 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. 138-96-A, with the adjustments to the line items as reflected in the document titled Community Development Block Grant, Year XXI 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 XXII year grant, pursuant to Title I of the Housing and Community Act of 1974.

Section 4. That the Mayor, the Directors of Community Development 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 \$7,128,000 from the United States Department of Housing and Urban Development to conduct the Federal Home Grant Program; a grant in the amount of \$1,150,000 to conduct the Emergency Shelter Grant Program; and a grant in the amount of \$475,000 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, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 139-96.

By Councilmen 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 7204-08 Central Avenue and 7216-18 Central Avenue to Stanley Jackson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-33-006 and 118-33-008, as more fully described in Section 2 below, to Stanley Jackson.

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. 118-33-006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 69 in M. B. Sterling Allotment of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 3 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly line of Central Avenue, S.E. and extending back 148.04 feet on the Easterly line, 147 feet on the Westerly line and being 40 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-33-008

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 67 in M.B. Sterling's Allotment of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 3 of Maps, Page 40 of Cuyahoga County Records and being 40 feet front on the Southerly side of Central Avenue S.E. and extends back 150 feet 1-1/2 inches on the Easterly line, 149 feet 1 inch on the Westerly line and has a rear line of 40 feet as appears by said plat, 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, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 140-96.

By Councilman 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 2352 East 59 Street to Syretha McConnell.

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. 118-28-029, as more fully described in Section 2 below, to Syretha McConnell.

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. 118-28-029

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 233 in W. S. Chamberlain Allotment of a part of Original One Hundred Acre Lot No. 334, as shown by the recorded plat of said Allotment in Volume 6 of Maps, Page 14 of Cuyahoga County Records and being 50 feet front on the Westerly side of East 59th Street (formerly First Avenue) and extending back of equal width 150 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, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 141-96.

By Councilmen 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 2175-79 East 71 Street to Pernel Jones Funeral Home.

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. 118-25-007, as more fully described in Section 2 below, to Pernel Jones Funeral Home.

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. 118-25-007

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 70 in H. C. Sterling's Allotment of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 71st Street, and extending back between parallel lines 160 feet deep, as appears by said plat, 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, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 142-96.

By Councilmen 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 2191 East 71 Street to Annie Delores Wooden and Demella Y. Wooden.

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. 118-25-003, as more fully described in Section 2 below, to Annie Delores Wooden and Demella Y. Wooden.

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. 118-25-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 66 in H. C. Starling's Allotment of part of Original 100 Lot No. 336 as shown by the recorded plat in Volume 5 of Maps, Page 60 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 71st Street and extending back between parallel lines 160 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions and easements contained in deed recorded in Volume 550, Page 262, 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. 143-96.

By Councilmen 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 7716 and 7708 Rawlings Avenue to Diane G. Vaughn.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 124-28-069 and 124-28-071, as more fully described in Section 2 below, to Diane G. Vaughn.

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. 124-28-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot 45, J. H. Hardy's Subdivision, Plat Book 4, Page 4, Cuyahoga County Records, 52.15 feet on the southerly side of Rawlings Avenue, 150 feet on the westerly line, 150 feet on the easterly line, 51.51 feet rear, be the same more or less, but subject to all legal highways.

P. P. No. 124-28-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Westerly 25 feet of Sublot No. 46 in J. H. Hardy's Subdivision of part of Original 100 Acre Lot No. 330 as shown by the recorded plat in Volume 4 of Maps, Page 4 of Cuyahoga County Records, and being 25 feet front on the Southerly side of Rawlings

Avenue, S.E. and extending back of equal width 150 feet, as appears by said plat, 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. 144-96.

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

An emergency ordinance declaring the property located at 2654 Lisbon Road blighted premises pursuant to Section 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises.

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

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

Section 1. That, pursuant to the requirements of Sections 324.01 through 324.16, inclusive, of the Codified Ordinances of Cleveland, Ohio, 1976 ("Codified Ordinances"), including obtaining the consent of the Council member in whose ward the premises are located, the Director of Community Development has hereby found and determined that Permanent Parcel No. 126-20-025, located at 2654 Lisbon Road, Cleveland, Ohio, and owned by Arthur I. Rauch, are blighted premises, as defined by Section 324.03 of said Codified Ordinances, because the blighted premises has been condemned pursuant to the Codified Ordinances. Furthermore, it is the opinion of the Director that it is necessary for the City of Cleveland to acquire the blighted premises because the owner of the blighted premises has not respond-

ed to a lawful order by the City to take action to eliminate its recurrence within 30 days after due notice thereof.

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

Section 3. That, based upon the factors set forth in Section 1 hereinabove and compliance with the public notice requirement set forth in Section 2 hereinabove, this Council, as required by Sections 324.10 and 324.11, of the Codified Ordinances, hereby finds and determines that Permanent Parcel No. 126-20-025, located at 2654 Lisbon Road, is a blighted premises as defined in Section 324.03 of the Codified Ordinances, and that acquisition of the premises is necessary in order to eliminate the blight and prevent its recurrence.

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

SPOT ELIMINATION BLIGHT
2654 Lisbon Road
PPN: 126-20-025

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and know as being part of Original One Hundred Acre Lot Nos. 415 and 423, and bounded and described as follows:

Beginning at the intersection of the Northwesterly line of Lisbon Road, S.E., (50 feet wide), with the Southwesterly line of Evins Avenue, S.E., (40 feet wide);

Thence Northeasterly along the Northwesterly line of Lisbon Road, S.E., 44.66 feet to a Northeasterly corner of land conveyed to the Gerson-Stewart Corporation by deed dated October 7, 1941, and recorded in Volume 5405, Page 737 of Cuyahoga County Records;

Thence North 59° 14' 30" West, along a Northeasterly line of land so conveyed to the Gerson-Stewart Corporation, 32 feet to an angle;

Thence South 64° 19' 50" West along a Northwesterly line of land so conveyed to the Gerson-Stewart Corporation, 17.60 feet to a Southerly corner of land conveyed to Jay C. Price and Nina E. Price by deed dated August 18, 1942, and recorded in Volume 5462, Page 296 of Cuyahoga County Records, and the principal place of beginning;

Thence North 83° 20' 30" West along a Southerly line of land so conveyed to Jay C. and Nina E. Price, 63.43 feet to an angle therein;

Thence North 59° 37' 40" West along a Southwesterly line of land so conveyed to Jay C. and Nina E. Price, 52.79 feet to a Southwesterly corner thereof;

Thence North 03° 21' 50" West, along a Westerly line of land so conveyed to Jay C. and Nina E. Price, 111.09 feet to an Easterly line of land conveyed to Pennsylvania Refining Company by deed dated July 31, 1941, and recorded in Volume 5403, Page 645 of Cuyahoga County Records;

Thence South 09° 27' 00" West along an Easterly line of land so conveyed to Pennsylvania Refining

Company, 36.81 feet to a point of curvature;

Thence Southerly along an Easterly line of land so conveyed to Pennsylvania Refining Company along the arc of a curve deflecting to the right, 70.76 feet, said arc having a radius of 238.37 feet and a chord which bears South 17° 57' 15" West, 70.50 feet to a Southeasterly corner thereof;

Thence North 56° 26' 10" West along a Southwesterly line of land so conveyed to Pennsylvania Refining Company, 65.92 feet to an inner corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 148.34 feet to an inner corner thereof;

Thence South 44° 52' 20" East along a Northeasterly line of land so conveyed to Pennsylvania Refining Company 55.33 feet to a Southeasterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land so conveyed to Pennsylvania Refining Company, 87.85 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated August 25, 1942, and recorded in Volume 5466, Page 400 of Cuyahoga County Records;

Thence South 44° 52' 20" East, along a Northeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, 106.88 feet to the most Easterly corner thereof;

Thence South 45° 07' 40" West along a Southeasterly line of land conveyed to Pennsylvania Refining Company by deed last aforesaid, about 7.38 feet to the most Northerly corner of land conveyed to Pennsylvania Refining Company by deed dated October 11, 1957, and recorded in Volume 9021, Page 154 of Cuyahoga County Records;

Thence South 44° 54' 40" East along the Northeasterly line of land conveyed to Pennsylvania Refining Company as last aforesaid, about 54.17 feet to the most Westerly corner of land conveyed to The Ohio Confection Company by deed dated December 10, 1941, and recorded in Volume 5418, Page 553 of Cuyahoga County Records;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 69.73 feet to a Northeasterly corner thereof;

Thence South 44° 53' 40" East along a Northeasterly line of land so conveyed to The Ohio Confection Company, 18.06 feet to an inner corner thereof;

Thence North 45° 06' 20" East along a Northwesterly line of land so conveyed to The Ohio Confection Company, 105.80 feet to an inner corner thereof;

Thence North 44° 53' 40" West along a Southwesterly line of land so conveyed The Ohio Confection Company, 38.43 feet to a Northwesterly corner thereof;

Thence North 45° 06' 20" East, along a Northwesterly line of land so conveyed to The Ohio Confection Company and along a Northwesterly line of land conveyed to The Gerson-Stewart Corporation by deed aforesaid, 153.14 feet to the principal place of beginning, according to a survey dated March, 1947, made by Charles W. Root, Registered Professional Engineer, be the same more or less, but subject to all legal highways.

Section 5. That the Mayor, Direc-

tor of Law and the Director of Community Development are hereby authorized to execute such certifications and documents, and to take such other actions as may be necessary or appropriate in connection with the acquisition of the blighted premises, and the activities contemplated by Chapter 324 of the Codified Ordinances.

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. 145-96.

By Councilman Miller (by request).

An emergency ordinance to accept the dedication of portions of West 204th Street, West 205th Street, Bacon Avenue, Hillside Road, and Grayhill Road.

Whereas, those portions of West 204th Street (50.00 feet wide), West 205th Street (50.00 feet wide), Bacon Avenue S.W. (50.00 feet wide), Hillside Road S.W. (60.00 feet wide), and Grayhill Road S.W. (50.00 feet wide), are now open and used as public streets, and it is necessary for the general public's access to the Hillside Subdivision; and

Whereas, the aforementioned streets must be dedicated and accepted to public use by the City of Cleveland; and

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

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

Section 1. That the dedication of WEST 204TH STREET (50.00 feet wide), extending Northerly from the Northerly right-of-way line of Hillside Road, S.W. (60.00 feet wide), to the Southerly right-of-way line of Grayhill Road S.W. (50.00 feet wide); and,

WEST 205TH STREET (50.00 feet wide), extending Northerly from the Northerly right-of-way line of Hillside Road S.W. (60.00 feet wide), to its intersection with Grayhill Road S.W. (50.00 feet wide); and, BACON AVE. S.W. (50.00 feet wide), extending Westerly from the Westerly right-of-way line of West 205th Street (50.00 feet wide), to its Westerly terminus, said point also being the Westerly line of the Hillside Subdivision as recorded in Volume 195, Page 56 of Cuyahoga County Records; and, HILLSIDE ROAD S.W. (60.00 feet wide), extending Westerly from the Easterly line of the Hillside Subdivision as recorded in Volume 195, Page 56 of Cuyahoga County Records to its Westerly terminus, said point also being the Westerly line of the aforesaid Hillside Subdivision; and, GRAYHILL ROAD S.W. (50.00 feet wide), extending Westerly from the Easterly line of the Hillside Subdivision as recorded in Volume 195, Page 56 of Cuyahoga County Records to its intersection with West 205th Street (50.00 feet wide), be and the same

are hereby accepted as dedicated streets for public use in the City of Cleveland.

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

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

Ord. No. 146-96.

By Councilman Miller.

An emergency ordinance to amend Section 345.04 of the Codified Ordinances of the City of Cleveland, Ohio, 1976 as amended by Ordinance No. 1447-94, passed September 19, 1994, relating to prohibited uses in General Industry Districts.

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

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

Section 1. That Section 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1447-94, passed September 19, 1994, is hereby amended to read as follows,

Section 345.04 General Industry Districts

(a) **Permitted Buildings and Uses.** Within any General Industry District the following buildings or uses are permitted; no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or part for other than one or more of the following specified uses.

(1) All buildings and uses permitted in a Semi-Industry District without the restrictions contained in Section 345.03 applying to such buildings or uses except that:

A. Loading or unloading platforms of motor freight depots or trucking terminals shall not be less than fifty feet from the street line unless such platforms are so located that freight handling vehicles will not stand or maneuver in the space between the platform and the street line.

B. Dusty material storage and handling shall be subject to the limitations and restrictions of Section 347.05.

C. All buildings and uses shall conform to other applicable regulations of this Zoning Code and other applicable statutes, ordinances, rules or regulations.

(2) Any industrial, manufacturing, commercial or other nonresidential use, except the uses hereinafter listed as prohibited uses in a General Industry District.

(3) The open yard storage of secondhand lumber or other used building material, junk, paper, rags, unrepaired or uncleaned containers or other salvaged articles provided such uses are enclosed within a minimum seven-foot high solid masonry wall or slightly solid, non-transparent, well-maintained substantial fence not closer to the street line than the setback building line and not closer than fifty feet to any Residence District. Such wall or fence may have one open-

ing not more than twenty feet in width for street access, and may have two such openings if the wall or fence along the street is more than 200 feet in length.

(4) The operation of wrecking or dismantling of motor vehicles, or the storage of motor vehicles, pending wrecking or dismantling, in areas with a minimum area of 50,000 square feet providing such premises is enclosed within a minimum seven-foot high solid masonry wall or slightly solid, nontransparent, well maintained substantial fence. Such wall or fence may have one opening not more than twenty feet in width for street access and may have two such openings if the wall or fence along the street is more than 200 feet in length. All walls or fences referred to in this chapter shall be neatly constructed, kept in good order and repair; no printing, lettering or advertisement shall be made part of or attached thereto or painted on the outside of the wall or fence, except that a sign located at the entrance to the yard may be provided to identify the yard.

(5) The sale or storage for sale of liquefied petroleum gases and acetylene and other compressed or liquefied gases of a highly flammable nature.

(6) Buildings and structures in Use Group I-3 in the Ohio Basic Building Code but only at the State of Ohio Pre-Release Center located on Orange Avenue.

(b) **Accessory Uses by Special Permit.** The following uses are prohibited as the main or primary use of the premises; they are permitted only as uses accessory or incidental to a permitted use and only on special permit from the Board of Zoning Appeals:

(1) Asphalt or tar manufacturing or refining.

(2) Blast furnaces, ore smelting or reduction, metal refining or smelting.

(3) Carbon, coke or lampblack manufacture.

(4) Coal gas manufacture.

(5) Cremation within 300 feet of a Residence District.

(6) Creosote manufacture or treatment.

(7) Dextrine, glucose or starch manufacture

(8) Disinfectant or insecticide manufacture which emits offensive odors.

(9) Dye stuffs manufacture.

(10) Manufacture of steel by the Bessemer process.

(11) Match manufacture.

(12) Oil cloth or linoleum manufacture.

(13) Paper and pulp manufacturing by sulphite processes emitting noxious gases or odors.

(14) Production or refining of petroleum or other flammable liquids.

(15) Rock crushing.

(16) Rubber manufacture by reclaiming processes.

(17) Stock feed manufacture from refuse.

(18) Tanning, curing or storing of raw hides or skins.

(19) Wool pulling or scouring.

(20) Hair processing.

(21) Any other trade, industry or use that will be no more injurious, hazardous, noxious or offensive than the enterprises listed in division (b) of this section.

(c) **Buildings and Uses Prohibited.**

(1) In a General Industry District no building or premises shall here-

after be erected, altered or arranged for human habitation other than at the State of Ohio Pre-Release Center located on Orange Avenue, except that the Board of Zoning Appeals may grant special permission for temporary dwellings or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use;

(2) In a General Industry District no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part, for any of the following uses:

A. Acid manufacture, including hydrochloric acid, nitric acid, picric acid, sulphuric acid, and sulphurous acid.

B. Ammonia, bleaching powder, soda, soda compound, potash or chlorine manufacturing or refining.

C. Bronze powder or other metallic powder manufacture.

D. Cement, gypsum, lime, or plaster of Paris manufacture.

E. Distillation of bones, coal or wood, or manufacture of any of the by-products of such distillation.

F. Fat, grease, lard or tallow manufacturing, rendering or refining.

G. Fertilizer manufacture from phosphates or organic matter.

H. Gelatine, glue or size manufacture.

I. Incineration or reduction of dead animals, garbage, offal or refuse, except in a private incinerator constructed and operated as required by Section 337.23.

J. Manufacture of incendiary devices, pyrotechnical devices, fireworks, and other explosives, or the storage thereof.

K. Mineral insulation manufacture.

L. Rayon manufacture.

M. Slaughtering of animals, except poultry.

N. Stockyards.

O. Any other trade, industry or use that will be injurious, hazardous, noxious, or offensive to an extent equal to or greater than any one of the enterprises enumerated in division (c)(2) of this section.

Section 2. That existing Section 345.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1447-94, passed September 19, 1994 is hereby repealed.

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

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

Ord. No. 147-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 570 East 101 Street to Eleanor Walker.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facili-

tate 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. 108-08-053, as more fully described in Section 2 below, to Eleanor Walker.

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. 108-08-053

Situated in the city of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 66 in the Scharsinger and Tremaine Subdivision of part of Original East Cleveland Lot No. 361 as shown by the recorded plat in Volume 18, Page 7 of Cuyahoga County Map Records, and further described as being 40.00 feet front on the West-erly side of East 101st Street and extending back of equal width 120 feet according to a survey by Robert H. Krauss, Registered Ohio Surveyor No. 2885 in January, 1953, be the same more or less, but subject to all legal highways. The above parcel is subject to the following described 10 foot wall and driveway easement taken off the Southerly side thereof for the purpose of ingress or egress to and from the premises adjoining West-erly thereto known as 562 and 572 East 101st Street and more fully described as follows: Beginning in the Southeasterly corner of said Sublot No. 66; thence Westerly 120.00 feet to the Southwesterly corner of said Sublot No. 66; thence Northerly 10.00 feet along the Westerly line of said Sublot No. 66 to a point there-in; thence Easterly 120.00 feet parallel with said Southerly line of Sublot No. 66 to a point in said Westerly line of East 101st Street; Thence Southerly 10.00 feet along said Westerly line of East 101st Street to the place of beginning, 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. 148-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 558 East 102 Street to Susie E. and Artis Faucette.

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. 108-08-100, as more fully described in Section 2 below, to Susie E. and Artis Faucette.

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. 108-08-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in Schatzinger and Tremaine's Subdivision of part of Original One Hundred Acre Lot No. 361, as shown by the recorded plat in Volume 18 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 102nd Street (formerly Eldridge Avenue) and extending back between parallel lines 122.50 feet deep, as appears by said plat.

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. 149-96.

By Councilmen White, 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 3669 East 91 Street to JPS, Inc., d.b.a. Garfield Metal Products, Inc.

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. 133-24-041, as more fully described in Section 2 below, to JPS, Inc., d.b.a. Garfield Metal Products, Inc.

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. 133-24-041

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 67 in Charles Carter's Subdivision of part of Original One Hundred Acre Lot No. 448 as shown by the recorded plat in Volume 12 of Maps, Page 29 of Cuyahoga County Records, and being 45 feet front on the Easterly side of East 91st Street, (formerly Sawyer Street) and extending back of equal width, 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to 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. 150-96.

By Councilman Paulenske (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Tower City (on behalf of "The Avenue") for banners which will encroach into the public right-of-way of Huron Road, between Superior and Ontario Streets.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with consent of the Director of Public Service, to Tower City (on behalf of "The Avenue") whose address is 230 Huron Road N.W.; Cleveland, Ohio 44113; its successors and assigns, for the construction, use and maintenance of

approximately twenty-five, (25), special event and informational banners pertaining to the Tower City area; and that said banners are to be attached to historic-type utility poles owned by Tower City, and that aforesaid banners will encroach into the public rights-of-way on Huron Road, between Superior and Ontario Streets, at the locations more fully described in Exhibit "A", which is to be filed with the Council of the City of Cleveland as part of this Ordinance Number 150-96-A.

Section 2. That said banners, as described in Section 1, are to be placed in the public right-of-way at the locations as aforesaid, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

Ord. No. 151-96.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance for the development of a Hampton Inn to be constructed at East 9th Street and Superior Avenue; and to enter into contract with 1460 Ninth Street Associates, Ltd., or its designee, to provide economic development assistance for said development.

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

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

Section 1. That the Director of Economic Development is hereby authorized to apply for and accept a loan in the amount of Three Million Dollars (\$3,000,000.00) from the United States Department of Housing and Urban Development ("HUD") Section 108 Loan Program ("108 Loan"), for the purposes set forth in the application and according thereto.

Section 2. That the Director of Economic Development is hereby authorized to file all papers and execute all documents necessary to enter into contract with HUD, pledge any and all collateral necessary to secure repayment thereof under the 108 Loan agreement (including without limitation future Community Development Block Grant funds), and receive the funds; and that said funds be and they hereby are appropriated for the pur-

poses of providing economic assistance for the development of a Hampton Inn at East 9th Street and Superior Avenue, as more specifically set forth in the application for said 108 Loan.

Section 3. That the application for said 108 Loan, File No. 151-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 4. That the Director of Economic Development is hereby authorized to enter into contract with 1460 Ninth Street Associates, Ltd., or its designee, to provide economic development assistance to partially finance the construction of a Hampton Inn at East 9th Street and Superior Avenue, payable out of the loan proceeds accepted in accordance with Section 1 of this ordinance.

Section 5. That the terms of said loan shall be determined by the Director of Economic Development in accordance with applicable Federal regulations, State and local law, and said director is authorized to amend said terms, from time to time, as he deems necessary.

Section 6. That the costs of said contract shall not exceed Three Million Dollars (\$3,000,000.00), and shall be paid from Fund No. 17 SF 021.

Section 7. That the Director of Economic Development is hereby authorized to accept collateral as said director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 8. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 022.

Section 9. That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 10. That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriated to complete the transaction.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 152-96.
By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Minit-Men, Inc. for the purchase of labor and materials necessary to service and maintain helicopters, for the Division of Police, Department of Public Safety, for a period of one year with an option to renew.

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

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

Section 1. That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Minit-Men, Inc. Therefore, the Director of Public Safety be and he hereby is authorized and directed to make a written requirement contract for the period of one year commencing upon execution of a contract with a one year option to renew for an additional one year term, exercisable by the Director of Public Safety, and cancellable upon thirty days' written notice by the Director of Public Safety, with said Minit-Men, Inc. upon the basis of its proposal dated November 20, 1995, for labor and materials needed to service and maintain helicopters, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety.

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

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

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

Ord. No. 153-96.
By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space at the Mural Building, located at 1925 St. Clair Avenue, and associated parking lots, from Mural Properties Company, or its designee, for a term not to exceed two years, for the purpose of providing office and administrative space for the Department of Public Health.

Whereas, the City of Cleveland requires certain space located in the Mural Building, 1925 St. Clair Avenue, and associated parking lots, for the public purpose of providing office and administrative space for the Department of Public Health; and

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

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease from Mural Properties Company, or its designee, approximately 26,000 square feet of space located on two stories and in the basement of the Mural Building, 1925 St. Clair, and two (2) surrounding parking lots.

Section 2. That the term of the lease authorized by Section 1 shall not exceed two years, commencing upon execution of a contract with an option to renew for three additional one year terms, terminating December 31, 1998, December 31, 1999, and December 31, 2000; or for a two year term ending December 31, 1999 with an option to renew for one additional year until December 31, 2000; or for a single three year term ending December 31, 2000, all cancellable upon thirty days written notice by the Director of Public Health.

Section 3. That the rent for the lease for the two year term authorized by Section 1 shall be Two Hundred Eight Thousand Dollars (\$208,000.00) per year, payable in equal monthly installments of Seventeen Thousand Three Hundred Thirty-Three and 33/100 Dollars (\$17,333.33).

In the event that the Director of Public Health exercises an option to renew the lease, as authorized in Section 1, the rent for said renewal period shall not exceed fair market value as determined by the Board of Control.

Section 4. That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties consistent with the public purpose of providing office and administrative space to the Department of Public Health.

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

Section 6. That the costs of the lease shall be paid from Fund Nos. 01-50-02-360, 01-50-06-360, 13 SF 405, 13 SF 360, 13 SF 426 and 13 SF 423, Request No. 20996.

Section 7. That the lease shall be prepared by the Director of Law and shall contain such authorized terms and conditions as are required to protect the interests of the City.

Section 8. That the Director of Public Health and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized by this ordinance.

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

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

Ord. No. 154-96.
By Councilman Rokakis (by
departmental request).

An emergency ordinance approving the collective bargaining agreement with Cleveland Association of Rescue Employees.

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

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

Section 1. That, in accordance with division (B) of Section 4117.10 of the Revised Code, this Council hereby approves the collective bargaining agreement with Cleveland Association of Rescue Employees ("CARE"), set forth in File No. 154-96-A for the period from April 1, 1995, through March 31, 1998, which provides, among other things, for a percentage increase in the salaries and wages for members of the bargaining unit in accordance with the following schedule:

Percentage Increase	Effective Date of Increase
Two percent (2%)	April 1, 1995
Three percent (3%)	April 1, 1996
Three percent (3%)	April 1, 1997

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.

Directors of Finance, Law; Committee on Finance.

Ord. No. 155-96.
By Councilman Rokakis (by
departmental request).

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

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 products are non-competitive and cannot be obtained from any source other than International Business Machines Corporation. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said International Business Machines Corporation on the basis of its January 16, 1996 proposal, for the license of the computer software known as MVS/370, for a one (1) year term commencing February 1, 1996 and expiring January 31, 1997, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Pur-

chases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21562.

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.

Directors of Finance, Law; Committee on Finance.

Ord. No. 156-96.
By Councilman Rokakis (by
departmental request).

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

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 products are non-competitive and cannot be obtained from any source other than SAS Institute, Inc. Therefore, the Director of Finance is hereby authorized and directed to enter into a written license agreement with said SAS Institute, Inc. on the basis of its December 5, 1995 proposal, for the license of three (3) software products known as OS SAS, OS SAS/ETS and OS SAS/FSP, for a one (1) year term commencing February 1, 1996 and expiring January 31, 1997, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21557.

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.

Directors of Finance, Law; Committee on Finance.

Ord. No. 157-96.
By Councilman Rokakis (by
departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a maintenance agreement without competitive bidding with Decision One Corporation for maintenance for various Braegen computer devices, for the Divi-

sion of Information Systems Services, Department of Finance, for a period of one year, with a one year option to renew.

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

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

Section 1. That it is hereby determined that the within products are non-competitive and cannot be obtained from any source other than Decision One Corporation (fka Bell Atlantic Business Systems Services). Therefore, the Director of Finance is hereby authorized and directed to enter into an agreement with said Decision One Corporation in the estimated sum of \$50,000.00, for maintenance services on various Braegen computer devices, for a one (1) year term commencing December 1, 1995, with an option to renew for an additional one-year term, exercisable by the Director of Finance, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 140, Request No. 21558.

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.

Directors of Finance, Law; Committee on Finance.

Ord. No. 158-96.
By Councilman Rokakis (by
departmental request).

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance for a computer mainframe system and associated subsystems, for a one (1) year term commencing March 1, 1996, with one (1) option exercisable by the Director of Finance, to renew for an additional one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That the cost of said

contract hereby authorized shall be Paid from Fund No. 70 SF 140, Request No. 21559.

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

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

Ord. No. 159-96.

By Councilmen White, 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 3752 East 96 Street to Diana L. Robinson.

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. 135-16-100, as more fully described in Section 2 below, to Diana L. Robinson.

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. 135-16-100

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 186 in Ariel Harris Allotment of part of Original 100 Acre Lot Nos. 449 and 457 as shown by the recorded plat in Volume 11 of Maps, Pages 54 and 55 of Cuyahoga County Records, and being 58 feet front on the West-erly side of East 96th Street and extending back between parallel lines, 100.20 feet deep on the Northerly line, 100.25 feet on the Southerly side and being 58 feet wide in the rear as appears by said plat, 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. 160-96.

By Councilmen White, 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 12909 Marston Avenue to Percy Mitchell.

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. 138-10-110, as more fully described in Section 2 below, to Percy Mitchell.

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. 138-10-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 173 in Fowler, Critchley and Corlett's Allotment of part of Original One Hundred Acre Lot No. 469 as shown by the recorded plat in Volume 13 of Maps, Page 10 of Cuyahoga County Records and being 40 feet front on the Northerly side of Marston Avenue S.E. and extending back of equal width 140 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. 161-96.

By Councilmen White, 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 11310 Miles Avenue to Henry and Diane Wilson.

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. 136-26-003, as more fully described in Section 2 below, to Henry and Diane Wilson.

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. 136-26-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 103 in Hills and Frisbie's 2nd Miles Avenue Subdivision of part of Original One Hundred Acre Lot No. 467, as shown by the recorded plat in Volume 24 of Maps, Page 6 of Cuyahoga County Records, and being 40.01 feet front on the Southerly side of Miles Avenue, S.E., 149.80 feet deep on the Easterly line 148.78 feet deep on the Westerly line, and 40 feet wide in the rear, as appears by said plat.

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. 162-96.

By Councilmen Willis, 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 1373-75 East 105 Street and 1383 East 105 Street to Brenda Yarbrough.

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

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

City of Cleveland, 1976; and

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 120-06-001 and 120-06-003, as more fully described in Section 2 below, to Brenda Yarbrough.

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. 120-06-001

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots 83 and 84 in the Wade Allotment being a re-subdivision of part of Ford and Holden's Allotment of part of Original 100 Acre Lot No. 386 as shown by the recorded plat in Volume 33 of Maps, Page 18 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows: beginning at a point in the easterly line of East 105th Street, (formerly Doan Street) at a point 38 feet Southerly from its intersection with the Southerly line of Orville Avenue N.E.; thence Easterly parallel with the Southerly line of Orville Avenue N.E. 100 feet; thence Southerly parallel with East 105th Street 35 feet; thence Westerly parallel with the Southerly line of Orville Avenue N.E. 100 feet to the Easterly line of East 105th Street; thence Northerly along the Easterly line of East 105th Street 35 feet to the place of beginning, 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 part of Sublot 84 in J. H. Wade et al re-subdivision of part of Original 100 Acre Lot No. 386 as shown by the recorded plat in Volume 33 of Maps, Page 18 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of East 105th Street at a point 38 feet Southerly (measured along said Easterly line) from its point of intersection with the Southerly line of Orville Avenue N.E.; thence Northerly along the said Easterly line of East 105th Street 38 feet to the Southerly line of Orville Avenue N.E.; thence Easterly along said Southerly line of Orville Avenue N.E. 100 feet; thence Southerly on a line parallel with said Easterly line of East 105th Street 38 feet; thence Westerly 100 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 120-06-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 82 in J. H. Wade and others' Re-Subdivision of part of Original One Hundred Acre Lot No. 386, as shown by the recorded plat in Volume 33 of Maps, Page 18 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Easterly line of East 105th Street, at a point 109 feet

Southerly, (measured along said Easterly line, from the Southerly line of Orville Avenue N.E.); thence Easterly and parallel with the Southerly line of Orville Avenue N.E., 100 feet; thence Southerly parallel with the Easterly line of East 105th Street, 36 feet; thence Westerly and parallel with the Southerly line of Orville Avenue N.E., 100 feet to the Easterly line of East 105th Street; thence Northerly along the Easterly line of East 105th Street, 36 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

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

Ord. No. 163-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to amend and restate the Lease By Way of Concession with Host International, City Contract No. 33958, for food and beverage concessions at Cleveland Hopkins International Airport.

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

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

Section 1. That, any provision of the Codified Ordinances of the City of Cleveland, 1976, to the contrary notwithstanding, the Director of Port Control is hereby authorized to amend and restate the Lease By Way of Concession ("Lease"), City Contract No. 33958, with Host International ("Lessee") for food and beverage concessions at Cleveland Hopkins International Airport

("Hopkins Airport"). The terms and conditions of the Lease shall be amended and restated in their entirety and shall be substantially similar to the terms and conditions set forth in File No. 163-96-A. Lessee shall have the right and obligation to establish, maintain, and operate a non-exclusive food and beverage concession throughout the Terminal Building at Hopkins Airport. The term of the Lease shall commence upon execution by the Director and, unless sooner terminated or cancelled shall expire January 15, 2009. Lessee shall pay the City as a concession fee for each year of the term a minimum annual guarantee of \$450,000.00 or the following percentage, whichever is greater:

<u>Branded Food</u>	10%
<u>Nonbranded Food</u>	
Sales of 0 - 1.0M	12%
Sales of 1.0M - 1.5M	13%
Sales of 1.5M - 2.0M	14%
Sales of 2.0M +	15%
<u>Nonbranded Beverage</u>	
Sales of 0 - 0.5M	17%
Sales of 0.5 - 1.0M	18%
Sales of 1.0M - 1.5M	19%
Sales of 1.5M +	22%
<u>Cheers Beverage</u>	
Sales of 0 - 0.304M	12%
Sales of 0.304M - 0.608M	13%
Sales of 0.608M - 0.913M	14%
Sales of 0.913M +	17%

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

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

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

Ord. No. 164-96.
By Councilmen Miller and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Port Control to amend and restate the Lease By Way of Concession with Host International, City Contract No. 42575, for merchandise concessions at Cleveland Hopkins International Airport.

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

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

Section 1. That, any provision of the Codified Ordinances of the City of Cleveland, 1976, to the contrary notwithstanding, the Director of Port Control is hereby authorized to amend and restate the Lease By Way of Concession ("Lease"), City Contract No. 42575, with Host International ("Lessee") for merchandise concessions at Cleveland Hopkins International Airport ("Hopkins Airport"). The terms and conditions of the Lease shall be amended and restated in their entirety and shall be substantially similar to the terms and conditions set forth in File No.

164-96-A. Lessee shall have the right and obligation to establish, maintain, and operate a non-exclusive merchandise concession throughout the Terminal Building at Hopkins Airport. The term of the Lease shall commence upon execution by the Director and, unless sooner terminated or cancelled, shall expire August 31, 2007. Lessee shall pay the City as a concession fee for each year of the term a minimum annual guarantee of \$425,000.00 or the following percentage, whichever is greater:

Branded concession sales - 10% of gross revenues;
Unbranded concession sales, Category I merchandise - 13% of gross revenues; and
Unbranded concession sales, Category II merchandise - 26.4% of gross revenues.

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

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 165-96.
By Councilman Coats.
An ordinance to change the Use District of lands on the northwest side of St. Clair Avenue, N.E. and the northeasterly side of Casper Road, N.E. (Map Change No. 1898, Sheets Nos. 7 & 8)

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

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

Beginning at the intersection of the center line of St. Clair Avenue, N.E. and the center line of Casper Road, N.E.; thence northwesterly along said center line of Casper Road, N.E. to its intersection with the center line of Hallock Court, N.E.; thence northeasterly along said center line of Hallock Court, N.E. to its intersection with the northwesterly extension of the northeasterly line of Sublot No. 401 in the Glenhaven Subdivision (Schatzinger Consolidated Realty Co.) as recorded in Volume 38, Page 8 of the Cuyahoga County Map Records; thence southeasterly along said northwesterly extension and along said northeasterly line of said Sublot No. 401 and along its southeasterly extension to the center line of St. Clair Avenue, N.E.; thence southwesterly along said center line of St. Clair Avenue, N.E. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is

hereby changed to a Semi-Industry Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1898, Sheets Nos. 7 & 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 166-96.
By Councilman Miller (by request).

An emergency resolution declaring the intention to vacate portions of Westport Avenue, West 180th Street, West 181st Street and Sally Avenue, S.W.

Whereas, this Council is satisfied that there is good cause for vacate portions of Westport Avenue S.W., West 180th Street, West 181 Street, and Sally Avenue S.W. 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 WESTPORT AVENUE, S.W. (54.00 feet wide), extending Easterly from the Southerly prolongation of the Westerly line of Sublot Number 2 in the Kroehle Company's Westport Subdivision as shown by the recorded plat in Volume 111, Page 39 of Cuyahoga County Records to its Easterly terminus at its intersection with the Westerly line of Harwel Road S.W. (80.00 feet wide); and, Being all that portion of WEST 180TH STREET (50.00 feet wide), extending Northerly from the Northerly line of Westport Avenue S.W. (54.00 feet wide) to the Northerly line of the Kroehle Company's Westport Subdivision as shown by the Recorded Plat in Volume 111, Page 39 of Cuyahoga County Records; and, Being all that portion of WEST 181ST STREET (50.00 feet wide), and its Easterly and Westerly turnouts extending Northerly from the Northerly line of Sally Avenue S.W. (50.00 feet wide) to the Southerly line of Westport Avenue S.W. (54.00 feet wide); and, Being all that portion of SALLY AVENUE S.W. (50.00 feet wide), extending Easterly from the Northerly prolongation of the Easterly line of Sublot Number 5 in the Westport Subdivision Number 2 as recorded in Volume 161, Page 25 of Cuyahoga County Records to its Easterly terminus.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council,

it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Res. No. 167-96.
By Councilman Miller (by request).

An emergency resolution declaring the intention to vacate portions of West 204th Street, West 205th Street, Bacon Avenue, Hillside Road, Grayhill Road.

Whereas, this Council is satisfied that there is good cause for vacating portions of West 204th Street, West 205th Street, Bacon Avenue, Hillside Road, and Grayhill Road, 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 WEST 204TH STREET (50.00 feet wide), extending Northerly from the Northerly right-of-way line of Hillside Road S.W., (60.00 feet wide), to the Southerly right-of-way of Grayhill Road S.W., (50.00 feet wide). AND

Being all that portion of WEST 205TH STREET (50.00 feet wide), extending Northerly from the Northerly right-of-way line of Hillside Road S.W. (60.00 feet wide), to its intersection with Grayhill Road S.W. (50.00 feet wide). AND

Being all that portion of BACON AVENUE S.W. (50.00 feet wide) extending Westerly from the Westerly right-of-way line of West 205th Street (50.00 feet wide), to its Westerly terminus, said point also being the Westerly line of the Hillside Subdivision as recorded in Volume 195, Page 56 of Cuyahoga County Records. AND

Being all that portion of HILLSIDE ROAD S.W. (60.00 feet wide), extending Westerly from the Easterly line of the Hillside Subdivision as recorded in Volume 195 of, Page 56 of Cuyahoga County Records to its Westerly terminus, said point also being the Westerly line of the aforesaid Hillside Subdivision. AND

Being all that portion of GRAYHILL ROAD S.W. (50.00 feet wide), extending Westerly from the Easterly line of the Hillside Subdivision as recorded in Volume 195, Page 56 of Cuyahoga County Records to its intersection with West 205th Street (50.00 feet wide).

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 168-96.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Sara J. Jaffal — Cedar Avenue and East 28th Street).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Sara J. Jaffal at Cedar Avenue and East 28th Street.

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

Ord. No. 169-96.

By Councilman Paulenske.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the American Red Cross to stretch banners on E. 9th Street near the Memorial Shoreway and on Superior Avenue west of W. Roadway for the period from May 15, 1996 to May 22, 1996, inclusive, publicizing its National Convention.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the American Red Cross to install, maintain and remove banners on E. 9th

Street near the Memorial Shoreway (pole numbers B45-13 and B45-14) and on Superior Avenue west of W. Roadway (pole numbers B15-1 and B13-6) for the period from May 15, 1996 to May 22, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not 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 banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 170-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for a Walktoberfest on October 5, 1996, sponsored by the American Diabetes Association.

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 Walktoberfest, sponsored by the American Diabetes Association, on October 5, 1996, beginning at the Nautica Stage, west on Main Ave. to Center St., east on Center St. to Columbus Rd., east on Columbus Rd. to Merwin Ave., north on Merwin Ave. to W. Superior Ave., east on W. Superior Ave. to Public Square, south on Public Square to Ontario St., south on Ontario St. to Huron Rd., east on Huron Rd. to Prospect Ave., east on Prospect Ave. to E. 18th St., north on E. 18th St. to Superior Ave., west on Superior Ave. to E. 9th St., north on E. 9th St. to Erieside Ave., west on Erieside Ave. to W. 3rd St., south on W. 3rd St. to Lakeside Ave., west on Lakeside Ave. to W. 9th St., north on W. 9th St. to Front Ave., west on Front Ave. to Old River Rd., south on Old River Rd. to Merwin Ave., south on Merwin Ave. to Columbus Rd., west on Columbus Rd. to Center St., west on Center St. to Main Ave., east on Main Ave. to the boardwalk, east on the boardwalk and back to the Nautica Stage where walkers will disperse, 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 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 171-96.

By Councilman Melena.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 Liquor Permit to 3459 West 54th Street, first floor and basement, and repealing Res. No. 1776-95, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 Liquor Permit to 3459 West 54th Street, first floor and basement, by Res. No. 1776-95, adopted October 9, 1995; and

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

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

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

Section 1. That objection to the transfer of ownership of a C1 Liquor Permit to 3459 West 54th Street, first floor and basement, be and the same is hereby withdrawn and Res. No. 1776-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 172-96.

By Councilman Paulenske.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1071 Front Street, rear and patio, and repealing Res. No. 1549-94, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1071 Front Street, rear and patio, by Res. No. 1549-94, adopted August 23, 1994; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to 1071 Front Street, rear and patio, be and the same is hereby withdrawn and Res. No. 1549-94, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 173-96.

By Councilmen Westbrook and Coats.

An emergency resolution encouraging parents to visit schools on Parent Pledge/Proficiency Day on February 14, 1996, and urging parents to take the Parent Pledge of Responsibility and follow through on setting up a positive learning environment at home, and urging all employers to support compensatory time so parents can visit their children's schools.

Whereas, parents play a crucial role in the education of their children; and

Whereas, recognizing that "it takes a whole village to raise a child", the Black Elected Democrats of Cleveland Ohio has initiated the Parent Pledge of Responsibility and has gathered support of community leaders, parents, teachers and principals, and public officials; and

Whereas, parents of children in secondary schools have the most challenging responsibility for their child's academic success; and

Whereas, the Parent Pledge of Responsibility calls for Cleveland Public Schools parents to actively participate in school life, and to set up a positive learning environment at home, such as turning off televisions and setting up a two hour study time at home; and

Whereas, February 14, 1996, has been declared Parent Pledge/Parent Proficiency Day; when parents whose children attend middle and high schools will pick up their child's report card, learn about the upcoming Proficiency Tests, and take the Parent Pledge of Responsibility; now, therefore,

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

Section 1. To encourage all parents to visit their children's sec-

ondary school on Parent Pledge/Parent Proficiency Day, and to take the Parent Pledge of Responsibility, and to follow through on setting up a positive learning environment at home.

Section 2. Urging all employers of parents of children in Cleveland Public Secondary Schools to support compensatory time for parents to participate in Parent Pledge/Parent Proficiency Day.

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

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 2101-95.

By Councilmen Brady and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the lease of not to exceed eight trucks, for the Division of Water, 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 7, strike "\$85,000.00" and insert in lieu thereof "\$50,000.00".

Amendment agreed to.

Ord. No. 2188-95.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 ADAP Training Program and authorizing the Director of Public Safety to employ certified instructors to provide ADAP training for Police personnel.

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

Ord. No. 2189-95.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 DUI Sobriety Roadblocks Program.

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

Ord. No. 2190-95.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 55 MPH Speed Enforcement Program.

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

Ord. No. 2191-95.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of traffic paint, thermoplastic and reflective glass beads, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

Ord. No. 2192-95.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for marking center and lane lines on City streets, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

Ord. No. 39-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to make additional appropriation of Two million seven hundred twenty seven thousand eight hundred thirty one dollars (\$2,727,831) of the General Fund, and Six hundred sixty one thousand one hundred dollars (\$661,100) of the Internal Service Fund.

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

Ord. No. 40-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to transfer the sum of Seven million one hundred forty one thousand four hundred fourteen dollars (\$7,141,414) within the various divisions of the General Fund, Two hundred forty thousand dollars (\$240,000) within the Internal Service Funds, and Three hundred ninety two thousand dollars (\$392,000) within the Enterprise Funds.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1228-95.

By Councilmen Brady and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed sixty-four pieces of motorized vehicles, for the Division of Water, Department of Public Utilities.

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

Ord. No. 1524-95.

By Councilman Miller (by departmental request).

An emergency ordinance to amend Section 535.051 of the Codified Ordinances of Cleveland, Ohio 1976, as enacted by Ordinance No. 2642-91, passed January 27, 1992, relating to increasing the total annual income for eligibility for the special home-
stead rates.

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

Ord. No. 2112-95.

By Councilmen Pianka and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing, Inc. for new housing construction-related services for two homes on Bader Avenue.

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

Ord. No. 2181-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fire extinguishing agents, for the various divisions of the Department of Port Control.

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

Ord. No. 2182-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for painting roadways, runways and other paved areas, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 2183-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to remove rubber and paint from paved surfaces, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 2184-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to develop inspection, removal and restoration plans for asbestos and asbestos containing materials for Cleveland Hopkins International Airport.

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

Ord. No. 2185-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance to amend the title and Section I of Ordinance No. 470-95, passed May 17, 1995, relating to a Lease Agreement with T & G Flying Club, Inc. for space at Burke Lakefront Airport.

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

Ord. No. 2242-95.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Port Control to make alterations and modifications in Contract No. 47183, for the Naval Reserve streetscape improvement, with R. DiLillo & Co., for the Department of Port Control.

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

Ord. No. 2284-95.

By Councilman Paulenske (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Lakeside 425 Limited Partnership to erect two (2) entranceway canopy awnings to encroach into the public right-of-way of West Lakeside Avenue N.W. and West 6th Street and said awnings are to be affixed to their building located at 425 West Lakeside Avenue N.W.

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

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilwoman Odelia V. Robinson is hereby authorized.

The Council adjourned at 8:10 p.m. to meet on Monday, February 5, 1996 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 2101-95.

By Councilmen Brady and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the procurement by requirement contract of the lease of not to exceed eight trucks, for the Division of Water, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of the lease of not to exceed six (6) pickup crew cab trucks and not to exceed two (2) dump trucks in the estimated sum of **\$50,000.00**, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and

the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, together with all subsequent procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20922)

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. 2188-95.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 ADAP Training Program and authorizing the Director of Public Safety to employ certified instructors to provide ADAP training for Police personnel.

Ord. No. 2189-95.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 DUI Sobriety Roadblocks Program.

Ord. No. 2190-95.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1995-96 55 MPH Speed Enforcement Program.

Ord. No. 2191-95.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing and directing the purchase by requirement contract of traffic paint, thermoplastic and reflective glass beads, for the Division of Traffic Engineering and Parking, Department of Public Safety.

Ord. No. 2192-95.

By Councilmen Polensek and Rokakis (by departmental request). An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for marking center and lane lines on City streets, for the Division of Traffic Engineering and Parking, Department of Public Safety.

Ord. No. 39-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to make additional appropriation of Two million seven hundred twenty seven thousand eight hundred thirty one dollars (\$2,727,831) of the General Fund, and Six hundred sixty one thousand one hundred dollars (\$661,100) of the Internal Service Fund.

Ord. No. 40-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to trans-

fer the sum of Seven million one hundred forty one thousand four hundred fourteen dollars (\$7,141,414) within the various divisions of the General Fund, Two hundred forty thousand dollars (\$240,000) within the Internal Service Funds, and Three hundred ninety two thousand dollars (\$392,000) within the Enterprise Funds.

**BY-LAWS OF
THE CITY OF
CLEVELAND, OHIO,
FAIR CAMPAIGN
FINANCE COMMISSION**

As adopted November 16, 1995, Resolution No. 1995-1

The Fair Campaign Finance Commission (hereinafter "Commission" or "FCFC") was created in 1994-95 under Section 23-1 of the Charter of the City of Cleveland and Section 110.04 of the Codified Ordinances of Cleveland, Ohio, 1976.

These By-Laws are designed to govern the conduct of the Commission as it carries out its duties, as outlined in Sections 110.01 through 110.09 of the Codified Ordinances.

Unless noted otherwise, all references to Chapters and Sections contained in these By-Laws refers to the Chapters and Sections of the Codified Ordinances of Cleveland, Ohio, 1976

ARTICLE 1

MISSION STATEMENT

The Fair Campaign Finance Commission oversees compliance with the City of Cleveland's campaign finance laws. The Commission accomplishes this mission by reviewing the campaign finance reports filed by candidates to assure that relevant campaign contribution and spending limits are adhered to, monitoring the timeliness of candidate filings of required reports, citing those in violation of the campaign finance laws, conducting public hearings of candidate appeals, and levying fines for unremedied violations.

The Commission also provides information on the City's campaign finance laws, releases to the public a list of all candidates who accept voluntary expenditure limitations, and maintains records of all declarations and reports filed by candidates.

ARTICLE 2

HEADQUARTERS

There shall be a central office of the Commission wherein the books and all records, By-Laws, check-books, files and correspondence shall be kept, and wherein the staff and Commissioners shall conduct the business of the Commission.

ARTICLE 3

COMMISSIONERS

Section 3.1 Composition of the Commission.

The Commission shall consist of three (3) members. One member shall be appointed by the Mayor, one member shall be appointed by the City Council, and one member shall be appointed by the Mayor with the approval of the City Council.

Section 3.2 Initial Appointment/Term of Commissioners.

The initial members shall be appointed to serve as follows:

(1) the member appointed by the Mayor, for a term of forty-two (42) months;

(2) the member appointed by the Council, for a term of forty-two (42) months; and

(3) the member appointed by the Mayor with the approval of the Council, for a term of fifty-four (54) months.

The initial terms commence on January 1, 1995.

Section 3.3 Regular Term of Commissioners.

Following the end of the initial terms described in Section 3.2, all Commissioners shall be appointed by their respective appointing authorities for terms of forty-eight (48) months.

Section 3.4 Eligibility for Commissioners.

To be eligible to serve as a member of the Commission (or "Commissioner") an individual must:

(1) be an elector of the City of Cleveland;

(2) not be an officer of a political party as defined under the laws of the City of Cleveland ("City");

(3) not be a candidate or participate in any capacity in any campaign for the office of the Mayor of the City or the office of a member of Council of the City; and

(4) not be an officer or employee of the City.

Section 3.5 Orientation of New Commissioners.

The Commission shall establish and keep updated a formal orientation process to prepare new Commissioners to function effectively. New Commissioners shall complete the orientation process within thirty (30) days of their appointment.

Section 3.6 Resignation of Commissioners.

A Commissioner may resign at any time by notice in writing delivered to the other two Commissioners, the Mayor, and the President of Council.

Section 3.7 Vacancy in Office.

In the case of a vacancy in the office of a Commissioner, a replacement shall be appointed to serve the remainder of the term by either the Mayor, the Council, or the Mayor with the approval of Council, as consistent with the original appointment.

Section 3.8 Removal of Commissioners.

The Commission may only request that a Commissioner be removed for misfeasance, malfeasance, or nonfeasance in office. Such request shall take the form of a resolution by the Commission requesting removal by the relevant appointing authority, with a copy of the resolution simultaneously delivered to the other appointing authority.

ARTICLE 4

**SELECTION AND DUTIES
OF THE CHAIR,
VICE-CHAIR,
AND TREASURER**

Section 4.1 Selection of the Chair, Vice-Chair, and Treasurer.

Beginning January 1, 1995, the Chair of the Commission shall

rotate among the Commissioners every twelve (12) months in the following order, with the exception noted in Section 4.2 below:

(1) Commissioner appointed by the Mayor with the approval of the Council,

(2) Commissioner appointed by the Council, and

(3) Commissioner appointed by the Mayor.

The Vice-Chair of the Commission shall rotate along with the Chair, in the same order noted above beginning with the Commissioner appointed by the Council.

The Treasurer of the Commission shall rotate along with the Chair, in the same order noted above beginning with the Commissioner appointed by the Mayor.

Section 4.2 Exception to the Normal Order of Rotation.

A Commissioner shall not serve as the Chair during her first twelve (12) months on the Commission ("new") unless all Commissioners are serving their first twelve months at the same time. When the normal rotation of the Chair described in Section 4.1 above would require a new Commissioner to serve as Chair, the Chair instead shall pass to the next Commissioner on the rotation list presented in Section 4.1 above. In such circumstances, the Vice-Chair and Treasurer rotate down the list along with the Chair, as described in Section 4.1 above.

Section 4.3 Duties of the Chair, Vice-Chair, and Treasurer.

(1) The Chair shall preside at meetings of the Commission, shall designate the date, time and place of meetings as provided for in Articles 7 and 8 below, and shall perform such other duties as the Commission may require.

(2) In the case of the absence or disability of the Chair or when circumstances prevent the Chair from acting, the Vice-Chair shall perform all duties of the Chair. The Vice-Chair shall also perform such other duties as the Commission may require.

(3) The Treasurer shall be the Fiscal Officer of the Commission, shall cause to be kept accurate books of account of all transactions on behalf of the Commission, shall cause to be produced on a quarterly basis accurate summary spreadsheets showing budgeted versus actual and projected revenues and expenditures, shall have the care and custody of the funds of the Commission and may, on behalf of the Commission, endorse for deposit or collection all drafts, checks, notes, and other instruments and orders for the payment of money to the Commission, or its order, and sign receipts therefor. The Treasurer may sign, on behalf of the Commission, all vouchers for payments to be made by the Commission and checks, drafts, bonds, notes and other obligations of the Commission for the payment of money by the Commission and in the manner and to the extent provided in these By-Laws

(a) The Treasurer may, with the agreement of both the Chair and Vice-Chair, delegate any or all of the authority described in Section 4.3, paragraph 3, above to Commission staff but remains accountable for the performance of all duties described in Section 4.3; paragraph 3.

ARTICLE 5

DUTIES OF THE COMMISSION

Section 5.1 Furnish Instructions to Candidates and Inquire About Expenditure Limits.

Within five (5) days of the date of the filing of a candidate's written acceptance of nomination pursuant to Section 9 of the City Charter, or upon the filing of the statement of intent to be a write-in candidate pursuant to the general laws of the State of Ohio, the Commission shall:

(1) furnish to candidates written instructions explaining the duties of both candidates and the Commission under Chapters 110 and 110A of the Codified Ordinance of the City, including the filing dates for all campaign finance reports and appropriate forms for reports as required by Section 110.05.

(2) inquire of all candidates in writing whether they agree to comply with the voluntary expenditure limitations set forth in Chapter 110 of the Codified Ordinances of the City. The Commission shall furnish affidavits to candidates who choose to comply with the expenditure limitations.

Section 5.2 Public Notice of Candidate Agreement to Voluntary Expenditure Limits.

After the last day upon which the candidates may remove their names from the election ballot, the Commission shall compile and maintain a list of all candidates who agreed to the voluntary expenditure limitations. The Commission shall submit the list for publication in The City Record and make the list generally available to the public within twenty-four (24) hours of receipt of any notices pursuant to Section 110A.02(e). If the day for reporting falls on a weekend or holiday, then notice shall be made no later than 4:00 p.m. of the next business day.

Section 5.3 Examination of Campaign Finance Reports.

The Commission shall examine all campaign finance reports filed and check for consistency with the Codified Ordinances of the City. In the event that a candidate does not file a campaign finance report with the Commission, the Commission shall ascertain whether said candidate is eligible for an exemption from filing consistent with state law, or if a violation of the campaign finance law has occurred.

(1) The Commission shall examine all campaign finance reports as quickly as possible after they are filed, and which explicitly recognizes the importance of communicating as much information as possible before elections especially given the lag between campaign finance report filing deadlines and the City's primary and general elections.

Section 5.4 Issuance of Citations.

The Commission shall issue as quickly as possible a written citation to candidates describing any violations of Cleveland's campaign finance law which have occurred.

Section 5.5 Appeals Process.

Individuals cited by the Commission as being in violation of the City of Cleveland's campaign finance laws shall have a fifteen (15) day period during which remedy of a violation may be made with-

out penalty. Cited individuals may request, in writing, an appeal of any citation of the Commission within a thirty (30) day period beginning with the date on which the citation was issued.

Upon receipt of a written request for an appeal, the Commission shall schedule a public hearing at a time, date and place determined by the Chair. The Commission shall provide written notice of the time, date and place of the hearing to the cited individual.

The Commission shall issue a final decision within five (5) days of the public hearing of the appeal [Chapter 110A.06]

All individuals appealing a citation issued by the Commission shall be entitled to representation at the public hearing of their appeal, to present evidence on their own behalf, and to cross examine witnesses of the Commission at that hearing.

Section 5.6 Review of and Report on Campaign Finance Laws.

On or before the first day of February in each even-numbered year, the Commission shall report to Council and the Mayor on their review of all sections of the Charter including Sections 23-1 through 23-5, and of all ordinances passed, that address campaign finances.

The Commission's report shall address whether the City's current campaign finance laws are adequate for achieving the following goals:

(1) preventing money from being the determinant of success in the electoral process;

(2) balancing the advantages of incumbency which preclude challengers from fairly competing for office;

(3) providing for a campaign focus on candidate positions on issues, substance, and policy so the public can make informed choices between candidates;

(4) making citizens feel confident that their participation in the electoral and political process makes a difference;

(5) providing for effective disclosure of the sources, amounts, and expenditure of contributions;

(6) preventing campaign finances from unduly influencing the conduct of public officials;

(7) treating all contributors equitably;

(8) making all regulations straightforward and inexpensive to implement by candidates and their committees;

(9) providing for effective enforcement; and

(10) limiting the scope of campaign finance laws to the extent possible, regulating only that which is necessary to achieve important goals, and taking great care to avoid unintended consequences.

The Commissions report shall recommend any changes or additions to the City's campaign finance laws which they believe would provide for achieving such goals, along with an explanation of each recommendation.

Section 5.7 Annual Report.

By the last day of March of each year; the Commission shall publish an annual report detailing the activities of the Commission during the preceding calendar year, including relevant measures of the performance of its duties, and reporting on its financial stewardship.

Section 5.8 Maintenance of Records.

The Commission shall maintain records of all declarations and reports filed by candidates with the Commission for a period of five (5) years. No paper or document belonging to the permanent files of the Commission shall be taken out of the offices of the Commission except upon legal process.

Section 5.9 Other Duties.

In addition to the duties outlined above, the Commission shall perform such other duties as are necessary to implement the provision of Chapters 110 and 110A and as determined by further ordinances passed by the Council or through an initiative petition of the electors of the City, as consistent with the City Charter and the Codified Ordinances.

ARTICLE 6**FINANCES****Section 6.1 Annual Budget**

The Commission shall submit an annual budget to cover operating expenses to the City Council utilizing the City's existing budgetary process.

Section 6.2 Independent Sources of Financing.

With authorization of City Council, the Commissioners may establish sources for independent financing of the Commission including, but not limited to, filing fees for candidates and fees necessary to cover the costs of services necessary to provide members of the public with access to local campaign finance records.

Section 6.3 Reimbursement of Expenses.

Within the annual budget approved by the City Council, all Commissioners, any staff employed by the Commission, and any outside entities which provide services to the Commission who properly incur expenses in the course of their official duties shall be reimbursed for expenses so incurred upon vouchers approved by any two Commissioners.

ARTICLE 7**MEETINGS OF THE COMMISSIONERS****Section 7.1 Meetings Open to the Public.**

All meetings of the Commission where a majority of the commissioners are present and the business of the Commission will be discussed, shall be open to the public. In instances where a member of the public desires to have input pertaining to an issue before the Commission at such an open meeting, the Commission shall provide an appropriate forum and opportunity for that citizen to be heard.

Section 7.2 Regular Meetings.

The Commission shall meet at least once within a one (1) week period after every candidate filing of information with the Commission. This includes, but is not limited to, the filing of all campaign finance reports required under the Codified Ordinances of the City. The specific date and time of each regular meeting shall be determined by the

Chair of the Commission. All regular meetings of the Commission shall be held at the Commission headquarters, as stipulated in Article Two of these By-Laws.

Section 7.3 Special Meetings.

Special Meetings of the members may also be called at a time, date and place specified by the Chair of the Commission, or any two (2) other Commissioners.

Section 7.4 Emergency Meetings.

Emergency Meetings of the members may also be called at a time, date and place specified by any Commissioner.

Section 7.5 Executive Session.

The Commission shall have the power to hold executive sessions at which members of the public are not present. An executive session can be entered into through a positive vote of a majority of the Commissioners at any open meeting at which the intention to enter into executive session and the topic(s) to be discussed have been announced in advance. Topics to be discussed in executive session are limited to:

(1) consideration of the appointment, employment, dismissal, discipline, promotion, demotion or compensation of a public employee or official, or to consider the investigation of charges or complaints against a public employee, official, licensee or "regulated individual". In the event of an investigation, all persons investigated by the Commission shall have the right to demand a public hearing;

(2) conferring with the Commission's attorney for the purpose of considering disputes if a court action concerning the dispute is either pending or imminent;

(3) preparation for, conducting of, or review of negotiations or bargaining sessions with public employees;

(4) consideration of matters required by federal laws or rules or state statutes to be kept confidential;

(5) consideration of specialized details of security arrangements if the information could be used for criminal purposes or to avoid prosecution for criminal deeds; and

(6) consideration of appeals by candidates during public hearings for the purpose of hearing the appeal.

Section 7.6 Mandatory Attendance of Commissioners.

Commissioners shall be expected to attend all meetings of the Commission. It is the responsibility of Commissioners to notify the chair upon anticipated absence.

Section 7.7 Quorum.

At any meeting of the Commissioners, two (2) members shall constitute a quorum.

Section 7.8 Majority Rules.

The act of a majority of the members present at any meeting at which a quorum is present shall be an act of the Commission, except as otherwise provided for in these By-Laws.

Section 7.9 Vote of the Commissioners.

Each Commissioner shall be entitled to vote in person or by written ballot which is subscribed by such member and bears a date not more than two (2) days prior to such

meeting. Each Commissioner shall be entitled to one (1) vote.

Section 7.10 Length of Meetings.

Meetings will not exceed two (2) hours in length unless the notice of the meeting indicates a specific length of time or a majority of the Commissioners present consent to extending the time to complete the business of the Commission in an orderly manner.

Section 7.11 Meeting Procedures.

Roberts Rules of Order shall be recognized as the authority governing all meetings, when not in conflict with the By-Laws of the Commission.

Section 7.12 Meeting Minutes.

The staff of the Commission shall record and present to the Commission within 30 days of each meeting copies of the minutes from the previous meeting. In the absence of staff, the Chair shall designate another Commissioner to record and distribute minutes.

Section 7.13 Regular Order of Business.

The business of Regular Meetings of the Commission shall be transacted in the following order:

- (1) Roll Call
- (2) Submission of Minutes of preceding Meetings
- (3) Staff Report
- (4) Chairman's Report
- (5) Treasurer's Report
- (6) Introduction of new Resolutions and motions
- (7) Consideration of pending Resolutions and motions
- (8) Executive Session
- (9) Other Business
- (10) New Business
- (11) Adjournment

Section 7.14 Conduct of Public Hearings.

All Public Hearings conducted by the Commission must be recorded by a court reporter who may be required to provide a typed copy of the transcript of the Hearing within two days if requested.

The business of a Public Hearing of the Commission shall be transacted in the following order.

- (1) Roll Call of the Commission
- (2) Statement by the Chair of the Purpose for the Hearing
- (3) Distribution and summary by the Chair of the Citation under appeal
- (4) Distribution and summary by the Appellant or her representative of the appeal
- (5) Direct examination of the Witnesses for the Commission
- (6) Cross-examination of the Witnesses for the Commission
- (7) Redirect examination of the Witnesses for the Commission
- (8) Direct examination of the Witnesses for the Appellant
- (9) Cross-examination of the Witnesses for the Appellant
- (10) Redirect examination of the Witnesses for the Appellant
- (11) Closing statement by the Appellant or her representative
- (12) Executive Session
- (13) Return to Open Session to announce Final Judgment or deferment of such announcement to some time within the five (5) day limit
- (14) Adjournment

ARTICLE 8**NOTICE OF MEETINGS****Section 8.1 Public Notice of Meetings.**

The Commission shall provide

adequate public notice of all meetings at which a majority of the Commissioners will be present and the duties and business of the Commission will be discussed.

With the authorization of Council that the Commission may receive funds, any person or organization may upon request and payment of a \$35.00 annual fee, receive notices of all Regular Meetings, Special Meetings, and Public Hearings.

Section 8.2 Notice of Meetings to Commissioners.

No action taken at Regular or Special Meetings of the Commissioners shall be valid unless written notice of the meeting is mailed or faxed to each Commissioner as follows:

(a) For a Regular Meeting, not later than three (3) days preceding the date of the meeting; and

(b) For a Special Meeting, not later than one (1) day preceding the date of the meeting.

No action taken at an Emergency Meeting of the Commissioners shall be valid unless verbal notification is attempted to be given to all members of the Commission.

Section 8.3 Content of Notice.

The meeting notice required by Sections 8.1 and 8.2 above shall state the date, time, and place of the meeting. It need not state the purpose or purposes of the meeting, except in the cases of Special and Emergency Meetings.

Section 8.4 Waiver of Notice.

No notice of a meeting shall be required for any Commissioner who, in writing, waves notice whether such waiver be executed before or after the meeting.

ARTICLE 9

RESOLUTIONS

Section 9.1 Source of Resolutions.

Resolutions shall be reviewed and acted upon by the Commission upon the recommendation of any one of the Commissioners. Resolutions recommended by a Commissioner shall be communicated in writing to all the Commissioners at least one (1) day in advance of the Commission meeting wherein action is to be taken, and shall be accompanied by background information which explains the nature of the issue and the reasons for recommending the action to be taken. (In emergency situations, the emergency notice provision will be implemented.)

Section 9.2 Majority Rules.

The act of a majority of the members present at any meeting at which a quorum is present shall be an act of the Commission, except as otherwise provided for in these By-Laws.

Section 9.3 Vote of the Commissioners.

Each Commissioner shall be entitled to vote in person or by written ballot which is subscribed by such member and bears a date not more than two (2) days prior to such meeting. Each Commissioner shall be entitled to one (1) vote.

ARTICLE 10

STAFF

Section 10.1 Hiring and Retention of Staff.

Within the budget provided by

Council, the Commission may hire and retain such staff as is necessary to perform the duties ascribed to it by the Codified Ordinances of the City and any other duties that may be required of the Commission by future actions of the City Council or initiative petition of the electors of the City.

Within the budget provided by Council, the Commission shall hire a Director who shall have general supervision and control of the administration and operations of the Commission, including all matters relative to personnel employed by the Commission, subject to the direction of the Commission and any rules and regulations adopted by the Commission and shall be charged with carrying out such other duties as the Commission may from time to time, direct her to perform and subject to these By-Laws.

Section 10.2 Duties of the Staff.

The Commission's staff shall take and keep records of all meetings of the Commission; conduct such correspondence of the Commission as may be designated by the Chair, perform the usual duties of their offices and perform such other duties as the Commissioners may require. The staff shall, at the direction of the Chair, post public notices of meetings of the Commissioners. A staff member shall be present at each Commission meeting to take minutes and perform such other duties as may be required by the Commission.

Section 10.3 Performance Reviews.

An annual performance evaluation of the Director will be conducted by the Commission and used as input into the consideration of any change in the Director's salary. The Director shall similarly conduct and use performance review of any other staff.

Section 10.4 Equal Employment Opportunity.

The Commission shall not discriminate against any employment or applicant for employment because of race, religion, color, gender, sexual orientation, or national origin. The Commission shall take affirmative action to ensure that applicants are employed, and that employees are treated during their employment, without regard to their race, religion; color, gender, sexual orientation, or national origin.

BOARD OF CONTROL

January 24, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 24, 1996, at 10:30 a.m., with Acting Mayor Sobol Jordan presiding.

Present: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Absent: Director Axelrod.

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

On motion, the following resolutions were adopted.

Resolution No. 39-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jet Asphalt Services, Inc., for an estimated quantity of building materials (paving bricks) (Items 22 and 23) for the Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on the 15th day of December, 1995, pursuant to the authority of Ordinance No. 737-93, passed April 19, 1993, which on the basis of the estimated quantity would amount to Two Hundred Forty Thousand and no/100 Dollars, (\$240,000.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 78158 which shall be certified against such contract in the sum of Twelve Thousand and no/100 Dollars, (\$12,000.00).

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

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Director Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.

Absent: None.

Resolution No. 40-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Independence Excavating, Inc., for the public improvement of Lorain Avenue sewer replacement for the Division of Water Pollution of Control, Department of Public Utilities, received on January 18, 1996, pursuant to the authority of Ordinance No. 1008-95, passed June 19, 1995, upon a unit basis, for the improvement in the aggregate amount of One Million Four Hundred Forty-Two Thousand Six Hundred Twenty-One and 40/100 (\$1,442,621.40) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved, that the employment of the following subcontractor(s) to Independence Excavating, Inc., for the above-mentioned public improvement hereby is approved:

SUBCONTRACTORS	WORK
Cook Paving & Const. Co.	Asphalt paving (MBE)
Arnold Trucking Co., Inc.	Trucking (MBE)
Choice Construction Co.	Tunneling (MBE)

Ohio Diversified
ServicesTunnel shaft
installation
(FBE)Burkshire Construc-
tion Co.Traffic control
(FBE)

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Director Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.
Absent: None.

Resolution No. 41-96.

By Director Cunningham.
Resolved, by the Board of Control of the City of Cleveland that the bid of Leader Electric Supply Company for an estimated quantity of electrical parts, equipment and labor to maintain, repair and modify airfield, parking and terminal lighting systems, Phase II (Item Nos. 40, 51, and 79 (including 18% discount off list for each item)) for the Various Divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of a contract received on the 7th day of December, 1995, pursuant to the authority of Ordinance No. 931-95, passed June 19, 1995, which on the basis of the estimated quantity would amount to Thirty-Five Thousand and no/100 (\$35,000.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80479 which shall be certified against such contract in the sum of Seven Thousand and no/100 Dollars (\$7,000.00).

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 Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.
Absent: Director Konicek.

Resolution No. 42-96.

By Director Cunningham.
Resolved, by the Board of Control of the City of Cleveland that the bid of Pyramid Electric, Inc., for an estimated quantity of electrical parts, equipment and labor to maintain, repair and modify airfield, parking and terminal lighting systems, Phase II (Item Nos. 53 and 84 (including 8% discount off list), 87 (including 15% discount off list), 99 and 105) for the Various Divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of a contract received on the 7th day of December, 1995, pursuant to the authority of Ordinance No. 931-95, passed June 19, 1995, which on the basis of the estimated quantity

would amount to Forty-Three Thousand Eight Hundred Sixty-One and no/100 (\$43,861.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80480 which shall be certified against such contract in the sum of Eight Thousand Seven Hundred and no/100 Dollars (\$8,700.00).

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 Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.
Absent: Director Konicek.

Resolution No. 43-96.

By Director Cunningham.
Resolved, by the Board of Control of the City of Cleveland that the bid of Flight Light, Inc., for an estimated quantity of electrical parts, equipment and labor to maintain, repair and modify airfield, parking and terminal lighting systems, Phase II (Item Nos. 85 (including 10% off list), 106 and 107) for the Various Divisions of the Department of Port Control, for the period of two (2) years commencing with the execution of a contract received on the 7th day of December, 1995, pursuant to the authority of Ordinance No. 931-95, passed June 19, 1995, which on the basis of the estimated quantity would amount to Twenty-Two Thousand Five Hundred and no/100 (\$22,500.00) Dollars, is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 80478 which shall be certified against such contract in the sum of Four Thousand Five Hundred and no/100 Dollars (\$4,500.00).

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 Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.
Absent: Director Konicek.

Resolution No. 44-96.

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 No. 009-21-019, most southerly part, under said Land Reutilization Program; and

Whereas, Ordinance No. 1617-95 passed November 20, 1995, authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Joseph R. and Pamela K. Lynch have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1617-95 passed November 20, 1995, 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 Joseph R. and Pamela K. Lynch to transfer and sell to Permanent Parcel No. 009-21-019, most southerly part, as further described in said Ordinance, for development in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$384.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: None.
Nays: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Absent: Director Konicek.

Resolution No. 45-96.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-30-036 located at 3808 Whitman Avenue in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Viaduct Investments, Ltd., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when

directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Viaduct Investments, Ltd., for the sale and development of Permanent Parcel No. 003-30-036 located at 3808 Whitman Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved the consideration for said parcel shall be \$310.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.

Absent: Director Konicek.

Resolution No. 46-96.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 003-29-024 located at 1865 West 45 Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Gene A. Emond and Shirley E. Emond, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Gene A. Emond and Shirley E. Emond for the sale and development of Permanent Parcel No. 003-29-024 located at 1865 West 45 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody,

Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.

Absent: Director Konicek.

Resolution No. 47-96.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 125-12-034 located at 6531 Rogers Avenue in Ward 12; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Roman Jablonski, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Roman Jablonski for the sale and development of Permanent Parcel No. 125-12-034 located at 6531 Rogers Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.

Absent: Director Konicek.

Resolution No. 48-96.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 002-34-022 located at 1905 West 52 Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Com-

missioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Thomas S. and Tracy A. Hrbek, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Thomas S. and Tracy A. Hrbek for the sale and development of Permanent Parcel No. 002-34-022 located at 1905 West 52 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Directors Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.

Absent: Director Konicek.

Resolution No. 49-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tele-Communications, Inc., except for such terms and conditions as are not acceptable to the Director of Law for an estimated quantity of Digital EPEX or Electronic Key Telephone System to include second and third year maintenance for the Division of Information System Service, Department of Finance, for the period of three (3) years beginning with the date of execution of a contract received on the 21st day of December, 1995, pursuant to the authority of Ordinance No. 198-94, passed March 14, 1994, which on the basis of the estimated quantity would amount to Seventy-Six Thousand, One Hundred Ninety-Four and 10/100 Dollars, (\$76,194.10), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 74914

which shall be certified against such contract in the sum of Seventy-Six Thousand, One Hundred-Ninety-Four and 10/100 Dollars, (\$76,194.10).

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

Yeas: Acting Mayor Sobol Jordan, Acting Directors Marks, Carmody, Director Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Directors Spellman, Hamilton, Warren.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 12, 1996

9:30 A.M.

Calendar No. 95-241: 2169 W. 7 St. Urbanscapes, Inc., owner, c/o Murray Davidson, to erect a 20' x 40' three story two family dwelling on a proposed 25' x 100' lot, being the north one half of a 50' x 100' lot, located in a B-Multi-Family District at 2169 W. 7 St.; said proposed lot not being 50' front nor 6000 square feet in area as required by Section 355.04 and said proposed lot not conforming to the independent lot area requirements of Section 355.03 and the gross floor area of said proposed dwelling being 2746 square feet contrary to the 1250 square feet maximum of Section 355.04 and said proposed dwelling having interior side-yards of 1' 6" and 3' 6" for an aggregate of 5' contrary to the 3' minimum and 10' aggregate as required by Section 357.09 and said proposed dwelling to be located 5' from the

proposed dwelling to the north at 2163 W. 7 St. and 5' from the proposed dwelling to the south at 2173 W. 7 St. contrary to the 10' distance requirement of Section 357.09 of the Codified Ordinances.

Calendar No. 95-242: 2173 W. 7 St. Urbanscapes, Inc., owner, c/o Murray Davidson, to erect a 20' x 40' three story two family dwelling on a proposed 25' x 100' lot, being the south one half of a 50' x 100' lot, located in a B-Multi-Family District at 2173 W. 7 St.; said proposed lot not being 50' front nor 6000 square feet in area as required by Section 355.04 and said proposed lot not conforming to the independent lot area requirements of Section 355.03 and the gross floor area of said proposed dwelling being 2746 square feet contrary to the 1250 square feet maximum of Section 355.04 and said proposed dwelling having interior side-yards of 1' 6" and 3' 6" for an aggregate of 5' contrary to the 3' minimum and 10' aggregate as required by Section 357.09 and said proposed dwelling to be located 5' from the proposed dwelling to the north at 2169 W. 7 St. contrary to the 10' distance requirement of Section 357.09 of the Codified Ordinances.

Calendar No. 96-1: 11901 St. Clair Ave., N.E.

Everlasting Baptist Church, owner, c/o Rev. Dewitt Chappal, to install an off-street parking lot, accessory to the church located at 12201 St. Clair Ave., on the 100' x 139' irregular shaped corner lot located partially in a Multi-Family District and partially in a Local Retail District on the northwest corner of E. 120 St. and St. Clair Ave. and known as 11901 St. Clair Ave.; said use as a parking lot being contrary to the use limitations of Section 337.08 and said parking lot not being in conformance with the landscaping provisions of Sections 352.08, 352.09 and 352.10 and a portion of the fence to be placed thereon to exceed the height provisions of Section 357.13 of the Codified Ordinances.

Calendar No. 96-2: 6610 Detroit Ave., N.W.

Gordon Square Limited, owner, c/o Detroit Shoreway Community Development Organization, Jeff Ramsey, Director, and Bank One Cleveland NA, tenant, c/o John P. Johnson, to attach a 3' x 5' 6" double-faced projecting sign, with clock, to the front of the storeroom of the 250' x 190' three story mixed use masonry building on a 265' x 232' irregular shaped corner through parcel located in a General Retail District on the northwest corner of W. 65 St. and Detroit Ave. at 6610 Detroit Ave.; said proposed sign being 16.5 square feet in area contrary to the 12 square feet permitted by Section 350.14 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 29, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, January 22, 1995, the following appeals

were heard by the Board, and, on, Monday, January 29, 1996 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 95-228: 3044 Mable Ave., N.W.

County of Cuyahoga, owner, c/o Jack Furlong, and Charge Development Co., prospective purchasers c/o Doug R. Perkowski, to convert to two dwelling units the 30' x 67', two story masonry building.

Calendar No. 95-235: 5910 Utica Ave., N.E.

Marcella Anderson, owners to erect a 12' x 20' one story frame private garage addition to the west side of the 18' 9" x 40' two story frame one family dwelling house.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
January 24, 1996

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

* * *

Docket A-167-95.

RE: Appeal of GMS Management, Inc., Owner of the Property located on the premises known as 2720 Van Aken Boulevard from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated June 30, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; a continuance is granted for Docket A-167-95 for six months (6 mos.)

* * *

Docket A-176-95.

RE: Appeal of Mazzella Family Co., Owner of the Property located on the premises known as 14600 Brookpark Road from an ADJUDICATION ORDER #3 of the Commissioner of the Division of Building and Housing dated October 13, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the cursory review of the plans by the Board indicate that they are adequate (OBBC 2701.1), the material is to be REMANDED at this time to the Division of Building and Housing for further resolution by January 26, 1996, noting that the owner is to be represented by Mr. Walsh. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

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

Docket A-179-95.

RE: Appeal of Horace Foster, Owner of the Residential Property located on the premises known as 1531 East 81st Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated October 27, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant eight months (8 mos.) in which to obtain permits and abate the violations, the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 7, 1996. Motion so in order. Motioned by Mr. Birch and seconded by Mr. Sullivan.

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

* * *

Docket A-180-95.

RE: Appeal of Barbara B. Weiss, Owner of the Residential Property located on the premises known as 2057 West 100th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated October 27, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-180-95 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-182-95.

RE: Appeal of Source One Mortgage Services Corporation, Mortgagee of the Residential Property located on the premises known as 11420 Continental Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 30, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to obtain permits and abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force

and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by March 7, 1996. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Birch.

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

* * *

Docket A-183-95.

RE: Appeal of United Companies Lending Corporation, Mortgagee of the Residential Property located on the premises known as 10606 Columbia Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 15, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant six months (6 mos.) in which to obtain permits and abate the violations, the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at this time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 7, 1996. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

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

* * *

Docket A-184-95.

RE: Appeal of Phillip J. & Kathleen L. Benco, Owners of the Property located on the premises known as 7217-22 Lorain Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated November 7, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the Appellant to run the cold air returns as indicated on the submitted sketch (received 1/24/96) to the opposite wall of the basement terminating them twelve inches (12 ins.) from the floor, and to grant the Appellant two months (2 mos.) in which to obtain permits and install the required duct work, the property is REMANDED to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

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

Docket A-2-96.

RE: Appeal of S & Z Tool and Die, Owner of the Property located on the premises known as 3180 Berea Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 3, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and not require the fire rating on the wall adjacent to the Conrail tracks with the provision that should the adjacent property owner build against that property line, the setback or fire rating will have to be obtained by the Appellant. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Birch.

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

* * *

Docket A-5-96.

RE: Appeal of University Hospitals of Cleveland, Owner of the Property located on the premises known as 2101 Adelbert Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 2, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the building to be constructed as designed with the lot line, noting that defacto has been granted and that a signed document exist to indicate that the road will remain a roadway in the future. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

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

* * *

Docket A-10-96.

RE: Appeal of Kamms Plaza Shopping Center, Owner of the Property located on the premises known as 17400-58 Lorain Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 18, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, having reviewed the plans and Code, a motion is in order at this time to grant the variances to the following:

ITEM I:

To grant permission to build the proposed structure without requiring any of the existing structures to be upgraded to present date code, noting that it has been in existence for thirty years (30 yrs.).

ITEM II:

To grant the variance to OBBC requirements and permit the fire separation, approximately twenty feet (20 ft.), noting that the structure encroaching is fully sprinklered. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Birch.

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

Docket A-11-96.

RE: Appeal of Jorge Santiago, Owner of the Property located on the premises known as 4828 Lorain Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated January 22, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variances as follows:

SECTION 817.0, 824.0 and 825.0:

To grant the variance to the stair riser and tread and allow the 7-3/4" by 10' existing condition to remain.

SECTION 512.0:

To grant the variance to OBBC requirements for accessibility, noting that the accessibility variance is granted for the first floor **only**.

These variances do not relieve the owner from compliance with ADAAG Federal Regulations, and noting that these variances are for the present use and occupancy **ONLY**. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Birch.

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

* * *

APPROVAL OF RESOLUTIONS:

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

A-171-95—Harbor Heritage Society
A-178-95—John W. Martin

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

* * *

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

A-190-95—Greater Cleveland R.T.A.
A-1-96—Mohammed Salisu Shoaga

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

* * *

APPROVAL OF MINUTES:

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

January 10, 1996

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
On Proposed Amendment to the
WEST 25th - LORAIN
COMMUNITY DEVELOPMENT
PLAN**

Notice is hereby given in accordance with Chapter 319 of the Codified Ordinances of the City of Cleveland that the Cleveland City Planning Commission will hold a Public Hearing on **Friday, February 16, 1996 at 9:00 A.M. in Room 514 City Hall, 601 Lakeside Avenue, Cleveland, Ohio** for the purpose of considering the approval of a proposed amendment to the West 25th-Lorain Community Development Plan (the Plan). The Plan amendment proposes certain land acquisition and clearance activities for the eventual redevelopment of Action Areas designated within. Further, the Plan proposes general treatment measures to eliminate conditions of blight and deterioration found to exist in the Plan Area and prevent the recurrence of blight.

**WEST 25TH-LORAIN
COMMUNITY DEVELOPMENT
PLAN AREA BOUNDARIES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Numbers 69 and 70 and more fully described as follows:

Beginning on the centerline of Bridge Avenue N.W. (66 feet wide) at its intersection with the centerline of West 28th Street (66 feet wide); thence Southeasterly along the centerline of said West 28th Street to the centerline of Lorain Avenue (66 feet wide); thence Northeasterly along the centerline of said Lorain Avenue to the centerline of West 25th Street (82.5 feet wide); thence Northwesterly along the centerline of said West 25th Street to the centerline of Bridge Avenue N.W. as aforesaid; thence Southwesterly along the centerline of said Bridge Avenue N.W. to the place of Beginning.

The proposed Action Area to be amended, referred to as the Bridge/Carroll Action Area is generally bounded as follows:

**BRIDGE/CARROLL
ACTION AREA BOUNDARIES**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot Numbers 69 and 70 and more fully described as follows:

Beginning on the Southeasterly line of Bridge Avenue N.W. (66 feet wide) at its intersection with the Northeasterly line of West 28th Street (66 feet wide); thence Northeasterly along the Southeasterly line of said Bridge Avenue N.W. to its intersection with the Northeasterly line of West 26th Place (16 feet

wide); thence Southeasterly along the Northeasterly line of said West 26th Place to its intersection with the Northwesterly line of Carroll Avenue N.W. (50 feet wide); thence Southwesterly along the Northwesterly line of said Carroll Avenue N.W. to its intersection with the Northeasterly line of West 28th Street as aforesaid; thence Northwesterly along the Northeasterly line of said West 28th Street to the place of beginning.

The purpose of the hearing is to enable the City Planning Commission to publicly present the aforementioned elements of the proposed Plan amendment and solicit reaction to the proposed Plan amendment from any interested party. Documents that constitute the Plan, including support documents, are on file for public inspection during business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) at the City Planning Commission office, Room 501 City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Any person or organization desiring to be heard at said public hearing will be afforded an opportunity to be heard.

Hunter Morrison
Director
Cleveland City
Planning Commission

January 31 and February 7, 1996

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

may result in cancellation of the contract or other civil or criminal penalties."

THURSDAY, FEBRUARY 8, 1996

Installing and Replacing Curbing, Aprons and Ramps, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1759-95, passed by the Council of the City of Cleveland, November 27, 1995.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 1, 1996 AT 10:00 A.M. AT THE ENGINEERING OFFICE CONFERENCE ROOM AT 5 POINTS AND CARGO ROAD.

January 24 and January 31, 1996

FRIDAY, FEBRUARY 9, 1996

Towing Services, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1745-95, passed by the Council of the City of Cleveland, November 27, 1995.

Horse Supplies, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1444-95, passed by the Council of the City of Cleveland, November 20, 1995.

January 24 and January 31, 1996

WEDNESDAY, FEBRUARY 14, 1996

Keypunch Service, for the Division of Taxation, Department of Finance, as authorized by Ordinance No. 1890-95, passed by the Council of the City of Cleveland, November 20, 1995.

Plumbing, Heating Supplies, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1239-95, passed by the Council of the City of Cleveland, November 20, 1995.

January 24 and January 31, 1996

THURSDAY, FEBRUARY 15, 1996

Bid Package "B" New North Parking Lot - Third District Police Station, for the Department of Public Safety, as authorized by Ordinance No. 2033-91, passed by the Council of the City of Cleveland, February 24, 1992.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON TUESDAY, FEBRUARY 6, 1996 AT 10:30 A.M. AT THE THIRD DISTRICT

POLICE STATION, 2001 PAYNE AVENUE, IN THE MAIN LOBBY.

Police Headquarters Justice Center Elevator Renovation Bid Package "A", for the Department of Public Safety, as authorized by Ordinance Nos. 1733-88 and 1578-90, passed by the Council of the City of Cleveland, September 19, 1988 and February 24, 1992, respectively.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, FEBRUARY 7, 1996 AT 10:30 A.M. IN THE MAIN LOBBY OF THE POLICE HEADQUARTERS, 1300 ONTARIO AVENUE.

Renovations and Improvements for Fairfax Recreation Center, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-94, passed by the Council of the City of Cleveland, November 21, 1994.

A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, FEBRUARY 5, 1996 10:30 AT A.M. IN THE MAIN LOBBY OF THE FAIRFAX RECREATION CENTER, 2335 EAST 82ND ST., CLEVELAND, OHIO.

January 24, January 31 and February 7, 1996

FRIDAY, FEBRUARY 16, 1996

One (1) Customized Recreational Vehicle, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1231-95, passed by the Council of the City of Cleveland, October 23, 1995.

January 24 and January 31, 1996

FRIDAY, FEBRUARY 16, 1996

Rebuilt Transmissions, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1747-95, passed by the Council of the City of Cleveland, November 27, 1995.

January 31 and February 7, 1996

WEDNESDAY, FEBRUARY 21, 1996

System Expansion, Residential Reforestation, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1071-93, passed by the Council of the City of Cleveland, June 7, 1993.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, FEBRUARY 12, 1996 AT 10:00 A.M. IN THE AUDITORIUM

OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVE.

Small Equipment, Four (4) Gasoline Powered Sprayers, for the Division of Parks Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 427-95, passed by the Council of the City of Cleveland, March 20, 1995.

January 31 and February 7, 1996

FRIDAY, FEBRUARY 23, 1996

Mower Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1744-95, passed by the Council of the City of Cleveland, November 27, 1995.

January 31 and February 7, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 103-96.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 7819-21 Cedar Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 0174022, Samir J. Amer, dba Peoples Deli and Beverage, 2360 West 11th Street, first floor and basement, Cleveland, Ohio 44113, to Permit No. 5432486-0005, Wael I. Mahmoud, 7819-21 Cedar Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 0174022, Samir J. Amer, dba Peoples Deli and Beverage, 2360 West 11th Street, first floor and basement, Cleveland, Ohio 44113, to Permit No. 5432486-0005, Wael I. Mahmoud, 7819-21 Cedar Avenue, Cleveland, Ohio 44103, 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 22, 1996.
Effective January 29, 1996.

Res. No. 104-96.

By Councilman Melena.

An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 8011 Madison Avenue, and repealing Res. No. 1780-95, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 8011 Madison Avenue by Res. No. 1780-95, adopted October 9, 1995; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 8011 Madison Avenue be and the same is hereby withdrawn and Res. No. 1780-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted January 22, 1996.
Effective January 29, 1996.

Res. No. 105-96.

By Councilman Polensek.

An emergency resolution supporting Amended Senate Bill 121 which would prohibit the issuance or renewal of a motor vehicle certificate of registration for a vehicle owned by a person who fails to sat-

isfy a judgment entered in a case involving a traffic offense and urging its swift passage by the General Assembly.

Whereas, recent state law changes required that an application for registration or registration renewal be denied because of the existence of unpaid parking tickets with respect to the use of the vehicle; and

Whereas, Amended Senate Bill 121 has been introduced in the General Assembly which would broaden the restrictions to require the denial of an application for registration or registration renewal if the registration is prohibited from being accepted because of a court order relative to misdemeanor traffic or motor vehicle-related violations; and

Whereas, passage of Amended Senate Bill 121 will provide an effective tool to enforce the traffic laws against persons who do not appear in court to answer for misdemeanor traffic offenses or who fail to satisfy judgments rendered by a court; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that passage of Amended Senate Bill 121 will increase compliance with the traffic laws in this state; now, therefore,

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

Section 1. That this Council supports the passage of Amended Senate Bill 121 and urges swift passage of this law by the Ohio General Assembly.

Section 2. That the Clerk is hereby directed to transmit a copy of this resolution to the President of the Ohio Senate, the Speaker of the Ohio House and the sponsors of Amended Senate Bill 121.

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 22, 1996.
Effective January 29, 1996.

Res. No. 106-96.

By Councilman Polensek.

An emergency resolution urging the General Assembly to develop a statewide program to provide specially trained nurses to provide assistance to victims of rape.

Whereas, New Jersey, Massachusetts and other states are developing statewide programs in which certain designated nurses are specially trained to examine victims of rape; and

Whereas, these programs are based upon the City of Tulsa's Sexual Assault Nurse Examiners ("SANE") program which seeks to provide more compassionate care for victims of rape through specially trained nurses; and

Whereas, these nurses are trained to respond to the victim's physical trauma and become experienced in evidence collection to help law enforcement officers in locating the rapists; and

Whereas, such programs provide needed comfort to rape victims and have increased the conviction rate against their assailants; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that the victims of rape need immediate assistance in dealing with their trauma with compassion and understanding; now, therefore,

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

Section 1. That the Ohio General Assembly is urged to develop a statewide program to provide specially trained nurses to examine victims of rape based upon Tulsa's SANE program.

Section 2. That the Clerk is hereby directed to transmit a copy of this resolution to the Speaker of Ohio House and the President of the Ohio Senate.

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 22, 1996.
Effective January 29, 1996.

Res. No. 107-96.

By Councilman Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street.

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. 35665300090, Handee Marts, Inc., dba 7 Eleven Food Store 56642, 870 East 185th Street, Cleveland, Ohio 44119, to Permit No. 7643267, SSZ Enterprises, Inc., dba 7 Eleven Food Store #56642, 870 East 185th Street, 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 Sec-

tion 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. 35665300090, Handee Marts, Inc., dba 7 Eleven Food Store 56642, 870 East 185th Street, Cleveland, Ohio 44119, to Permit No. 7643267, SSZ Enterprises, Inc., dba 7 Eleven Food Store #56642, 870 East 185th Street, 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.

Adopted January 22, 1996.
Effective January 29, 1996.

Res. No. 108-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 3071 East 65th Street, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 0089516, Al Bartha, Inc., dba Vince's Cafe, 3071 East 65th Street, first floor and basement, Cleveland, Ohio 44127, to Permit No. 4199709, James and Grace Jackson, 3071 East 65th Street, first floor and basement, Cleveland, Ohio 44127; and

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

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

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

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

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

substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 0089516, Al Bartha, Inc., dba Vince's Cafe, 3071 East 65th Street, first floor and basement, Cleveland, Ohio 44127, to Permit No. 4199709, James and Grace Jackson, 3071 East 65th Street, first floor and basement, Cleveland, Ohio 44127, 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 22, 1996.
Effective January 29, 1996.

Res. No. 109-96.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership 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 transfer of ownership of a C1 Liquor Permit from Permit No. 19831850005, Vivian E. Dawson, dba Trading Post Beverage, II, 7001 Union Avenue, Cleveland, Ohio 44127, to Permit No. 6755337, Deborah A. Patton, 7001 Union Avenue, Cleveland, Ohio 44127; 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 Liquor Permit from Permit No. 19831850005, Vivian E. Dawson, dba Trading Post Beverage, II, 7001 Union Avenue, Cleveland, Ohio 44127, to Permit No. 6755337, Deborah A. Patton, 7001 Union Avenue, Cleveland, Ohio 44127, 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 22, 1996.
Effective January 29, 1996.

Res. No. 110-96.

By Councilman Smith.

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 3085 West 25th Street, first floor and basement, and repealing Res. No. 1502-95, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 3085 West 25th Street, first floor and basement, by Res. No. 1502-95, adopted August 23, 1995; and

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

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

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

Section 1. That objection to the transfer of ownership of a D2, D2X, D3 and D3A Liquor Permit to 3085 West 25th Street, first floor and basement, be and the same is here-

by withdrawn and Res. No. 1502-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted January 22, 1996.

Effective January 29, 1996.

Res. No. 111-96.
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. 5492799, Naretta 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. 5492799, Naretta 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.

Adopted January 22, 1996.

Effective January 29, 1996.

Res. No. 112-96.
By Councilman White.
An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3790 East 116th Street, and repealing Res. No. 1855-95, objecting to said issuance.

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3790 East 116th Street by Res. No. 1855-95, adopted October 23, 1995; and

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

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

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

Section 1. That objection to the issuance of a C1 Liquor Permit to 3790 East 116th Street be and the same is hereby withdrawn and Res. No. 1855-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted January 22, 1996.

Effective January 29, 1996.

Res. No. 114-96.
By Councilmen Miller and Westbrook.

An emergency resolution encouraging the Administration to permit the Brown Derby/Roadhouse Restaurant located adjacent to Cleveland Hopkins International Airport to remain at its present location for an additional six (6) to twelve (12) months and to request the Administration to diligently pursue relocating them within the boundaries of the City of Cleveland during the requested additional period of time.

Whereas, The Brown Derby/Roadhouse Restaurant has been at its present location in the City of Cleveland located adjacent to Cleveland Hopkins International Airport for over forty (40) years; and

Whereas, The Brown Derby/Roadhouse has been told to vacate its present location on or before January 31, 1996; and

Whereas, The Brown Derby/Roadhouse employs over 50 people, all of

whom pay Cleveland income taxes and several of whom are residents of the City of Cleveland; and

Whereas, this Council urges the Administration to give The Brown Derby/Roadhouse an additional six (6) to twelve (12) months to vacate its present location and to diligently work with them to find a suitable location within the boundaries of the City of Cleveland during this additional time; now, therefore,

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

Section 1. That this Council opposes the decision of the Administration to evict The Brown Derby/Roadhouse Restaurant from its present location adjacent to Cleveland Hopkins International Airport and urges the Administration to give them an additional six (6) to twelve (12) months at this site, along with diligently working to find a suitable relocation within the limits of the City of Cleveland.

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 22, 1996.

Effective January 29, 1996 without the signature of the Mayor.

Ord. No. 1884-95.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Aging to apply for and accept a grant from the Ohio Commission on Minority Health for the Minority Health Grant.

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 Directors of Parks, Recreation and Properties and Aging are hereby authorized to apply for and accept a grant in the amount of \$200,000, from the Ohio Commission on Minority Health, to conduct the Minority Health Grant, for the purposes set forth in the application and according thereto; that the Directors of Parks, Recreation and Properties and Aging are 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. 1884-95-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed January 22, 1996.

Effective January 29, 1996.

Ord. No. 97-96.

By Councilman Smith (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on Whiskey Island to Whiskey Island Partners Limited Partnership.

Whereas, the Director of Economic Development has requested the sale of City-owned property no longer needed for public use and located on Whiskey Island for the purpose of constructing a roadway extension improvement; and

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

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

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

WHISKEY ISLAND MARINA
Cleveland, Ohio

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Brooklyn Township Lot No. 50 and is further bounded and described as follows:

Beginning at a stone monument at the Northeasterly corner of the 1st parcel of land conveyed to the City of Cleveland by the deed dated February 16, 1887 and recorded in Volume 659, Page 145 of Cuyahoga County deed records;

Thence South 35° 16' 58" East, along the Easterly line of said City of Cleveland land, 10.88 feet to the principal place of beginning of the area herein described;

Course 1. Thence South 50° 14' 40" West, 31.47 feet to a point;

Course 2. Thence South 62° 18' 56" West, 69.24 feet to a point in the Westerly line of said City of Cleveland land;

Course 3. Thence South 35° 16' 58" East, along the Westerly line of said City of Cleveland land, 35.31 feet to a point;

Course 4. Thence North 62° 18' 56" East, 68.27 feet to a point;

Course 5. Thence North 50° 14' 40" East, 32.43 feet to a point in the Easterly line of the aforesaid City of Cleveland land;

Course 6. Thence North 35° 16' 58" West, along the Easterly line of said City of Cleveland land, 35.11 feet to the principal place of beginning;

Containing therein about 3,525 square feet (0.0809 acres). This description was prepared in part from record deed information and in part from a survey of the proposed Whiskey Island Marina Access Road Area made by this writer in October 1992.

The distances given in this description are expressed in feet and decimal parts thereof, bearings are based on coordinates obtained from the United States Army Corps of Engineers for monuments found in the concrete pier along the westerly side of the mouth of the Cuyahoga River and on the concrete pier at the Northwesterly corner of the Cleveland Regional Sewer District's Westerly Treatment Plant.

Section 2. That by and at the

direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Whiskey Island Partners Limited Partnership at a price not less than fair market value as determined by the Board of Control.

Section 3. That the conveyance shall be made by official deed to be prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain provisions including the right of reversion should the property no longer be needed or used for roadway purposes, protecting the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

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

Passed January 22, 1996.
Effective January 29, 1996.

Ord. No. 98-96.

By Councilman Westbrook.

An emergency ordinance authorizing the Clerk of Council to enter into a requirement contract with Legal News Publishing Company for the printing of the City Record and the furnishing of other printed and accessory services for said Clerk for a period not to exceed eighteen months.

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

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

Section 1. That the Clerk of Council is hereby authorized to enter into a requirement contract with Legal News Publishing Company for the printing of the City Record and the furnishing of other printed and accessory services for the Clerk of Council for a period not to exceed eighteen months, in accordance with the specifications upon which the bid of Legal News Publishing Company was received.

Section 2. That 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 Clerk of Council pursuant to a requisition against such contract duly certified by the Director of Finance.

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 22, 1996.
Effective January 29, 1996.

Ord. No. 99-96.

By Councilman Westbrook.

An emergency ordinance ratifying and approving the rate for public parking at the Cleveland Convention Center Garage and North Mall Lot on Saturday, January 27, 1996.

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 provisions of the Codified Ordinances of Cleveland, Ohio, 1976, this Council hereby ratifies and approves the rate of \$1.00, including any taxes, for public parking at the Cleveland Convention Center Garage and North Mall Lot ("Mall C") for participants in the Summit on Education conducted at the Cleveland Convention Center on Saturday, January 27, 1996, from 7:00 a.m. to 2:00 p.m.

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 22, 1996.
Effective January 29, 1996.

Ord. No. 100-96.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for the 1996 Cleveland Walk on April 28, 1996, sponsored by the March of Dimes.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the 1996 Cleveland Walk, sponsored by the March of Dimes, on April 28, 1996, beginning at the Port of Cleveland, cross the street to the south side of Erieside, go west to W. 3rd St., turn left on W. 3rd St. on the east side of the street and go south to Lakeside, turn left on Lakeside on the north side of the street and go east to E. 6th St., cross Lakeside (turn right) to the west side of E. 6th St. and go south to the Board of Education building (which is the first checkpoint), turn left, cross E. 6th St. on the north side of Rockwell and continue on the north side of Rockwell to E. 9th St., turn right on the west side of E. 9th St. and go south to Eagle, turn right on Eagle and go west to the plaza between Jacobs Field and the Gund Arena (which is the second checkpoint), cross Broadway at the light for the Eagle St. ramp going west, which becomes Carter Rd., stay on the north side of Carter Rd. to the Carter Rd. Bridge, turn right over the Carter Rd. Bridge to the new road which goes past the former Shorty's Deluxe Diner, turn left on St. Clair and cross to the west side of Old River Rd., turn right on the west side of Old River Rd. and go north to the corner of Old River Rd. and Front

St., which is checkpoint number three at Fagan's, turn right on Front St. and go east to W. 9th St., cross W. 9th St. to the east side of the street and turn right on W. 9th St., go south on W. 9th St. to Superior, turn left on Superior and go east on the north side of the street to the northwest quadrant of Public Square, which is checkpoint number four, continue east on the north side of Superior, cross E. 9th St. and turn left on the east side of E. 9th St., go north on the east side of E. 9th St. to checkpoint number eight at the North Point Building continue north on the east side of E. 9th St. to the intersection with Erieside, turn left, cross E. 9th St. to the north side of Erieside and go west to the Port of Cleveland property and turn right into the Port; and the regular route continuing east on the north side of Superior to E. 12th St., turn right and cross Superior to the west side of E. 12th St. and go south to Chester Commons, which is checkpoint number five, continue south on the west side of E. 12th St. to Euclid, turn left, cross E. 12th St. and go east on the north side of Euclid to E. 21st St., cross E. 21st St. to the east side of the road and cross to the south side of Euclid to checkpoint number six at Rascal House, continue east on the south side of Euclid to E. 30th St., turn left, cross Euclid at E. 30th St. to the west side of E. 30th St., go north on E. 30th St. to the northwest corner of Payne and E. 30th St., which is Asian Plaza, the seventh checkpoint, go west on the north side of Payne to E. 13th St., cross E. 13th St. to the west side of the street and turn right, go north on E. 13th St. to Lakeside, cross Lakeside to the north side of the street and turn left to checkpoint eight, North Point Building, at the corner of E. 9th St. and Lakeside, turn right on the east side of E. 9th St. and go north to the intersection with Erieside, turn left and cross E. 9th St. to the north side of Erieside and go west to the Port of Cleveland property, turn right into the Port and 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.

Passed January 22, 1996.
Effective January 29, 1996.

Ord. No. 101-96.
By Councilman Paulenske.
An emergency ordinance consenting and approving the issuance of a permit for a Walk 'N Roll Against Addiction on April 20, 1996, sponsored by the Alcoholism Services of 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 'N Roll Against Addiction, sponsored by the Alcoholism Services of Cleveland, on April 20, 1996, beginning at the Galleria, E. 9th St. and St. Clair Ave., south on E. 9th St. to Eagle Ave., Eagle Ave. to Huron Rd., Huron Rd. to Ontario St., Ontario St. to Superior, Superior to the Society Center, W. Mall Dr. to St. Clair Ave., St. Clair Ave. to W. 3rd St., W. 3rd St. to Erieside Ave., around Erieside Ave. to E. 9th St., continue on E. 9th St. and finish back at the Galleria, 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.

Passed January 22, 1996.
Effective January 29, 1996.

Ord. No. 102-96.
By Councilmen Willis and Britt.
An emergency ordinance consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays, on April 28, 1996, sponsored by Case Western Reserve University.

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 Relay Race, the Hudson Relays, sponsored by Case Western Reserve University, on April 28, 1996, beginning at the rock on the Quad, go through the Quad, over the RTA bridge, cross Adelbert Rd. at the Greenhouse and up the Fribley driveway to the bottom of the elephant stairs, back up to the top of the elephant stairs, down Carlton Rd. to Overlook, past the First Church of Christ Scientist to the intersection of Overlook and Edgehill, down Edgehill on the right side of the road to Murray Hill Rd., take a left at Murray Hill and run to the exchange point at the Greenhouse, cross the RTA bridge and run up Adelbert Rd. to the corner of Euclid, head west on Euclid crossing East Blvd. and go around

the lagoon to Martin Luther King, Jr. Dr., continue along Martin Luther King, Jr. Dr. to the next exchange point, continue down Martin Luther King, Jr. Dr. and turn right at the entrance to Wade Oval (between the Art and Natural History Museums), take a left going around Wade Oval crossing East Blvd. and continuing down E. 108th St. to the intersection of Wade Park Drive, turn right down Wade Park Drive to the exchange point at the corner of E. 115th St., continue down E. 115th St. and take a right turn at Bellflower to its intersection with Ford (the next exchange point), continue down Bellflower, take a left heading down East Blvd. around Severance Hall to the intersection of Adelbert and Euclid, cross Euclid and proceed to the next exchange point (the rock), which restarts the loop, 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.

Passed January 22, 1996.
Effective January 29, 1996.

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. 6-96.1 - Amendment of Rule No. 6 - One Hour Parking

Rule No. 6 is hereby amended by adding thereto the following streets or sections of streets:

E. 108 St. east side only - from north curb line of Wade Park Ave. to south curb line of Ashbury Ave.
(Approved by Councilman Willis)

DAVID B. RITZ,
Commissioner
Division of Traffic
Engineering

WILLIAM M. DENIHAN
Director
Department of Public Safety
January 18, 1996

January 31, 1996

**COUNCIL COMMITTEE
MEETINGS**

Monday, January 29, 1996

Public Parks Committee: 9:30 A.M.
— Present: Johnson Chrm.; Rybka,
V-Chrm.; Miller, Paulensek.
Excused: Patton, Robinson, White.

**Public Service Committee: 11:00
A.M.** — Present: Coats, Chrm.; O'Mal-
ley, V-Chrm.; Britt, Johnson, Melena,
McGuirk, Smith, Westbrook.
Excused: White.

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

Wednesday, January 31, 1996

**Public Utilities Committee (Joint
with Legislation Committee): 1:30
P.M.** — Present: Patton, Chrm.;
Polensek, V-Chrm.; Coats, Lewis,
McGuirk, O'Malley, Patmon, Willis,
Zone.

**Legislation Committee (Joint with
Public Utilities Committee): 1:30
P.M.** — Present: McGuirk, Chrm.;
Willis, V-Chrm.; Britt, Patton,
Rybka. Excused: Johnson, Rokakis.

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Bold type in sections indicates amendments

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