

# The City Record

Official Publication of the City of Cleveland

---

January the Thirteenth, Nineteen Hundred and Ninety-Nine

---


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

Containing	PAGE
City Council	3
The Calendar	15
Board of Control	15
Civil Service	17
Board of Zoning Appeals	17
Board of Building Standards and Building Appeals	18
Public Notices	19
Public Hearings	19
City of Cleveland Bids	20
Adopted Resolutions and Ordinances	20
Committee Meetings	20
Index	20

FIRST-CLASSMAIL  
U. S. POSTAGE PAID  
CLEVELAND, OHIO  
Permit No. 1372

First Class Mail

RECYCLE.....Save the Future

 Printed on Recycled Paper.....Council Cares

# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44111
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111
	Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.		
	First Assistant Clerk - Sandra Franklin.		
<b>MAYOR-Michael R. White</b>			
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy			
Barry Withers, Executive Assistant for Administration			
Judith Zimomra, Executive Assistant for Service			
Kenneth Silliman, Executive Assistant for Economic Development			
Laura Ann Williams, Director, Office of Equal Opportunity			
Milan T. Polacek, Executive Assistant for Legislative Affairs			
<b>DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton,</b>			
Chief Counsel, Room 106			
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice			
Center, 8th Flr., Court Towers, 1200 Ontario Street			
Karen E. Martines, Law Librarian, Room 100			
<b>DEPT. OF FINANCE - Martin L. Carmody, Director, Room 104; Carlean</b>			
Alford, Manager, Internal Audit			
<b>DIVISIONS - Accounts - Gayle Goodwin Smith, Commissioner, Room 19</b>			
<b>City Treasury - Mary Christine Jackman, Treasurer, Room 115</b>			
<b>Assessments and Licenses - Robert J. Schneider, Commissioner,</b>			
<b>Room 122</b>			
<b>Purchases and Supplies - William A. Moon, Commissioner, Room 128</b>			
<b>Printing and Reproduction - James D. Smith, Commissioner, 1735 Lakeside</b>			
<b>Avenue</b>			
<b>Taxation - Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue</b>			
<b>Financial Reporting and Control - Robert Dolan, Controller, Room 18</b>			
<b>Information Systems Services - Hamid Manteghi, Commissioner, 1404 E.</b>			
<b>9th St.</b>			
<b>DEPT. OF PUBLIC UTILITIES - Michael Konicek, Director, 1201 Lakeside</b>			
<b>Avenue</b>			
<b>DIVISIONS - 1201 Lakeside Avenue</b>			
<b>Water - Julius Ciaccia, Jr., Commissioner</b>			
<b>Water Pollution Control - Darnell Brown, Commissioner</b>			
<b>Utilities Fiscal Control - Morry Blech, Commissioner</b>			
<b>Cleveland Public Power - James F. Majer, Commissioner</b>			
<b>Street Lighting Bureau - Frank Schilling, Acting Chief.</b>			
<b>DEPT. OF PORT CONTROL - Solomon F. Balraj, Director,</b>			
<b>Cleveland Hopkins International Airport, 5300 Riverside Drive;</b>			
<b>Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner</b>			
<b>Burke Lakefront Airport - Michael C. Barth, Commissioner</b>			
<b>DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113</b>			
<b>DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting</b>			
<b>Commissioner, 5600 Carnegie Avenue.</b>			
<b>Streets - Randell T. Scott, Commissioner, Room 25</b>			
<b>Engineering and Construction - JoMarie Wasik, Acting Commissioner,</b>			
<b>Room 518</b>			
<b>Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner,</b>			
<b>Harvard Yards</b>			
<b>Architecture - Kenneth Nobilio, Commissioner, Room 517</b>			
<b>DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building</b>			
<b>1925 St. Clair Avenue.</b>			
<b>DIVISIONS - Health - Joyce Atwell-Joyce, Commissioner, Mural Building,</b>			
<b>1925 St. Clair Avenue</b>			
<b>Environment - Eric Myles, Acting Commissioner, Mural Building, 1925</b>			
<b>St. Clair Avenue</b>			
<b>Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-</b>			
<b>field Road</b>			
<b>DEPT. OF PUBLIC SAFETY - Henry Guzmán, Director, Room 230.</b>			
<b>DIVISIONS - Police - Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300</b>			
<b>Ontario Street</b>			
<b>Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue</b>			
<b>Traffic Engineering &amp; Parking - Mark Ricchiuto, Acting Commissioner,</b>			
<b>2001 Payne Ave.</b>			
<b>Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street</b>			
<b>Emergency Medical Service - Bruce Shade, Commissioner, 1708 South</b>			
<b>Pointe Drive</b>			
<b>DEPT. OF PARKS, RECREATION &amp; PROPERTIES - Nicholas P. Jackson,</b>			
<b>Director, Cleveland Convention Center, Clubroom A, 1220 E. 6th St.</b>			
<b>DIVISIONS - Convention Center &amp; Stadium - James Glending,</b>			
<b>Commissioner, Public Auditorium, E. 6th and Lakeside Ave.</b>			
<b>Property Management - Vernon Robinson, Commissioner, East 49th &amp;</b>			
<b>Harvard</b>			

<b>Parking Facilities - Dennis Donahue, Acting Commissioner, Public</b>		
<b>Auditorium, E. 6th and Lakeside Ave.</b>		
<b>Park Maintenance and Properties - Richard L. Silva, Acting Commissioner,</b>		
<b>Public Auditorium - E. 6th &amp; Lakeside.</b>		
<b>Recreation - Michael Cox, Acting Commissioner, Room 8</b>		
<b>Research, Planning &amp; Development - Mark Fallon, Commissioner, 1501</b>		
<b>N. Marginal Road, Burke Lakefront Airport</b>		
<b>DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director,</b>		
<b>3rd Floor, City Hall.</b>		
<b>DIVISIONS - Administrative Services - Terrence Ross, Commissioner.</b>		
<b>Neighborhood Services - Louise V. Jackson, Commissioner.</b>		
<b>Neighborhood Development - Donald T. Moss, Commissioner.</b>		
<b>Building &amp; Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.</b>		
<b>DEPT. OF PERSONNEL AND HUMAN RESOURCES - Joseph Nolan,</b>		
<b>Director, Room 121</b>		
<b>DEPT. OF ECONOMIC DEVELOPMENT - Christopher P. Warren,</b>		
<b>Director, Room 210</b>		
<b>DEPT. OF AGING - Susan E. Axelrod, Director, Room 122</b>		
<b>COMMUNITY RELATIONS BOARD - Room 11, Dennis D. Dove, Acting</b>		
<b>Director; Mayor Michael R. White, Chairman Ex-Officio; Mary Adele</b>		
<b>Springman, Vice-Chairman; Councilmen Michael Polensek and Edward</b>		
<b>Rybka, City Council Representatives; Muqit Abdul Sabur, Louise Boddie,</b>		
<b>Charles E. McBee, Larry C. Liou, John Gallo, Emmett Saunders, Mary</b>		
<b>Jan Buckshot, Sr. Joaquina Carrion, Kathryn M. Hall, Hasan Muheisen,</b>		
<b>Barbara S. Rosenthal, Henry Simon.</b>		
<b>CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,</b>		
<b>President; Timothy J. Cosgrove, Vice President; Cynthia Sullivan,</b>		
<b>Secretary; Margaret Hopkins, Member, Earl Preston, Member.</b>		
<b>SINKING FUND COMMISSION - Michael R. White, President; Betsy</b>		
<b>Hruby, Asst. Sec'y.; _____, Director; President of Council</b>		
<b>Jay Westbrook.</b>		
<b>BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman;</b>		
<b>Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek,</b>		
<b>Eugene Cranford, Jr., Secretary.</b>		
<b>BOARD OF BUILDING STANDARDS AND BUILDING APPEALS - Room</b>		
<b>516, J. F. Denk, Chairman; J. Bowes, James Williams, Alternate Members -</b>		
<b>D. Cox, P. Frank, E. P. O'Brien, Richard Pace, Arthur Saunders, J.S.</b>		
<b>Sullivan.</b>		
<b>BOARD OF REVISION OF ASSESSMENTS - Law Director Cornell P.</b>		
<b>Carter, President; Finance Director Martin L. Carmody, Jr., Secretary;</b>		
<b>Council President Jay Westbrook.</b>		
<b>BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto;</b>		
<b>Law Director Cornell P. Carter; Councilman Roosevelt Coats.</b>		
<b>BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell</b>		
<b>P. Carter; Utilities Director Michael Konicek; Council President Jay</b>		
<b>Westbrook.</b>		
<b>CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director;</b>		
<b>Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke,</b>		
<b>Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small,</b>		
<b>Councilman Odelia V. Robinson.</b>		
<b>CLEVELAND BOXING AND WRESTLING COMMISSION - Robert Jones,</b>		
<b>Chairman; Clint Martin, Mark Rivera.</b>		
<b>MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman;</b>		
<b>Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook;</b>		
<b>Councilman Roosevelt Coats; Councilman Martin J. Sweeney.</b>		
<b>BOARD OF EXAMINERS OF ELECTRICIANS - Raymond Ossovicki,</b>		
<b>Chairman; _____, Anton J. Eichmuller, Samuel Montfort</b>		
<b>J. Gilbert Steele, Laszlo V. Kemes, Secretary.</b>		
<b>BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;</b>		
<b>Earl S. Bumgarner, _____, Jozef Valencik, Martin Gallagher,</b>		
<b>Laszlo V. Kemes, Secretary.</b>		
<b>CLEVELAND LANDMARKS COMMISSION - Room 519, _____,</b>		
<b>Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert</b>		
<b>Keiser, Secretary; James Gibans, Hunter Morrison, Kenneth Nobilio,</b>		
<b>Theodore Sande, Randall Shorr, Shirley Thompson, Councilman Craig E.</b>		
<b>Willis, Councilman Joe Cimperman.</b>		
<b>CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO</b>		
<b>CENTRAL SCHEDULING DEPARTMENT</b>		
<b>JUDGE COURTROOM ASSIGNMENTS</b>		
Judge	Courtroom	
Presiding and Administrative Judge Larry A. Jones	13C	
Judge Ronald B. Adrine	15A	
Judge Colleen C. Cooney	14A	
Judge C. Ellen Connally	15C	
Judge Mabel M. Jasper	14D	
Judge Mary E. Kilbane	14C	
Judge Kathleen A. Keough	12C	
Judge Ralph J. Perk, Jr.	14B	
Judge Raymond L. Pianka (Housing Court Judge)	13B	
Judge Angela R. Stokes	13A	
Judge Gerald F. Sweeney	13D	
Judge Robert J. Triozzi	12A	
<b>Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator,</b>		
<b>Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer,</b>		
<b>Michelle L. Paris-Chief Magistrate</b>		

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 86

WEDNESDAY, JANUARY 13, 1999

No. 4440

## CITY COUNCIL

MONDAY, JANUARY 11, 1999

### The City Record

Published weekly under authority  
of the Charter of the  
City of Cleveland  
Subscription (by mail) \$75.00 a year  
January 1 to December 31  
Interim subscriptions prorated  
\$6.25 per month  
Address all communications to

**CECELIA R. HUFFMAN**

Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

9:30 A.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Johnson, Dolan, Jackson, Robinson.

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio January 11, 1999.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, Moran, Patmon, Polensek, Robinson, Rybka, Sweeney, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Carter, Carmody, Konicek, Balraj, Ricchiuto, Staib, Guzman, Jackson, Hudecek, Warren, Axelrod, Dove, Morrison and Acting Director Patterson.

Absent: Mayor White and Director Nolan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Minister Saint Andrew Jones, Jr., Associate Pastor of Balm in Gilead Missionary Baptist Church, located at 6511 Quincy Avenue in Ward 5. Pledge of Allegiance.

#### MOTION

On the motion of Councilman Coats, the Clerk was instructed to correct the Journal of the December 14, 1998, meeting of the Council (City Record Volume 85, page 2080), to reflect the correct amendment to second reading emergency Ordinance No. 2103-98, passed December 14, 1998, by striking the following:

"Ordinance No. 2103-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement or agreements

to provide first-class food and beverage services in the Cleveland Convention Center and other City facilities under control of the Director of Parks, Recreation and Properties for a period of not to exceed seven years.

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

1. In Section 1, line 9, after "time", strike "during" and insert in lieu thereof ", for".

Amendment agreed to,"

and inserting in lieu thereof:

"Ordinance No. 2103-98.

By Councilmen Willis and Johnson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement or agreements to provide first-class food and beverage services in the Cleveland Convention Center and other City facilities under control of the Director of Parks, Recreation and Properties for a period of not to exceed seven years.

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

1. In Section 1, line 9, after "time", strike "during" and insert in lieu thereof ", for".

2. In Section 1, line 17, following "list," insert "Prior to award of such agreement or agreements, written notification of the terms of the agreement or agreements shall be provided to the Clerk of Council by the Director of Parks, Recreation and Properties."

3. Insert a new Section 2, 3 and 4, and renumber existing Section 2 to Section 5.

4. Insert as new Section 2: "That as a condition for the award of an agreement or agreements authorized by Section 1 hereof, concessionaire or concessionaires shall extend offers of employment to all hourly employees, as well as the chef and sous chef, employed as of effective date of this legislation by Ogdan Allied Food Service or other food and beverage providers at the Cleveland Convention Center and other such City facilities and buildings under control of the Director of Parks, Recreation and Properties; such offers of employment shall be at a rate of compensation at least equal to the employee's rate of compensation and benefits, if any, upon the effective date of this legislation."

5. Insert as new Section 3: "That, with respect to any new employees hired by the concessionaire or con-

cessionaires awarded a contract pursuant to Section 1 hereof, the concessionaire or concessionaires shall use its best efforts to hire Cleveland residents, minorities and females. In addition, as a condition for the agreement, any minority concessionaire or concessionaires must be certified, and must maintain its certification, through the City's Office of Equal Opportunity."

6. Insert as new Section 4: "That, as a condition of award of a contract pursuant to Section 1 hereof, Council has been informed that concessionaire or concessionaires have committed to making certain charitable contributions. The Director of Parks, Recreation and Properties shall inform the Clerk of Council, in writing, of the recipients and level of contribution made by concessionaire or concessionaires.

Amendments agreed to." and, further, that the Clerk be instructed to publish these amendments correctly in the January 13, 1999, City Record.

Councilman Coats also made the motion that the reading of the minutes of the last meeting be dispensed with and the journal approved.

#### OATH OF OFFICE

##### File No. 1-99.

From Cecelia R. Huffman, Clerk of Cleveland City Council, City Clerk. Received.

#### COMMUNICATIONS

##### File No. 2-99.

From Michael R. White, Mayor re: Implementation of Disadvantaged Business Enterprises Program (DBE). Received.

##### File No. 3-99.

From the Department of Personnel and Human Resources re: 1997 Annual EEO Report. Received.

##### File No. 4-99.

From the Division of Purchases and Supplies re: Emergency Requisition (RE-10596). Received.

##### File No. 5-99.

From the Cleveland Public Library re: Director's Report, December 10, 1998. Received.

##### File No. 6-99.

From the Director of Public Utilities re: Notice to Council of Subsidiary Agreements, Contract No. 50864. Received.

##### File No. 7-99.

From the Division of Purchases and Supplies re: Excess Property - Reference No. 20-98. Received.

##### File No. 8-99.

From the Department of Community Development re: Notification of MBE Set-Aside Award. Received.

##### File No. 9-99.

From the Department of Port Control re: List of Bidders for Underground Storage Tank Removal & Replacement, with Aboveground storage at Cleveland Hopkins International Airport. Received.

##### File No. 10-99.

From Vorys, Sater, Seymour and Pease LLP re: Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement, Letter dated December 11, 1998. Received.

##### File No. 11-99.

From the Division of Purchases and Supplies re: Requirement Contract/Monthly Report - December, 1998. Received.

##### File No. 12-99.

From the State of Ohio Environmental Protection Agency re: Public Notice No. 99-01-007 regarding National Pollutant Discharge Elimination System (NPDES) permits or modifications. Received.

##### File No. 13-99.

From the Cleveland Police Historical Society, Inc. & Museum re: Appreciation for material received from the Cleveland City Council Archives. Received.

##### File No. 14-99.

From the Department of Public Service re: Public Meeting, January 21, 1999 at Estabrook Recreation Center regarding reconstruction of waste transfer facility. (Ward 15). Received.

##### File No. 15-99.

Agenda for Board of Building Standards and Building Appeals. Received.

##### File No. 16-99.

From the Ohio Department of Rehabilitation and Correction re: inspection of the Cleveland House of Correction on December 10, 1998. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 17-99.

Re: Transfer of Ownership Application - 3225491 - Thomas J. Glivar dba Pony's Cafe, 2657 West 25th Street, first floor and basement. (Ward 14). Received.

##### File No. 18-99.

Re: Transfer of Ownership Application - 9164985 - University Club of Cleveland, Inc. Charter 1040515, patio and sports center and tennis courts, 3813 Euclid Avenue. (Ward 5). Received.

##### File No. 19-99.

Re: Transfer of Ownership Application - 3682033 - Anastasia Hawryliw dba Pearl Road Lunch, 4370 Pearl Road, first floor and basement. (Ward 16). Received.

##### File No. 20-99.

Re: Transfer of Ownership Application - 5254366 - Loews Building LTD, 1515 Euclid Avenue, first and second floors, basement and patio. (Ward 13). Received.

##### File No. 21-99.

Re: Transfer of Ownership Application - 7210311 - Rathskeller, Inc. dba Club 75, 75 Public Square. (Ward 13). Received.

##### File No. 22-99.

Re: Transfer of Ownership Application - 1827164 - Dwain L. Croskey dba Tyler's Taverne, 3370 East 65th Street. (Ward 12). Received.

##### File No. 23-99.

Re: Transfer of Ownership Application - 4951248 - L & L Grocery, Inc. 10101 Quebec Avenue. (Ward 6). Received.

##### File No. 24-99.

Re: Transfer of Location Application - 73153071318 - Revco Discount Drug Center, Inc. dba CVS Pharma-

cy 4316, 6301 Harvard Avenue. (Ward 12). Received.

##### File No. 25-99.

Re: Transfer of Ownership and Location Application - 6567875 - Opus Endeavors, Inc. dba Knuckleheads, 1891 West 25th Street. (Ward 14). Received.

#### COMMUNICATION

##### File No. 26-99.

January 6, 1999

Hon. Jay Westbrook  
President of Cleveland City Council  
City Hall, Room 216  
Cleveland, Ohio

Dear Council President Westbrook:

I resign as Cleveland City Councilman of Ward 16, effective January 11, 1999.

New business obligations do not permit me to give the residents of Ward 16 the attention this position deserves. I would like to thank the residents for giving me the opportunity to serve them.

After evaluating individuals who are active in Ward 16, I will be recommending Michael C. O'Malley to the Democratic Caucus of Cleveland City Council as my replacement. Thank you in advance for your support of my recommendation.

Sincerely,

LARRY MORAN  
Councilman, Ward 16

Received.

#### ELECTION TO FILL VACANCY IN WARD 16

The Clerk of Council read a letter of resignation from Councilman Larry Moran of Ward 16. The President of Council accepted the resignation and declared a vacancy in Ward 16. Council Majority Leader Roosevelt Coats nominated Mr. Michael C. O'Malley to serve as Councilman representing Ward 16. Councilman Martin J. Sweeney seconded the nomination. Councilman Odella V. Robinson moved that the nominations be closed. Without objection, the nominations were closed.

Thereupon, the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilman of Ward 16. Upon completion of the roll call, the Clerk announced that Mr. Michael C. O'Malley received 18 votes. Those who voted for Mr. O'Malley were: Councilmen: Westbrook, Britt, Cimperman, Coats, Dolan, Gordon, Jackson, Jones, Lewis, Melena, Patmon, Polensek, Robinson, Rybka, Sweeney, White, Willis, Zone. Absent: Councilman Cintron and Councilman Johnson.

The Chair declared Mr. Michael C. O'Malley, having received the unanimous vote of all the members elected to Council to be the duly elected Councilman of Ward 16. The President requested Council Majority Leader Coats, Councilman Robinson and Councilman Sweeney to escort the duly elected member of Council and his family to the podium to have the oath of office administered by Judge Timothy P. Gilligan of the Parma Municipal Court.

**File No. 27-99.**

**OATH OF OFFICE, WARD 16**

STATE OF OHIO )  
 ) SS:  
 COUNTY OF CUYAHOGA )

I, **MICHAEL C. O'MALLEY**, do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of **CITY COUNCILMAN, WARD 16**, of the City of Cleveland, State of Ohio, during my continuance in said office.

**MICHAEL C. O'MALLEY**

Sworn before me and subscribed in my presence this 11th day of January, 1999.

JUDGE TIMOTHY P. GILLIGAN,  
 Parma Municipal Court  
 Received.

**CONDOLENCE RESOLUTIONS**

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

- Res. No. 53-99**—Lucy Mae Walters.
- Res. No. 54-99**—Clifford W. Olson.
- Res. No. 55-99**—Berthina E. (Bert) Palmer.
- Res. No. 56-99**—Jim Parker.
- Res. No. 57-99**—Genevieve Hauserman.
- Res. No. 58-99**—Dr. Robert Glover Thomas.
- Res. No. 59-99**—Hedy Sommerfelt.
- Res. No. 60-99**—William R. Sammons.
- Res. No. 61-99**—Quitman Gray.
- Res. No. 62-99**—James J. Thompson.
- Res. No. 63-99**—Honorable Judge James P. Kilbane.
- Res. No. 64-99**—Winnie Bell Small Abrams.
- Res. No. 65-99**—Matthew Jones.
- Res. No. 66-99**—Jose Soto Velez.
- Res. No. 67-99**—Georgia Roberts.
- Res. No. 68-99**—Theresa Ferguson.

**CONGRATULATORY RESOLUTIONS**

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

- Res. No. 69-99**—Reverend Dr. Leroy Banks, Sr.
- Res. No. 70-99**—Jennifer M. Arnold.
- Res. No. 71-99**—GE Collinwood Youth Employment Program.
- Res. No. 72-99**—Estabrook Blue Dolphin Swim Team.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 73-99**—Rocco M. Pollutro.
- Res. No. 74-99**—William Denihan.
- Res. No. 75-99**—Angel J. Morales.
- Res. No. 76-99**—Helena Santiago.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 28-99.**  
**By Councilmen Coats and Johnson (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Dictaphone Corporation for the purchase of maintenance services for Dictaphone equipment, including logging and playback recorders, for the Division of Emergency Medical Service, Department of Public Safety.**

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Dictaphone Corporation. Therefore, the Director of Public Safety is hereby authorized to make a written contract with said Dictaphone Corporation upon the basis of its proposal dated July 21, 1998, for maintenance services for Dictaphone equipment, including logging and playback recorders, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20681.

**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. 29-99.**  
**By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).**

**An emergency ordinance to appropriate property for the public purpose of expanding Brookside Park.**

Whereas, the Council of the City of Cleveland, by Resolution No. 39-99, adopted January 11, 1999, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of expanding Brookside Park; and

Whereas, notice of adoption of such Resolution has been served upon the persons in possession or having an interest in such property; and

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

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

**Section 1.** That for the public purpose of expanding Brookside Park, the following described fee simple interests be and the same hereby are appropriated: Sublot Number 1 through 8 in the Municipal Realty Company's Memphis Avenue Subdivision as recorded in Volume 84,

Page 12 of the Cuyahoga County Map Records.

**Section 2.** That the Director of Law is hereby directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests hereinbefore described.

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

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

**Ord. No. 30-99.**

**By Councilmen O'Malley, Sweeney, Westbrook, Robinson and Johnson (by departmental request).**

**An emergency ordinance to amend the title, Section 1 and Section 2 of Ordinance No. 1279-97, passed May 11, 1998, relating to employing one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road, including the relocation of water lines under Brook Park Road.**

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 title, Section 1 and Section 2 of Ordinance No. 1279-97, passed May 11, 1998, are hereby amended to read, respectively, as follows:

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering services necessary to design the relocation of Brook Park Road, including the relocation of water lines under Brook Park Road.

**Section 1.** That, provided the City of Cleveland sells the general airport revenue bonds authorized by Ordinance No. 923-97, passed June 9, 1997, the Director of Port Control is hereby authorized and directed to employ by contract one or more engineers or one or more firms of engineers for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the relocation of Brook Park Road, including the relocation of water lines under Brook Park Road.

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

Prior to such Board of Control selection, the Director of Port Control shall notify the Chairman of the Aviation and Transportation Committee, in writing, of the proposed consultant and the pending selection of such consultant by the Board.

Section 2. That the costs for such services herein contemplated shall be paid from **Fund Nos. 52 SF 001, 52 SF 223, 52 SF 225**, from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said contract are credited, Request No. 22506.

**Section 2.** That the existing title, Section 1 and Section 2 of Ordinance No. 1279-97, passed May 11, 1998, are hereby repealed.

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

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

**Ord. No. 31-99.**

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

**An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into contract with TransUnion Employment Screening Services, Inc. to provide employee background and criminal checks.**

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

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

**Section 1.** That the Director of Personnel and Human Resources is hereby authorized to enter into a two-year contract with TransUnion Employment Screening Services, Inc. for the professional services necessary to administer employee background and criminal checks including automated criminal records checks; automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security traces and automated credit checks, based on its proposal dated May 28, 1998, in the estimated sum of \$100,000, payable from Fund No. 01-04-02-0320, Request No. 23681, for the Department of Personnel and Human Resources.

**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 Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**Ord. No. 32-99.**

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

**An emergency ordinance to amend Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, relating to newspaper dispensing devices.**

Whereas, there is a significant amount of pedestrian traffic in the Central Business District; and

Whereas, street furniture is present in the Central Business District to enhance beauty and function; and

Whereas, too many obstructions in the public sidewalks of the Central Business District create both safety and aesthetic concerns because they block the free flow of traffic and create a cluttered appearance; and

Whereas, in order to limit those safety and aesthetic concerns in the Central Business District, newspaper dispensing devices should be grouped together; 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 Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, are hereby amended to read, respectively, as follows:

**Sections 680.01 Definitions**

As used in this chapter:

(a) "Crosswalk" means that part of a street at intersections which is ordinarily included within the projected prolongation of property and curb lines, or, in the absence of curbs, the edges of the traversable roadway; or any portion of a street at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the street surface.

(b) "Director" means the Director of Public Service.

(c) "Group of newspaper dispensing devices" means any two (2), three (3), four (4), **five (5) or six (6)** adjacent newspaper dispensing devices.

(d) "Newspaper dispensing device" means any self-service or coin-operated box, container, storage unit or dispenser installed, used, or maintained for the display, distribution and sale of newspapers, periodicals or other publications.

(e) "Owner" means a person or an agent or officer of a person in whom is vested ownership, dominion, control or title of a newspaper dispensing device.

(f) "Person" means any individual, firm, partnership, association, corporation, company, organization or legal entity of any kind.

(g) "Public right-of-way" means any way which has been deeded to the public or dedicated to the public use for pedestrian or vehicular travel.

(h) "Roadway" means that portion of a street intended for the use of vehicular travel.

(i) "Sidewalk" means that portion of a street between the curb line or the lateral line of the roadway, and the adjacent property lines, intended for the use of pedestrians.

(j) "Street" means the entire width between the boundary lines or every way open to the use of the public as a thoroughfare for purposes of pedestrian and vehicular travel.

(k) "Traffic Sign" means any sign placed or erected by a public body or official for the purpose of regulating, warning or guiding vehicular travel, excluding "no parking" and "no stopping" signs.

**Section 680.05 Criteria for Installation, Placement and Maintenance of Newspaper Dispensing Devices**

(a) Location. No newspaper dispensing device shall be installed, placed or maintained:

(1) in such manner as to rest, in whole or in part, in, on or over any portion of a roadway;

(2) in One-Family, Two-Family or Multi-Family districts of the City except in the vicinity of public bus stops and public bus shelters in accordance with the following:

A. where there is a concrete pad underlying a public bus stop which has no shelter, a newspaper dispensing device or devices may be placed within two feet (2') of that edge of the concrete pad which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "leading edge"). In the event that a bus company installs a concrete pad at a public bus stop where there is no shelter and subsequently makes application to the City to install a shelter upon that pad, any permit which has been issued for a newspaper dispensing device which is located upon that pad and which will not comply with the distance requirements contained in division (a)(2)B. of this section after installation of the shelter shall terminate upon notice from the City that the City has issued to the bus company a permit to erect a shelter;

B. where there is a concrete pad underlying a shelter at a public bus stop, a newspaper dispensing device or devices may be placed within two feet (2') of the leading edge of the concrete pad, provided that such placement will result in a clear space of five feet (5') along the entire width of the pad between the shelter and the newspaper dispensing device or devices;

C. the requirement set forth in division (a)(12) of this section shall not apply to any newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section;

D. Notwithstanding the provisions at the end of this division (a), a newspaper dispensing device which is in compliance with division (a)(2)A. or (a)(2)B. of this section may be placed more than thirty-six inches (36") from the curb edge of the roadway;

(3) within five feet (5') of any crosswalk; provided that in cases where there is a handicapped ramp to the street adjacent to a crosswalk, the five feet (5') required by this division shall be measured from the edge of the handicapped ramp that is furthest from the crosswalk;

(4) within five feet (5') of any fire hydrant, fire call box or police call box;

(5) within five feet (5') of any driveway;

(6) except in One-Family, Two-Family, or Multi-Family Districts:

A. where there is no bus shelter at a bus stop, within forty feet (40') back of a sign identifying a particular bus company or bus route number and marking a designated bus stop;

B. where there is a bus shelter at a bus stop, within five feet (5') forward and forty feet (40') back of

the end of the shelter that is closest to the sign identifying a particular bus company or bus route number and marking a designated bus stop;

(7) within three feet (3') of any traffic sign;

(8) within three feet (3') of any public utility pole, provided further that placement adjacent to a public utility pole shall be limited to one side of the pole;

(9) within that portion of the sidewalk parallel to an area designated for handicapped parking, a taxi stand or a commercial loading or unloading zone;

(10) within the entire width of the area that is included in the prolongation, projected to the curb or the edge of the traversable roadway, or any primary entrance of a building; provided that for purposes of this division, a "primary entrance" is a building entrance with more than one (1) multi-leafed door;

(11) within three hundred feet (300') of any other newspaper dispensing device on the same side of the street in the same block which contains the same issue or edition of the same newspaper periodical or other publication;

(12) within three feet (3') of any public area improved with lawn, flowers, shrubs, trees, tree wells or tree grates;

(13) on a manhole cover, pull box or any other area of access to underground utilities;

(14) on either side of East 6th Street between Euclid Avenue and Superior Avenue and on either side of East 9th Street between Prospect Avenue and Lakeside Avenue, where the continuous, undivided space for the passageway of pedestrians is reduced to less than twelve feet (12'), and in all other areas, where the continuous, undivided space for the passageway of pedestrians is reduced to less than six feet (6'); and

(15) in a manner that unreasonably blocks, obstructs or restricts the free passage of pedestrians in the lawful use of the sidewalk.

**In the Central Business District, newspaper dispensing devices shall not be permitted to be located alone and shall be placed in a group of newspaper dispensing devices adjacent to each other provided that no more than six (6) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means separated by not more than four and one-half inches (4-1/2"). No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices. If an owner proposes a location in the Central Business District in which that owner's newspaper dispensing device would be standing alone, the Director shall notify that owner of the nearest group of dispensing devices.**

**Outside of the Central Business District,** newspaper dispensing devices may be placed adjacent to each other provided that no more than four (4) newspaper dispensing devices are adjacent to each other. For purposes of this provision, "adjacent" means separated by not more than four and one-half inches (4-1/2"). No group of newspaper dispensing devices shall be placed within fifty feet (50') of any other group of newspaper dispensing devices.

Newspaper dispensing devices shall be placed parallel to a curb,

shall face away from the roadway and shall be placed no less than twenty-four inches (24") and no further than thirty-six inches (36") from the curb edge of the roadway.

(b) Installation; Removal. Newspaper dispensing devices shall not be cabled, chained or otherwise attached to the sidewalk or to any object or building except to any other newspaper dispensing devices. Upon removal of a newspaper dispensing device, the owner of such device shall be responsible for repairing any damage to the sidewalk caused by the installation or placement of such device. The extent of the repairs to the sidewalk shall be determined by the Director, provided that any such determination may be appealed to and reviewed by the Board of Zoning Appeals in accordance with the requirements contained in Section 680.06.

(c) Size; Color; Maintenance. All newspaper dispensing devices shall:

(1) not exceed fifty inches (50") in height, twenty inches (20") in width or twenty inches (20") in depth;

(2) be of one of the two designs which have been approved and are on file with the City Planning Commission, one of which shall be a size which accommodates full sheet publications (the "full sheet device") and one of which shall be a size which accommodates tabloid publications (the "tabloid device");

(3) have a functioning coin return mechanism if a fee is charged;

(4) have affixed in a readily visible place a permit sticker and a notice setting forth the title, address and telephone number of a responsible officer or agent of the owner to contact to report a malfunction of the coin return mechanism;

(5) be maintained in a properly functioning, clean, neat and attractive condition, free of rust;

(6) not be used for advertising, signs or publicity purposes other than for the display, sale or purchase of the newspaper, periodical or publication therein; and

(7) not be stacked one on top of another.

(d) Identification Signs.

(1) The name of the publication using either the full sheet device or the tabloid device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height on each side of the device.

(2) On the front of the full sheet device, the name of the publication using the device may be displayed within an area that is fifteen inches (15") in width and twelve inches (12") in height. On the front of a tabloid device, the name of the publication using the device may be displayed within an area that is twelve and one-half inches (12-1/2") in width and eleven inches (11") in height. On either the full sheet device or the tabloid device, this area shall be called the "frontal area."

(3) The frontal area of any device may be configured as a slip panel to accommodate changeable advertising related only to the publication or its noncommercial contents.

(4) No publication may display its name or any other materials on the rear of the device facing the street.

(e) Within six (6) months after the effective date of this division, the City Planning Commission shall create a special district for newspaper dispensing devices on Public Square because of the unique pedestrian and vehicular traffic patterns thereon. The Commissioner's resolution effecting the creation of such district shall specify the design or designs of newspaper dispensing devices within the district and the locations within the district upon which newspaper dispensing devices may be located, notwithstanding any other provisions of this section to the contrary. In determining the specific locations of newspaper dispensing devices within the district, the City Planning Commission shall apply standards that are no more restrictive, and may be less restrictive, than the provisions of division (a) of this section. For six (6) months after the effective date of this division, the provisions of this section shall apply to all newspaper dispensing devices on Public Square. For purposes of this division, "Public Square" means the four (4) quadrants of Public Square and the sidewalks on either side of the roadways that bound and that intersect said quadrants.

(f) (1) Notwithstanding anything to the contrary contained in division (a)(2)B., (a)(6)B., (c)(1), (c)(2), or (c)(7) of this section, newspaper dispensing devices may be installed, placed, and maintained directly adjacent to and flush against that side of a public bus shelter which is perpendicular to the curb edge of the roadway and furthest forward in the direction of traffic on the street (the "downstream side"); provided, however, that if more than one owner desires to install a device at any one public bus shelter, only multiple-dispensing-device modular units may be installed, placed, and maintained at such location. No modular unit shall be installed unless and until the City Planning Commission has approved the design thereof. Where more than one newspaper dispensing device is located in the vicinity of the downstream side of a public bus shelter as of January 1, 1991, said devices may be moved adjacent to the downstream side of the shelter until such time as the City Planning Commission approves the design of a modular unit for that location. Owners installing modular units shall be responsible for their maintenance and shall purchase such units on terms and conditions upon which said owners mutually agree. Newspaper dispensing devices or modular units installed and maintained directly adjacent to the downstream side of public bus shelters may be placed so that the front of the device is perpendicular to or at an angle to the roadway; so long as such device or modular unit is placed adjacent to the downstream side of the shelter.

(2) If a bus company presents to the City Planning Commission a bus shelter design which incorporates newspaper dispensing devices or a modular frame therefor into the bus shelter, and if the City Planning Commission approves said design, the following shall not apply to any newspaper dispensing device which is incorporated into any such bus shelter or inserted into any such modular frame, provided that the bus shelter is installed pursuant to a permit duly issued by the City:

A. the weight requirements contained in division (d)(2) of Section 680.03;

B. the distance requirements contained in divisions (a)(2)B., (a)(6)B., and (a)(12) of this section; and

C. the design requirements contained in divisions (c)(1), (c)(2), and (c)(7) of this section.

(g) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(2)A. or (a)(2)B. of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter in a One-, Two-, or Multi-Family District as of January 1, 1991, and if said device would otherwise not be permitted to remain at such location because the concrete pad is of insufficient size to accommodate the placement of such device in accordance with the provisions of divisions (a)(2)A. or (a)(2)B. of this section, said device may remain at the location it occupied as of January 1, 1991 until such time as the concrete pad underlying such public stop or public bus shelter is extended by the bus company and the pad is of sufficient size to accommodate the placement of such device. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section. In the event that the owner installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms and conditions upon which the owner and the public bus company mutually agree;

provided that the Directors of Public Service and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said directors mutually agree.

(h) Subject to the provisions of the following sentences in this division and notwithstanding anything to the contrary contained in divisions (a)(6) or (a)(12) of this section, if a newspaper dispensing device is in place on a concrete pad at a public bus stop or public bus shelter outside of the Central Business District as of January 1, 1991, and if said device would otherwise not be permitted to remain in the

vicinity because a relocation of said device in order to comply with the distance requirements of this section would result in the placement of said device at a prohibited location, said device may remain at the location it occupied as of January 1, 1991. Any newspaper dispensing device that is permitted to remain at a public bus stop or public bus shelter as a result of the provisions of this division shall be removed by its owner if a public bus company installs a shelter on the concrete pad underlying a public bus stop or enlarges an existing shelter unless:

(1) the bus company enlarges the concrete pad underlying the public bus stop or bus shelter sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B. of this section; or

(2) the owner of the device extends the bus company's concrete pad sufficiently to accommodate placement of the device in accordance with division (a)(2)A. or (a)(2)B., of this section. In the event that the owners installs such an extension:

A. the owner shall be responsible for maintaining the extension of the concrete pad; and

B. if the owner removes the device, the owner shall promptly:

1. remove the extension of the concrete pad and restore the property underlying said extension to its condition prior to the installation of the extension; or

2. transfer its interest in the extension of the concrete pad to another owner on terms and conditions upon which the two owners mutually agree; or

3. transfer its interest in the extension of the concrete pad to the public bus company on terms and conditions upon which the owners and the public bus company mutually agree;

provided that the Directors of Public Service and City Planning may, in their sole discretion, permit such concrete pad to remain in place, absent a transfer of interest pursuant to paragraph (2)B.2. or (2)B.3. of this division, upon such terms and conditions as said directors mutually agree.

(i) Notwithstanding anything to the contrary contained in division (a)(6)A. or (a)(8) of this section, any newspaper dispensing device that is in place at a public bus stop and at least six inches (6") forward of a bus company sign which is located on a utility pole as of January 1, 1991, but that would not be permitted to remain at such location because of the requirements of division (a)(8) of this section, may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section; and, other than on Euclid Avenue, any newspaper dispensing device that is in place more than eight feet (8') back of a bus company sign at a public bus stop as of January 1, 1991 may remain at such location until such time as the bus sign is moved so as to allow sufficient space for the newspaper dispensing device to be located forward of the sign without violating any provision of this section.

**Section 2.** That existing Sections 680.01 and 680.05 of the Codified

Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, are hereby repealed.

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

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

**Ord. No. 33-99.**

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

**An emergency ordinance authorizing the Director of Public Health to accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program; and to enter into a contract for the lease of a facility to implement the Centerpoint Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to accept a grant in the amount of \$232,266.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File 1247-98-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

**Section 3.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is hereby authorized to lease a facility for the implementation of the Centerpoint Program. The term of the lease shall not exceed the grant period and shall be in an estimated amount of \$15,000.00 and shall be payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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.



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

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

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

#### FIRST READING EMERGENCY RESOLUTIONS REFERRED

##### Res. No. 34-99.

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

**An emergency resolution declaring the intention to vacate all that portion of Calvin Court S.W.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Calvin Court S.W. as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of CALVIN COURT S.W. (12.00 feet wide) extending Easterly from the Easterly line of West 17th Street (60.00 feet wide) to the Southerly prolongation of the Easterly line of Sublot Number 98 in Brainards & Curtiss Allotment as shown by the recorded plat in Volume 12, Page 43 of Cuyahoga County Records.

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

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

##### Res. No. 35-99.

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

**An emergency resolution declaring the intention to vacate all that portion of Postal Court S.W.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Postal Court S.W., as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion **POSTAL COURT S.W.** (20.00 feet wide), extending Westerly from the Westerly line of West 130th Street (60.00 feet wide) to its Westerly 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. 36-99.

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

**An emergency resolution declaring the intention to vacate all that portion of Rockwell Avenue N.E.**

Whereas, this Council; is satisfied that there is good cause to vacate all that portion of Rockwell Avenue N.E. as hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 all those portions of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of **ROCKWELL AVENUE N.E.** (60.00 feet wide) extending Westerly from the Westerly line of East 21st Street (66.00 feet wide) to that portion of Rockwell Avenue N.E. vacated by the Council of the City of Cleveland by Ordinance Number 87-68, passed on January 8, 1968.

**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. 37-99.

**By Councilmen Willis and Britt.**  
**An emergency ordinance consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays, on Sunday, April 24, 1999, 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 Sunday, April 24, 1999, 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 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 38-99.**

**By Councilman Willis (by request).  
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Medical Center Company to encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard, with twin, 20", chilled water lines for use in their building.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Medical Center Company, 2250 Circle Drive, Cleveland, Ohio 44106-2664, its successors and assigns, for the construction, use and maintenance of twin, twenty inch (20"), chilled water lines for use by their building as aforesaid, and which twin, 20", chilled water lines will encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard, and are more fully described herein.

**LEGAL DESCRIPTION/CENTER-LINE 20" CHILLED WATER LINE/ADELBERT RD.**

Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio and known as being part of Original 100 Acre Lot Number 403 and bounded and described as follows:

Beginning at a stone monument at the intersection of the centerline of Euclid Avenue (100.00 feet wide) and the centerline of Adelbert Road S.E. (60.00 feet wide); thence along the northwesterly extension of the centerline of Adelbert Road, North 46°-12'-04" West a distance of 50.00 feet to a point on the northerly line of Euclid Avenue, as aforesaid;

Thence South 43°-49'-06" West along the northerly line of Euclid Avenue, as aforesaid, a distance of 129.00 feet to the Principal Place of Beginning and following along the centerline of a 20" chilled water line;

Thence North 88°-49'-06" East a distance of 7.00 feet to an angle point;

Thence North 43°-49'-06" East and parallel with the centerline of Euclid Avenue, as aforesaid, and measuring 45.00 feet northwesterly at right angles to said centerline, a distance of 85.00 feet to an angle point;

Thence South 46°-12'-04" East and parallel with the centerline of Adelbert Road, as aforesaid, and measuring 40.00 feet southwesterly at right angles to said centerline, a distance of 109.00 feet to an angle point;

Thence North 88°-47'-56" East a distance of 69.00 feet to an angle point;

Thence South 46°-12'-04" East and parallel with the centerline of Adelbert Road, as aforesaid, and measuring 10.00 feet northeasterly at right angles to said centerline, a distance of 1014.00 feet to an angle point;

Thence North 88°-47'-56" East a distance of 30.00 feet to a point on the easterly line of Adelbert Road,

as aforesaid, and the terminus thereof. This legal description was prepared by Ciuni & Lynn Associates, January, 1999.

**Section 2.** That said 20" chilled water lines will be placed within the public right-of-way as aforesaid in Section 1, and said 20" chilled water lines will 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.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 40-99.**

**By Councilman Cintron.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to MetroHealth Medical Center to stretch twenty-six (26) banners on utility poles (by separate permission) in various streets surrounding MetroHealth Center located at 2500 MetroHealth Drive publicizing MetroHealth's Center for Rehabilitation Services for the period of February 8, 1999 to March 8, 1999, inclusive.**

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 MetroHealth Medical Center, 2500 MetroHealth Drive, Cleveland, Ohio 44109-1998, to install, maintain and remove twenty-six (26) banners to be attached to utility poles, (by separate permission) at Scranton Road - 10 poles between Sackett and Southpoint (W), no pole numbers; 1st pole north of West 25th St. (W), no pole number; West 25th Street - 8 poles between Sackett and Southpoint (E), no pole numbers; 1-pole south of Southpoint (E), #AOM41-125; 1-pole at 3517 West 25th Street (E), no pole number; MetroHealth Drive - 3 poles in median strip between West 25th Street and Scranton Road, no pole numbers; Southpoint Drive - 2 poles between West 25th Street and Scranton Road (N), no numbers; publicizing MetroHealth's Center for Rehabilitation Services from the period of February 8, 1999 to March 8, 1999, inclusive. Said banner shall be approved by the Director of Public Safety, as

to type, method of affixing and location so as not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 52-99.**

**By Councilman Jackson.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Gregory C. Simmons).**

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

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

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Gregory C. Simmons (Northwest corner of East 93rd Street and Union Avenue).

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

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**FIRST READING ORDINANCE  
READ IN FULL AND PASSED**

**Ord. No. 1135-A-98. (As substitute for Ordinance No. 1135-98).**

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

**An ordinance to amend Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, relating to unnecessary noise.**

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

**Section 1.** That Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, is hereby amended to read as follows:

**Section 605.10 Unnecessary Noise**

(a) No person shall make, or cause, suffer, allow, or permit to be made within the City any unreasonably loud, disturbing and unnecessary noise, or noises of such character, intensity or duration as to be detrimental to the life and health of any individual.

(b) Loud, disturbing and unnecessary noises in violation of this section shall include without limitation the following:

(1) The sounding of any horn, bell, or other signal or warning device on any motor vehicle, motorcycle, bus or other vehicle, except as a danger or warning signal.

(2) The keeping of any animal or bird which, by causing frequent or long continued noise disturbs the comfort and repose of any person in the vicinity, where such noise can be distinctly heard outside the property line of the premises at which the animal or bird is kept.

(3) The use of any motorcycle, or vehicle so out of repair or so loaded as to create loud or unnecessary grating, grinding, rattling or other noise.

(4) The blowing of any steam whistle attached to any stationary boiler, except to give notice of the time to begin or stop work or as a warning of danger, or the use of steam under pressure for cleaning purposes in any establishment between the hours of 7:00 p.m. and 7:00 a.m., when the windows of such establishment are open.

(5) The unreasonable discharge into the open air of the exhaust of any steam engine, stationary internal combustion engine, motor vehicle or motor boat engine.

(6) The use of any mechanical device operated by compressed air (excluding a jackhammer operated on weekdays between the hours of 8:00 a.m. and 7:00 p.m.) unless the noise created thereby is effectively muffled and reduced.

(7) The creation of a loud and excessive noise in connection with the loading or unloading of any vehicle or the opening and destruction of bales, boxes, crates and containers.

(8) The making of any unnecessary or unseemly noise by a person or by his operation of any instrument, device, agency or vehicle, the performance of any construction or demolition activity or the operation of any mechanical, electrical, pneumatically, hydraulically powered or battery operated apparatus used in connection with any construction or demolition activity between the hours of 7:00 p.m. and 7:00 a.m. within 500 feet of places of residence and 150 feet of any portion of the

grounds and premises on which is located a hospital or other institution reserved for the sick, aged or infirm, or within 150 feet of any school, courthouse, church or building in which religious services are held, during school hours, hours of holding court or hours of public worship, respectively. The area within 150 feet of a hospital, school, courthouse or church shall be a "zone of quiet" and the Director of Public Safety shall place signs within such zones of quiet calling attention to the prohibition against unnecessary noise.

(9) The making of any loud, unseemly or unnecessary noise in violation of Chapter 683 of these Codified Ordinances.

(c) **Emergency utility or other repair work, such as restoring electric power lines or a water or sewer main, shall be exempted from this ordinance. If there is a need to do any construction or demolition activity other than emergency repairs the construction contractor in charge of the project shall submit to the Director of Public Safety a request to perform construction work outside of the time allowed under this ordinance. The Director of Public Safety may grant an exemption to this ordinance if such an exemption is justified and necessary.**

(d) Whoever violates this section is guilty of making unnecessary noise, a minor misdemeanor, and shall be fined at least seventy-five dollars (\$75.00), which fine shall not be suspended, waived or otherwise reduced below that amount. Whoever violates this section within twelve (12) hours of having been charged with the minor misdemeanor of making unnecessary noise or of having been warned by a police officer to desist from making unnecessary noise is guilty of making unnecessary noise, a misdemeanor of the third degree, and shall be fined at least one hundred dollars (\$100.00), which fine shall not be suspended, waived, or otherwise reduced below that amount. Notwithstanding the preceding provisions of this paragraph, the penalties contained in Section 683.99 shall apply to violations of division (b)(9) of this section.

**Section 2.** That existing Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2487-A-89, passed June 18, 1990, is hereby repealed.

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

Without objection, substitute ordinance agreed to. Ordinance No. 1135-98 was laid on the table.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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

**Res. No. 39-99.**

**By Councilmen O'Malley, Jones, Robinson and Johnson (by departmental request).**

**An emergency resolution declaring the necessity and intention to appropriate property for the public purpose of expanding Brookside Park.**

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 for the public purpose of expanding Brookside Park, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property: Sublot Number 1 through 8 in the Municipal Realty Company's Memphis Avenue Subdivision as recorded in Volume 84, Page 12 of the Cuyahoga County Map Records.

**Section 2.** That the Director of Finance is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the above-mentioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 41-99.**

**By Councilman Cimperman.  
An emergency resolution objecting to the transfer of location of a D5 Liquor Permit to 1300 W. Ninth St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D5 Liquor Permit from Permit No. 9333373, Wade Park Renaissance Corp., 7904 Wade Park Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44103, c/o Ernest Cross to Permit No. 3105158, Genemarco Co. LLC, DBA Club Zibbibo, 1300 W. Ninth St., Cleveland, Ohio 44113; 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 location of a D5 Liquor Permit from Permit No. 9333373, Wade Park Renaissance Corp., 7904 Wade Park Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44103, c/o Ernest Cross to Permit No. 3105158, Genemarco Co. LLC, DBA Club Zibbibo, 1300 W. Ninth St., Cleveland, Ohio 44113 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 42-99.**

**By Councilman Cintron.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 3625 Detroit Ave., and repealing Res. No. 1463-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 3625 Detroit Ave., by Res. No. 1463-98, adopted August 19, 1998; 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 C2 and C2X Liquor Permit to 3625 Detroit Ave., be and the same is hereby withdrawn and Res. No. 1463-98, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 43-99.**

**By Councilman Melena.**

**An emergency resolution objecting to the stock transfer of a C1 Liquor Permit to 3459 W. 54th St., 1st Fl.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C1 Liquor Permit to Permit No. 88651590005, 3459 W. 54th Street Inc., DBA Alexs Deli, 3459 W. 54th St., 1st Fl., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the stock transfer of a C1 Liquor Permit to Permit No. 88651590005, No. 3459 W. 54th Street Inc., DBA Alexs Deli, 3459 W. 54th St., 1st Fl., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 44-99.**

**By Councilman Melena.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 1871-77 West 65th Street.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 9554895, West 65th Street Beverage & Deli Inc., DBA West 65th St. Market, 1871-77 W. 65th St., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 9554895, West 65th Street Beverage & Deli Inc., DBA West 65th St. Market, 1871-77 W. 65th St., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

**Section 2.** That the Clerk of Council be and she hereby is directed to transmit two certified copies of this resolution, together with two copies

of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 45-99.**

**By Councilman Melena.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., and repealing Res. No. 1825-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., by Res. No. 1825-98, adopted October 12, 1998; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 11100 Clifton Blvd., be and the same is hereby withdrawn and Res. No. 1825-98, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 46-99.**

**By Councilman Polensek.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit to 16101 Arcade Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Permit No. 0254173, Arcade Bar Inc., DBA Arcade Bar, Street Fl. & Bsmt., 16101 Arcade Ave., Cleveland, Ohio 44110 to Permit No. 7931681, Walter H. Scott, 16101 Arcade Ave., Cleveland, Ohio 44110; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is

already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D6 Liquor Permit from Permit No. 0254173, Arcade Bar Inc., DBA Arcade Bar, Street Fl. & Bsmt., 16101 Arcade Ave., Cleveland, Ohio 44110 to Permit No. 7931681, Walter H. Scott, 16101 Arcade Ave., Cleveland, Ohio 44110 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 47-99.**

**By Councilman Polensek.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street, and repealing Res. No. 1323-98, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1

and C2 Liquor Permit to 870 East 185th Street, by Res. No. 1323-98, adopted July 29, 1998; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a cooperation agreement signed December 30, 1998, a copy of which is in the file for this address in the City Law Department; and

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 870 East 185th Street, be and the same is hereby withdrawn and Res. No. 1323-98, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 48-99.**

**By Councilman Polensek.**

**An emergency resolution objecting to the transfer of ownership of a D1 and D2 Liquor Permit to 656-58 E. 185th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 1164328, BZO Corp., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119, to Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1 and D2 Liquor Permit from Permit No. 1164328, BZO Corp., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119, to Permit No. 4420251, KRG Inc., DBA Back Door Beverage, 656-58 E. 185th St., Cleveland, Ohio 44119 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 49-99.**

**By Councilman O'Malley.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 6801 Denison Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Ave., 1st Fl., Cleveland, Ohio 44102, to Permit No. 4786325, Kool Katt Inc., DBA Randys Sports Bar, 6801 Denison Ave., Cleveland, Ohio 44102; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Ave., 1st Fl., Cleveland, Ohio 44102, to Permit No. 4786325, Kool Katt Inc., DBA Randys Sports Bar, 6 801 Denison Ave., Cleveland, Ohio 44102 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 50-99.**

**By Councilman O'Malley.**

**An emergency resolution objecting to the stock transfer of a C2, C2X and D6 Liquor Permit to 4171 Ridge Rd.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2, C2X and D6 Liquor Permit to Permit No. 1894446, Daher Inc., 4171 Ridge Rd., Cleveland, Ohio 44144; 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 stock transfer of a C2, C2X and D6 Liquor Permit to Permit No. 1894446, Daher Inc., 4171 Ridge Rd., Cleveland, Ohio 44144 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**Res. No. 51-99.**

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

**An emergency resolution urging the Secretary of the U.S. Department of Housing and Urban Development to reconsider and support the application for the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program application for Supportive Housing funds submitted by the City of Cleveland/Cuyahoga County Office of Homeless Services.**

Whereas, on any given night, there are 950 shelter beds or mats on a floor available to homeless persons to sleep; and

Whereas, there are an estimated 12,000 persons who use the shelters in the City of Cleveland at some point in any given year, and

Whereas, there are an estimated 20,000 homeless persons who go homeless in Cuyahoga County at some point in any given year; and

Whereas, the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program is a creative and necessary component of the continuum of care services for homeless people throughout Greater Cleveland; and

Whereas, the P.A.S.S. Program serves 47 persons at a time, has accommodated a total of 186 persons, and has had requests for service from 700 different persons; and

Whereas, the P.A.S.S. Program effectively serves persons who are homeless; encouraging people on the street to break chemical addictions, develop a positive work record; save money, overcome psychological limitations and strive for self-sufficiency through a system of thoughtful and successful social services; and

Whereas, the Greater Cleveland Chapter of the Salvation Army has been the faithful steward of HUD Innovative Homeless Demonstration Program (IHDP) funds by developing this program to serve some of the most hard core homeless persons in the Greater Cleveland community; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services is charged with developing on-going funds for this local IHDP program, and in communication with HUD staff determined the Supportive Housing Program (SHP) funds were most appropriate to seek for help; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services and HUD staff discussed during the application period that the P.A.S.S. Program was not a new program, nor previously funded by Supporting Housing Program funds and together decided to apply for "renewal" funding within the SHP; and

Whereas, the Secretary of the U.S. Department of Housing and Urban Development identified in a letter to the City of Cleveland dated May 28th, 1998 that the Supporting Housing Program is a potential source of funds specifically for the continuation of the P.A.S.S. Program and further enclosed the Notice of Funding Availability (NOFA) to assist the City to apply for funds in this regard; and

Whereas, the City of Cleveland/Cuyahoga County Office of Homeless Services consequently applied for Supportive Housing Funds for the P.A.S.S. Program; and

Whereas, a HUD rule forbids applicants for funds to communicate with HUD staff after an application is submitted for review and before it is approved or denied by HUD even to discuss complex application circumstances such as these; and

Whereas, on December 23rd, 1998 HUD announced the awards for Supportive Housing Program funds which did NOT include funds for the P.A.S.S. program because it had not previously received SHP funds; now, therefore,

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

**Section 1.** That the Cleveland City Council hereby strongly encourages the Secretary of the U.S. Department of Housing and Urban Development to reconsider and support the application of the Pick-Up, Assessment, Shelter and Services (P.A.S.S.) Program application for Supportive Housing funds submitted by the City of Cleveland/Cuyahoga County Office of Homeless Services; and

**Section 2.** That the Clerk of Cleveland City Council is hereby requested to transmit a copy of this resolution to Mr. Andrew Cuomo, Secretary of the U.S. Department of Housing and Urban Development; U.S. Senator George Voinovich, U.S. Senator Michael DeWine, Cuyahoga County Commissioner Jane Campbell, Cuyahoga County Commissioner James Dimora, Cuyahoga County Commissioner Timothy McCormick, and Cleveland Mayor, Michael White.

**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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unaniomously carried that the absence of Councilman Nelson Cintron, Jr. and Councilman Kenneth L. Johnson be and is hereby authorized.

The Council adjourned at 9:10 p.m. to meet at the Call of the Chair.

  
Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

January 6, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 6, 1999, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Absent: None.  
Others: JoAnn Arki, Acting Commissioner, Purchases and Supplies. Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 1-99.**

By Director Carmody.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on December 9, 1998, for public official bonds for the Bailiff, Cleveland Municipal Court; Clerk of Courts; Deputy Bailiff, Housing Division (including

deputies); and Deputy Bailiff, Judicial Division (including deputies), pursuant to the authority of Section 171.13 of the Codified Ordinances of Cleveland, Ohio 1976, be and the same are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.  
Absent: None.

**Resolution No. 2-99.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Terrace Construction Company, Inc. for the public improvement of Cleaning and Cement Mortar Lining of Trunk Mains Area 98-T1 and a \$135,194.00 contingency allowance for the Division of Water, Department of Public Utilities, received on December 11, 1998, pursuant to the authority of Ordinance No. 1880-98, passed November 23, 1998, upon a unit basis for the improvement in the aggregate amount of One Million Four Hundred Eighty Seven Thousand One Hundred Thirty Four Dollars (\$1,487,134.00), 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 by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc., for the above-mentioned public improvement is hereby approved:

SUBCONTRACTOR	WORK	
RMC, Inc.		
MBE		\$446,150.00
Collinwood Shale & Brick		
FBE		\$ 21,500.00
Rockport Construction		
FBE		\$127,240.00

Yeas: None.  
Nays: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.  
Absent: None.

**Resolution No. 3-99.**

By Director Balraj.  
Whereas, pursuant to the authority of Ordinance No. 336-90 passed by the Council of the City of Cleveland on April 4, 1990, the City of Cleveland entered into a Concession Agreement with Ackerley Airport Advertising, Inc., d.b.a. AK Media/Airport for Ackerley's use of Cleveland Hopkins International Airport to establish, maintain, and operate an Advertising Concession, City Contract Number 44840; and

Whereas, by letter of June 8, 1998, Ackerley Airport Advertising, Inc. has requested the City's consent to the assignment of the Agreement to Sky Sites, Inc., pursuant to Article XV of said Agreement; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board hereby consents to the assignment of that certain Concession Agreement by and between the City of Cleveland and Ackerley Airport

Advertising, Inc., d.b.a. AK Media/Airport, Contract Number 44840 ("Agreement"), to Sky Sites, Inc., effective as of the date of adoption of this resolution hereof, subject to all terms and conditions of said agreement.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 4-99.**

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland that the bid of Aero-Mark, Inc., for an estimated quantity of labor and materials to paint center and lane lines, (all items), for the Division of Traffic Engineering and Parking, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on October 15, 1998, pursuant to the authority of Ordinance No. 758-98, passed June 1, 1998, which on the basis of the estimated quantity would amount to Eighty-One Thousand, Nine Hundred Seventy Nine and no/100 Dollars (\$81,979.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety 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. 26674  
300,000 Lineal Ft. Broken Yellow Lines, Item #1  
338,000 Lineal Ft. Broken White Lane Line, Item #3

which shall be certified against such contract in the sum of Twenty-Eight Thousand, One Hundred Forty and no/100 Dollars (\$28,140.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 5-99.**

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Office Depot — Business Services Division for an estimated quantity of Office Supplies (Items A, B, C and D) 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 with a one (1) year option to renew received on November 5, 1998, pursuant to the authority of Ordinance No. 288-98, passed March 23, 1998, which on the basis of the estimated quantity would amount to One Hundred Seventy-Seven Thousand Six Hundred Fifty-One and 55/100 Dollars (\$177,651.55), (Net), is hereby af-

firmed 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. 106985 which shall be certified against such contract in the sum of Eight Thousand Nine Hundred and 00/100 Dollars (\$8,900.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 6-99.**

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on December 11, 1998, for cleaning and cement mortar lining of trunk mains, area 98-T1 for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 1880-98, are hereby rejected.

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 7-99.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Ozanne Construction Company, Inc. contractor for the furniture, fixtures and equipment (Bid Package 13) for the new Cleveland Browns Stadium, pursuant to Ordinance No. 304-96 passed on March 8, 1996, and Board of Control Resolution No. 791-98, adopted December 2, 1998, for the Department of Parks, Recreation and Properties, is hereby approved:

R-Cap, LTD  
(MBE) — \$268,128.00

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 8-99.**

By Director Jackson.

Resolved, by the Board of Control of the City of Cleveland that the bid of VanCuren Services, Inc. for an estimated quantity of Tree trimming (all items) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on December 9, 1998, pursuant to the authority of Ordinance No. 1256-98, passed October 12, 1998, which on

the basis of the estimated quantity would amount to Seven Hundred Thirty-Six Thousand, Four Hundred and One and 00/100ths Dollars (\$736,401.00), (1%, Net 30), is hereby affirmed and approved as the lowest and best bid and the Director of Parks, Recreation and Properties 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. 16139 which shall be certified against such contract in the sum of Fifty Thousand and 00/100ths Dollars (\$50,000.00).

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

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

**Resolution No. 9-99.**

By Director Jackson.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Great Lakes Construction Company for the public improvement of the new Cleveland Browns NFL Stadium pedestrian connector from Mall C, including alternates 1 and 2, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, received on December 23, 1998, pursuant to the authority of Ordinance No. 304-96, passed March 8, 1996, for a gross price for the improvement in the aggregate amount of One Million Seven Hundred Ten Thousand and no/100 (\$1,710,000.00) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors by Great Lakes Construction Company for the public improvement of the new Cleveland Browns Stadium pedestrian connector from Mall C, hereby is approved:

Commsteel (MBE)	\$460,000
KLE Construction (MBE)	\$30,000
Able Contracting (FBE)	\$31,000
Collinwood Concrete (FBE)	\$75,000

Yeas: Mayor White, Directors Carter, Carmody, Konicek, Balraj, Guzman, Staib, Denihan, Jackson, Hudecek, Acting Director Patterson, Directors Warren and Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary



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

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 25, 1999**

**9:30 P.M.**

**Calendar No. 98-262:** 4667-4669 Rocky River Drive

Ronald Shipley, owner, appeals to change the use of an existing 60' x 60' one-story "L" shaped stores building with an existing two-story frame dwelling house attached to the rear into a day care center for 36 children in the northerly storeroom space and into a ministry assembly area in the middle storeroom space, all situated on a 70' x 217' irregular shaped corner parcel with the front 130' being located in a Local Retail District and the rear half being located in a Two-Family District and situated on the southeast corner of Rocky River Drive and Parkmount Avenue at 4667-4669 Rocky River Drive; said day care use within the Two-Family District portion of the property being contrary to the use limitations of Section 337.03 but subject to the approval authority of Section 337.02(f)(3)(c) and contrary to the Landscaping and Screening Requirements of Section 352.10, where a 6' landscaped median strip is required along Rocky River Drive and Parkmount Avenue and along the easterly and southerly property lines and 0' is proposed, and contrary to the line of existing buildings setback required by the Off-Street Parking Requirements of Section 357.07, where the off-street parking is within the setback building line area on Rocky River Drive and subject to the substitution limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 98-264:** 14601 St. Clair Avenue, N.E.

T.L.S. owner c/o Cynthia A. Tobin, agent, appeal to renovate and change the use of an existing 97' x 114' irregular shaped one-story masonry retail store building into a funeral home, all situated on a 194'

x 275' irregular shaped corner parcel and located in a Local Retail District on the northeast corner of East 146th Street and St. Clair Avenue at 14601 St. Clair Avenue; said use as a funeral home being contrary to the Local Retail use limitations regulated by Section 343.01 and contrary to the Landscape Table Transition strip required at the rear or north property line where 10' is required and 6' is proposed pursuant to Sections 352.08, 352.09, 352.10 and 352.11 of the Codified Ordinances

**Calendar No. 98-265:** 8820 Broadway, S.E.

Mario Festa, owner, and Millcreek Automotive Corporation c/o Terry Arnold, tenant, appeal to change the use of an existing 83' x 122' irregular shaped vacant parcel previously occupied as a motor vehicle storage lot into a used car sales lot and located in a Semi-Industry District on the south side of Broadway at 8820 Broadway; said gravel lot not in compliance with the hard surface (concrete or asphalt) and drainage requirements of Section 349.07 and a portion of the display cars being within the specific setback building line area (43' from the centerline of Broadway) contrary to the limitations of Section 357.07 but subject to the provisions of Section 357.14 of the Codified Ordinances.

**Calendar No. 98-266:** 4280 West 150th Street

Speedway Super America L.L.C., owner c/o David L. Thomas, appeal to erect a 65' x 45' one-story "motorist-service" convenience store fuel center with gasoline, kerosene and diesel product storage and dispensing equipment and a 121' x 81' "T" shaped canopy all on the 150' x 209' irregular shaped vacant parcel on the west side of West 150th Street at 4280 West 150th Street and located in a Residence Office District; said structures and uses being contrary to the Residence Office use limitations regulated by Section 337.10 where automotive services are not permitted in a Residence Office District and automotive services being first permitted in a General Retail Business District, pursuant to Section 343.11(b)(2)(H)(I) and contrary to Sections 352.10 and 352.11 where a 4' landscaping strip is required along the front property line and none is provided and a 10' landscaping strip or an 8' high board on board fence is required at the rear or west property line and none is provided, pursuant to Sections 352.08, 352.09, 352.10 and 352.11 of the Codified Ordinances

EUGENE CRANFORD, JR.,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 11, 1999**

At the Meeting of the Board of Zoning Appeals on Monday, January 11, 1999, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 98-254:** 18240 Harvard Avenue, S.E.

Harvard Community Service, Inc., owner c/o Elaine Gohlstein, Executive Director, appealed to add a 15'-8" x 47'-4" one-story masonry kitchen extension to the west wall

of an existing one and two-story masonry community center building in a One-Family District.

**Calendar No. 98-255:** 1216-1222 East 105th Street

Mary Daniels, owner, appealed to change use of an existing two-story masonry 3 stores building with 5 dwelling units and 1 office space into 3 stores and 6 dwelling units in a Local Retail District.

**Calendar No. 98-259:** 10406 Kinsman Road, S.E.

Unity Baptist Church, owner c/o Reverend E. L. Cryer, and Ministerial Day Care c/o Verneda Bentley, Executive Director, tenant, appealed to change use of an existing one and two-story masonry, nonconforming nursing home building into a day care center and assembly area, classrooms and offices for the church in a B-Two-Family District.

The following appeals were **Denied:**

**Calendar No. 98-257:** 11601 Detroit Avenue, N.W.

Detroit Apartments Inc., owner c/o Nancy Wilson, and Eller Media, lessee c/o Donald Isham and Scott Rowland, appealed from a Notice of Violation of Housing Ordinances dated August 28, 1998 regarding a wall sign erected without obtaining a permit to a two-story stores and suites building.

**Calendar No. 98-241:** 12212 Bellaire Road, S.W.

Cheryl Johnson, owner, and Eller Media Company, tenant, appealed to erect a 25' wide x 12' long x 16' high from grade billboard on a 28' x 133' irregular shaped lot in a General Retail District.

The following appeal was **Postponed:**

**Calendar No. 98-258:** 6802 Bonna Avenue, N.E. postponed to March 8, 1999.

**On Monday, January 11, 1999 in Executive Session:**

The following appeal was heard on Monday, January 4, 1999, and said decision to **GRANT** was approved and adopted by the Board on January 11, 1999:

**Calendar No. 98-254:** 1643-1657 Hamilton Avenue

Mary Coyne Investments L.L.C., owner, and AMPCO System Parking, tenant c/o John Coyne, appealed to demolish existing two-story and one-story warehouse buildings to construct an asphalt parking lot for 57 cars on a 198' x 100' parcel in a Semi-Industry District.

The following appeal was heard on Monday, January 4, 1999, and said decisions to **DENY** was approved and adopted by the Board on January 11, 1999.

**Calendar No. 98-238:** 1802 Central Avenue

Meridian Properties Inc., owner c/o Bruce Madorsky, and Bakers Local Union 19, lessee c/o Bob Mitchell, appealed to erect a billboard banner type sign to the south wall at the third floor level of an existing five-story storage building in a Semi-Industry District and a Public Land Protective District.

EUGENE CRANFORD, JR.,  
Secretary

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

Re: Report of the Meeting of  
January 6, 1999

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

\* \* \*

**Docket A-204-98.**

RE: Appeal of Beal Bank, SSB, Mortgagee of the Two/one - half Story Frame Residential Property located on the premises known as 4236 East 131st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated October 6, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 4236 East 131st Street to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-206-98.**

RE: Appeal of Zaclon, Incorporated, Owner of the Ammonia Tank Installation located on the premises known as 2981 Independence Road from a DENIAL OF THE APPLICATION FOR THE PERMIT-TO-INSTALL/RULE OF THE BOARD NO. 17 of the Chief of the Division of Fire dated October 7, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Rule of The Board No. 17 and permit the installation of two (2) 1000-gallon Anhydrous Ammonia Tanks to proceed with proper permitting; noting that the design by an engineer and the concurrence of the Division of Fire. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-216-98.**

RE: Appeal of Sidney A. Williams, Owner of the One Store/Two Dwelling Unit Masonry Property located on the premises known as 10601 Sandusky Avenue (a.k.a. 3715 East 106th Street) from a VACATE FORTHWITH/CONDEMNATION/GARAGE CONDEMNATION/EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated November 19, 1998, requiring

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

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION/GARAGE CONDEMNATION/EXTERIOR MAINTENANCE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four months (4 mos.) in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the VACATE FORTHWITH/CONDEMNATION ORDER/GARAGE CONDEMNATION/EXTERIOR MAINTENANCE 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 May 20, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-217-98.**

RE: Appeal of Richard & Jeffrey Kovar/D & K Entertainment, Inc., Owners and Tenant of the Three Store/Six Dwelling Unit Masonry Property located on the premises known as 3180-86 West 25th Street (a.k.a. 2600 Althen Avenue) from a VACATE/CONDEMNATION/EXPANDED USE WITHOUT PERMITS/I-6 CONDEMNATION/ELECTRICAL/HVAC of the Commissioner of the Division of Building and Housing dated November 3, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE/CONDEMNATION/EXPANDED USE WITHOUT PERMITS/I-6 CONDEMNATION/ELECTRICAL/HVAC and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the VACATE/CONDEMNATION/EXPANDED USE WITHOUT PERMITS/I-6 CONDEMNATION/ELECTRICAL/HVAC and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 20, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

**Docket A-221-98.**

RE: Appeal of Maria, Christos and Nicholas Abatsas, Owners of the Two-Story Masonry Warehouse/Mercantile Property located on the premises known as 3249-57 West 25th Street (a.k.a. 2406 Althen Avenue) from a CONDEMNATION ORDER/VACATE FORTHWITH/STOP WORK ORDER/ELECTRICAL/CONDEMNATION I-6 of the Commissioner of the Division of Building and Housing dated November 4, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/VACATE FORTHWITH/STOP WORK ORDER/ELECTRICAL/CONDEMNATION I-6 and LETTER OF INTENTION TO DEMOLISH by granting the Appellant a three month (3 mos.) extension of time in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the CONDEMNATION ORDER/VACATE FORTHWITH/STOP WORK ORDER/ELECTRICAL/CONDEMNATION I-6 and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 20, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-222-98.**

RE: Appeal of Maria, Christos and Nicholas Abatsas, Owners of the Two Story Masonry Warehouse/Mercantile Property located on the premises known as 3245 West 25th Street from a VACATE FORTHWITH/ENLARGED USE W/O PERMITS/STOP WORK ORDER/ELECTRICAL/CONDEMNATION I-6 of the Commissioner of the Division of Building and Housing dated November 4, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/ENLARGED USE W/O PERMITS/STOP WORK ORDER/ELECTRICAL/CONDEMNATION I-6 and LETTER OF INTENTION TO DEMOLISH by granting the Appellant a three month (3 mos.) extension of time in which to abate the violations. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action, noting that the boarding may be removed at the owners risk and responsibility; and that the property must be secured, however, when work is being done. All other provisions of the VACATE FORTHWITH/ENLARGED USE W/O PERMITS/STOP WORK ORDER/ELEC-

TRICAL/CONDEMNATION I-6 and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 20, 1999. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-223-98.**

RE: Appeal of Trinity Bldg. Co., Inc., Owner of the Foundry Building Property located on the premises known as 9203 Detroit Avenue from a NOTICE OF VIOLATION/FIRE CODE dated November 10, 1998 and from an EMERGENCY FIRE WATCH NOTICE dated September 9, 1998 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for variance and to REMAND the property at 9203 Detroit Avenue to the Division of Fire for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

\* \* \*

**Docket A-224-98.**

RE: Appeal of The Union Club, Owner of the 25'-6" x 28'-8" Canopy located on the premises known as 1211 Euclid Avenue from a ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 19, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the 8' and 12' requirement (OBBC 3105.4) and permit the canopy to be constructed as presented on the drawings allowing the canopy to be between 16' and 26' as indicated. Motion so in order. Motioned by Mr. Saunders and seconded by Mr Sullivan.

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

\* \* \*

**Docket A-225-98.**

RE: Appeal of Musical Arts Association (Allen Theatre), Owner of the Property located on the premises known as 1407 Euclid Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated December 3, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-225-98 has been WITHDRAWN at the request of the Appellant.

**Docket A-226-98.**

RE: Appeal of Samir A. & Fida A. Karim, Owner of the two-story Frame Bar located on the premises known as 3217-21 West 25th Street from a VACATE FORTHWITH/CONDEMNATION/EXTERIOR MAINTENANCE/ILLEGAL CONVERSION/ILLEGAL USE of the Commissioner of the Division of Building and Housing dated December 9, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE FORTHWITH/CONDEMNATION/EXTERIOR MAINTENANCE/ILLEGAL CONVERSION/ILLEGAL USE and LETTER OF INTENT TO DEMOLISH by granting the Appellant two months (2 mos.) in which to obtain permits and four months (4 mos.) in which to complete abatement of the violations; the property may be reoccupied upon the concurrence and approval of the Building Department. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and required further action. All other provisions of the VACATE FORTHWITH/CONDEMNATION/EXTERIOR MAINTENANCE/ILLEGAL CONVERSION/ILLEGAL USE 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 July 20, 1999. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-229-98.**

RE: Appeal of Rosie Bradley, Owner of the Seven Dwelling Unit Adult Group Home located on the premises known as 1934 East 90th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 2, 1998, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-229-98 has been POSTPONED; to be rescheduled for a later date.

\* \* \*

**EXTENSION OF TIME:**

**Docket A-107-98 — Esther & William H. Irvin — 13825 St. Clair Avenue:**

A motion is in order at this time to grant the Appellant one year (1 yr.) "Extension of Time" in which to complete abatement of the violations, but to enforce the VACATE ORDER dated June 4, 1998 immediately, noting that the furnace conditions are unsafe; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action.

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

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

\* \* \*

**Docket A-138-98 — Urbana, Inc. — 1703 Urbana Road:**

A motion is in order at this time to grant the Appellant three months (3 mos.) in which to complete abatement of the violations, with the understanding that continuing extensions could be obtained physically if the permit is actively being pursued. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-179-98—IMC Mortgage Company.
- A-191-98—Willie M. Tolbert.
- A-193-98—Kenneth Clapacs.
- A-198-98—Keybank National Association.

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

\* \* \*

**APPROVAL OF MINUTES:**

Separate motions were entered by Mr. Saunders 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:

December 23, 1998

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

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

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

**FRIDAY, JANUARY 29, 1999**

**Three (3) Cab and Chassis with Utility Service Body, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.**

**One (1) Tandem Axle Cab and Chassis with Street Flusher Body, for the various divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1074-98, passed by the Council of the City of Cleveland, June 15, 1998.**

January 6, 1999 and January 13, 1999

**THURSDAY, JANUARY 28, 1999**

**Cleaning and Cement Mortar Lining of Trunk Water Mains, Area 98-T1, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1880-98.**

**A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

January 13 and January 20, 1999

**THURSDAY, FEBRUARY 4, 1999**

**Ridge Road Transfer Station Reconstruction, for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 1256-97.**

**A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON FRIDAY, JANUARY 22, 1999, 10:00 A.M., AT THE SITE LOCATED AT 3727 RIDGE ROAD, CLEVELAND, OHIO.**

January 13 and January 20, 1999

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Ord. No. 2020-98. By Councilman Cimperman. An emergency ordinance consenting to and approving the issuance of a permit for the Turkey Trot Race on November 26, 1998, sponsored by Hermes Race Systems.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Turkey Trot Race, sponsored

by Hermes Race Systems, on November 26, 1998, beginning with a 1 mile fun walk starting inside Burke Lakefront Airport Driveway, exits the entrance driveway and proceeds eastbound on the North Marginal to just before the curve and turns around to go westbound on the North Marginal where it re-enters where it came out. The 5K run steps off from airport driveway and leaves through the entrance drive proceeding westbound on the North Marginal down Erieside around the stadium, southbound on W. 3rd Rd. to Lakeside, westbound on Lakeside down under the bridge to W. 9th where it turns onto Front Street and goes to W. 10th, turning southbound to St. Clair, runners turn up the St. Clair hill and proceed eastbound on St. Clair to W. 3rd where they turn northbound onto W. 3rd and go to Lakeside where they turn eastbound and go down Lakeside to E. 9th, runners turn northbound onto E. 9th, staying in the west curb lane and go to the exit ramp of 90 where they go down the exit ramp (curb lane-coned off) and wrap around the Amtrack Station and then proceed eastbound on to the South Marginal. At E. 26th, they cross over the freeway and then proceed westbound onto the North Marginal where they finish inside the Airport, 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 November 16, 1998.

Awaiting the approval or disapproval of the Mayor.

**COUNCIL COMMITTEE MEETINGS**

NO MEETINGS

**Index to Council Proceedings**

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed; Bold type in sections indicates amendments

**Cleveland Hopkins International Airport**

List of Bidders for Underground Storage Tank Removal & Replacement with Aboveground storage at Cleveland Hopkins International Airport - Department of Port Control (F 9-99) ..... 26

**Cleveland Thermal Energy Corp.**

Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service Agreement (F 10-99) ..... 26

**Codified Ordinances**

Amend Chapter 683 of the Codified Ordinances relating to Sound Devices (O 1135-98)..... **33-T**  
 Section 605.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by  
 Ordinance No. 2487-A-89, passed June 18, 1990, relating to unnecessary noise  
 (O 1135-A-98)..... 33  
 Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended  
 by Ordinance No. 2436-A-90, passed June 17, 1991, relating to newspaper dispensing  
 devices (O 32-99)..... 28

**Communications**

1997 Annual EEO Report - Department of Personnel and Human Resources (F 3-99)..... 26  
 Agenda for Board of Building Standards and Building Appeal (F 15-99) ..... 26  
 Appreciation for material received from the Cleveland City Council Archives  
 (F 13-99) ..... 26  
 Cleveland Thermal Energy Corporation, Case No. 92-111-HT-AEC, Standard Steam Service  
 Agreement (F 10-99) ..... 26  
 Director's Report, December 10,1998 (F 5-99) ..... 26  
 Emergency Requisition - RE-10596 - Division of Purchases & Supplies (F 4-99) ..... 26  
 Excess Property - Reference No. 020-98 - Division of Purchases & Supplies  
 (F 7-99) ..... 26  
 Implementation of Disadvantaged Business Enterprises Program (F 2-99) ..... 26  
 Inspection of the Cleveland House of Correction on December 10, 1998 (F 16-99)..... 26  
 List of Bidders for Underground Storage Tank Removal & Replacement with Aboveground  
 storage at Cleveland Hopkins International Airport - Department of Port Control  
 (F 9-99) ..... 26  
 Notice to Council of Subsidiary Agreements, Contract No. 50864 - Department of Public  
 Utilities (F 6-99) ..... 26  
 Notification of MBE Set-Aside Award - Community Development (F 8-99)..... 26  
 Public Meeting, January 21, 1999 at Estabrook Recreation Center regarding construction  
 of waste transfer facility - Department of Public Service (F 14-99) ..... 26  
 Public Notice No. 99-01-007 regarding National Pollutant Discharge Elimination System  
 permits or modifications - State of Ohio Environmental Protection Agency (F 12-99)..... 26  
 Requirement Contract/Monthly Report - December, 1998 - Division of Purchases and Supplies  
 (F 11-99) ..... 26

**Community Development**

Notification of MBE Set-Aside Award - Community Development (F 8-99)..... 26

**Condolences**

Abrams, Winnie Bell Small (R 64-99)..... 27  
 Ferguson, Theresa (R 68-99) ..... 27  
 Gray, Quitman (R 61-99)..... 27  
 Hauserman, Genevieve (R 57-99) ..... 27  
 Jones, Matthew (R 65-99) ..... 27  
 Kilbane, Honorable Judge James P. (R 63-99) ..... 27  
 Olson, Clifford W. (R 54-99) ..... 27  
 Palmer, Berthina E. (Bert) (R 55-99)..... 27  
 Parker, Jim (R 56-99) ..... 27  
 Roberts, Georgia (R 67-99)..... 27  
 Sammons, William R. (R 60-99) ..... 27  
 Sommerfelt, Hedy (R 59-99) ..... 27  
 Thomas, Dr. Robert Glover (R 58-99) ..... 27  
 Thompson, James J. (R 62-99) ..... 27  
 Velez, Jose Soto (R 66-99) ..... 27  
 Walters, Lucy Mae (R 53-99)..... 27

**Congratulations**

Arnold, Jennifer M. (R 70-99) ..... 27  
 Banks, Sr., Reverend Dr. Leroy (R 69-99)..... 27  
 Estabrook Blue Dolphin Swim Team (R 72-99)..... 27  
 GE - Collinwood Youth Employment Program (R 71-99) ..... 27

**Council President**

Letter to the Council President from Larry Moran regarding his resignation as Cleveland  
 City Councilman of Ward 16, effective January 11, 1999 (F 26-99) ..... 26

**Health Division**

Authorizing the Director of Public Health to accept a grant from the Alcohol and Drug  
 Addiction Services Board of Cuyahoga County for the 1999 Drug Prevention, Treatment  
 and Intervention Program (O 33-99)..... 30

**House of Corrections**

Inspection of the Cleveland House of Correction on December 10, 1998 (F 16-99)..... 26

**Liquor Permits**

Arcade Avenue, 16101 - objecting to the transfer of ownership of a D1, D2, D3 and  
 D6 Liquor Permit (R 46-99)..... 35  
 Clifton Blvd., 11100 - withdrawing objection to the transfer of ownership of a D1 and D2  
 Liquor Permit, and repealing Res. No. 1825-98, objecting to said transfer of  
 ownership (R 45-99)..... 35  
 Denison Avenue, 6801 - objecting to the transfer of ownership of a D1, D2 and D3 Liquor  
 Permit (R 49-99) ..... 36  
 Detroit Avenue, 3625 - withdrawing objection to the transfer of ownership of a C2 and C2X  
 Liquor Permit, and repealing Res. No. 1463-98, objecting to said transfer of  
 ownership (R 42-99)..... 34  
 East 185th Street, 656-58 - objecting to the transfer of ownership of a D1 and D2 Liquor  
 Permit (R 48-99) ..... 35  
 East 185th Street, 870 - withdrawing objection to the transfer of ownership of a C1 and  
 C2 Liquor Permit, and repealing Res. No. 1323-98, objecting to said transfer  
 of ownership (R 47-99) ..... 35  
 East 65th Street, 3370 (Ward 12) - Dwain L. Croskey dba Tyler's Taverne - transfer  
 of ownership application - 1827164 (F 22-99) ..... 26  
 Euclid Avenue, 3813, patio and sports center and tennis courts (Ward 5) - University Club  
 of Cleveland, Inc. Charter 1040515 - transfer of ownership application - 9164985  
 (F 18-99) ..... 26  
 Euclid Avenue, 1515, first and second floors, basement and patio (Ward 13) - Loews  
 Building LTD - transfer of ownership application - 5254366 (F 20-99) ..... 26  
 Harvard Avenue, 4316, 6301 (Ward 12) - Revco Discount Drug Center, Inc. dba CVS Pharmacy  
 - transfer of location application - 73153071318 (F 24-99)..... 26  
 Pearl Road, 4370, first floor and basement (Ward 16) - Anastasia Hawryliw dba Pearl Road  
 Lunch - transfer of ownership application - 382033 (F 19-99)..... 26  
 Public Square, 75 (Ward 13) Rathskeller, Inc. dba Club 75 - transfer of ownership  
 application - 7210311 (F 21-99) ..... 26  
 Quebec Avenue, 10101 (Ward 6) - L & L Grocery, Inc. - transfer of ownership application  
 - 4951248 (F 23-99) ..... 26  
 Ridge Road, 4171 - objecting to the stock transfer of a C2, C2X and D6 Liquor Permit  
 (R 50-99) ..... 36  
 West 25th Street, 1891 (Ward 14) - Opus Endeavors, Inc. dba Knuckleheads - transfer of  
 ownership and location application - 6567875 (F 25-99) ..... 26  
 West 25th Street, 2657, first floor and basement, (Ward 14) - Thomas J. Glivar dba Pony's  
 Cafe - transfer of ownership application - 3225491 (F 17-99) ..... 26  
 West 54th Street, 3459, first floor - objecting to the stock transfer of a C1 Liquor  
 Permit (R 43-99) ..... 34  
 West 65th Street, 1871-77 - objecting to the issuance of a C1 Liquor Permit  
 (R 44-99) ..... 34  
 West 9th Street, 1300 -objecting to the transfer of location of a D5 Liquor Permit  
 (R 41-99) ..... 33

**Oath of Office**

Huffman, Cecelia R. - City Clerk (F 1-99) ..... 26  
 O'Malley, Michael C. - oath of office - City Councilman of Ward 16 (F 27-99)..... 27

**Ohio Environmental Protection Agency**

Public Notice No. 99-01-007 regarding National Pollutant Discharge Elimination System  
permits or modifications - State of Ohio Environmental Protection Agency (F 12-99)..... 26

**Parks, Recreation and Properties Department**

Declaring the necessity and intention to appropriate property for the public purpose of  
expanding Brookside Park (R 39-99) ..... 33  
To appropriate property for the public purpose of expanding Brookside Park  
(O 29-99) ..... 27

**Peddlers**

Simmons, Gregory C. - peddling - Ward 5 (O 52-99) ..... 32

**Permits**

Consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays,  
on Sunday, April 24, 1999, sponsored by Case Western Reserve University (O 37-99) ..... 31  
Consenting to and approving the issuance of a permit for the Turkey Trot Race on November  
26, 1998, sponsored by Hermes Race Systems (O 2020-98) ..... 42

**Personnel and Human Resources Department**

1997 Annual EEO Report - Department of Personnel and Human Resources (F 3-99) ..... 26  
Authorizing the Director of Personnel and Human Resources to enter into contract with  
TransUnion Employment Screening Services, Inc. to provide employee background and  
criminal checks (O 31-99)..... 28

**Port Control Department**

List of Bidders for Underground Storage Tank Removal & Replacement with Aboveground  
storage at Cleveland Hopkins International Airport - Department of Port Control  
(F 9-99) ..... 26  
To amend the title, Section 1 and Section 2 of Ordinance No. 1279-97, passed May 11, 1998,  
relating to employing one or more professional consultants to provide engineering  
services necessary to design the relocation of Brook Park Road (O 30-99) ..... 27

**Purchases and Supplies Department**

Emergency Requisition - RE-10596 - Division of Purchases & Supplies (F 4-99) ..... 26  
Excess Property - Reference No. 020-98 - Division of Purchases & Supplies  
(F 7-99) ..... 26  
Requirement Contract/Monthly Report - December, 1998 - Division of Purchases and Supplies  
(F 11-99) ..... 26

**Recognitions**

Denihan, William (R 74-99) ..... 27  
Morales, Angel J. (R 75-99) ..... 27  
Pollutro, Rocco M. (R 73-99) ..... 27  
Santiago, Helena (R 76-99)..... 27

**Resignations**

Letter to the Council President from Larry Moran regarding his resignation as Cleveland  
City Councilman of Ward 16, effective January 11, 1999 (F 26-99) ..... 26

**Resolutions — Miscellaneous**

An Emergency Resolution urging the Secretary of the U.S. Department of Housing and Urban Development to reconsider and support the application for the Pick-Up, Assessment, Shelter and Services Program application for Supportive Housing fu (R 51-99) .....	36
Declaring the necessity and intention to appropriate property for the public purpose of expanding Brookside Park (R 39-99) .....	33

**Safety Department**

Authorizing the Director of Safety to enter into contract without competitive bidding with Dictaphone Corporation for the purchase of maintenance services for Dictaphone equipment, including logging and playback recorders (O 28-99).....	27
--	----

**Service Department**

Authorizing and directing the Director of Public Service to issue a permit to MetroHealth Medical Center to stretch twenty-six (26) banners on utility poles in various streets surrounding MetroHealth Center - February 8, 1999 to March 8, 1999 (O 40-99) .....	32
Authorizing the Director of Public Service to issue a permit to The Medical Center Company to encroach into the right-of-way of Adelbert Road, Euclid Avenue and East Boulevard, with twin, 20", chilled water lines for use in their build (O 38-99).....	32
Declaring the intention to vacate all that portion of Rockwell Avenue N.E. (R 36-99) .....	31
Declaring the intention to vacate all that portion of Postal Court S.W. (R 35-99).....	31
Declaring the intention to vacate all that portion of Calvin Court S.W. (R 34-99).....	31
Public Meeting, January 21, 1999 at Estabrook Recreation Center regarding construction of waste transfer facility - Department of Public Service (F 14-99) .....	26
Sections 680.01 and 680.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2436-A-90, passed June 17, 1991, relating to newspaper dispensing devices (O 32-99).....	28

**Streets - Vacation**

Declaring the intention to vacate all that portion of Rockwell Avenue N.E. (R 36-99) .....	31
Declaring the intention to vacate all that portion of Postal Court S.W. (R 35-99).....	31
Declaring the intention to vacate all that portion of Calvin Court S.W. (R 34-99).....	31

**Utilities Department**

Notice to Council of Subsidiary Agreements, Contract No. 50864 - Department of Public Utilities (F 6-99) .....	26
--	----