

# The City Record

Official Publication of the City of Cleveland

September the Tenth, Nineteen Hundred and Ninety-Seven

<b>Mayor</b>	
Michael R. White	
<b>President of Council</b>	
Jay Westbrook	
<b>Clerk of Council</b>	
Artha Woods	
<b>Ward</b>	<b>Name</b>
1	Charles L. Patton, Jr.
2	Robert J. White
3	Odelia V. Robinson
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	William W. Patmon
9	Craig E. Willis
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	John C. Skrha
14	Helen K. Smith
15	Merle R. Gordon
16	Larry Moran
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	John C. Skrha	5100 Broadway Avenue	44127
14	Helen K. Smith	3016 Carroll Avenue	44113
15	Merle R. Gordon	1813 Tampa Avenue	44109
16	Larry Moran	3584 West 46th Street	44102
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

**MAYOR-Michael R. White**  
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy  
Barry Withers, Executive Assistant for Administration  
Judith Zimomra, Executive Assistant for Service  
Kenneth Silliman, Executive Assistant for Economic Development  
Richard Werner, Executive Assistant for Governmental Affairs.  
Susan E. Axelrod, Executive Assistant for Communications and Support Services  
Linda Willis, Director, Office of Equal Opportunity

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**MORAL CLAIMS COMMISSION** - Sharon Sobol Jordan, \_\_\_\_\_, Councilman Jay Westbrook.

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 84

WEDNESDAY, SEPTEMBER 10, 1997

No. 4370

## CITY COUNCIL

MONDAY, SEPTEMBER 8, 1997

### The City Record

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### ARTHA WOODS

Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

2:00 P.M.—**Finance Committee:** Westbrook, Chairman; Polensek, Vice Chairman; Britt, Coats, Johnson, Lewis, Patton, Robinson, Rybka, Smith, Zone.

#### TUESDAY

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

1:30 P.M.—**Legislation Committee:** Willis, Chairman; Melena, Vice Chairman; Dolan, Johnson, Rybka, Sweeney, White.

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Patton, Chairman; Polensek, Vice Chairman; Coats, Dolan, Lewis, Moran, Patton, Skrha, Willis.

1:30 P.M.—**City Planning Committee:** Rybka, Chairman; Britt, Vice Chairman; Jackson, Gordon, Skrha, White, Zone.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio September 8, 1997.  
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

Councilmen present: Britt, Coats, Dolan, Gordon, Jackson, Lewis, Melena, Moran, Patton, Polensek, Robinson, Rybka, Skhra, Smith, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Sobol-Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, Holland, Willis, Nelson and Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Wesley I. Reid, Pastor of Lee Memorial Church. Pledge of Allegiance.

#### MOTION

On the motion of Councilman Britt the reading of the minutes of the last meeting was dispensed with and the journal approved.

#### COMMUNICATIONS

**File No. 1613-97.**  
From Cadwalader, Wickensham & Taft re: The Illegality of Ordinance No. 988-97 Concerning Alcohol Beverage Advertising. Received.

**File No. 1614-97.**  
From the Division of Purchases & Supplies re: Emergency Requisition (RE-13233). Received.

**File No. 1615-97.**  
From the Division of Purchases & Supplies re: Excess Property - Reference No. 009-97. Received.

**File No. 1616-97.**  
From the Division of Purchases & Supplies re: Excess Property - Reference No. 008-97. Received.

**File No. 1617-97.**  
From the Division of Purchases & Supplies re: Emergency Requisition (RE-11535). Received.

**File No. 1618-97.**  
From the Department of Port Control re: Nerone & Sons Inc., Contract No. 48633A. Received.

#### File No. 1619-97.

From The Department of Public Utilities re: Markie Construction Co. Contract No. 49900A. Received.

#### File No. 1620-97.

From Department Of "Set Aside" re: Requisition #'s 13219, 13216, 13163, 13162, 13225, 13226. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

#### File No. 1621-97.

Re: New Application - 41876800010 - J & O Inc. dba Gas City Food Mart, 3074 W. 14th Street. (Ward 13). Received.

#### File No. 1622-97.

Re: New Application - 5088723 - Lee-Miles Service Inc dba Lee-Miles Citgo, 4360 Lee Road, (Ward 1). Received.

#### File No. 1623-97.

Re: Transfer of Ownership Application - 9555006 - West 6th Street Partners Inc., 1276-80 West 6th Street. (Ward 13). Received.

#### File No. 1624-97.

Re: Transfer of Ownership Application - 5321861 - Lower Level Enterprises Inc. dba Guv Nor Pub Huntington Bank Building Arcade Lower Level Store RMS, 1955 East 9th Street. (Ward 13). Received.

#### File No. 1625-97.

Re: Transfer of Ownership Application - 4184548 - J & K Group Inc., 10323 Madison Avenue, first floor. (Ward 18). Received.

#### File No. 1626-97.

Re: Transfer of Location Application - 57973620081 - Medic Drug Inc. dba Medic Discount Drug, 16122 Lakeshore Blvd Unit A. (Ward 11). Received.

#### File No. 1627-97.

Re: Stock Transfer Application - 0012160 - AAAM Food Corp. dba Speedy Superette, 4025 East 131st Street. (Ward 3). Received.

#### File No. 1628-97.

Re: Transfer of Ownership and Location Application - 0769039 - Blume Inc. dba Pub, 6625 Denison Avenue. (Ward 16). Received.

#### File No. 1629-97.

Re: Transfer of Ownership Application - 5407504 - Madaba Inc. dba Quick Stop, 6017 Quincy Avenue first floor & Basement. (Ward 5). Received.

#### File No. 1630-97.

Re: Transfer of Ownership Application - 01733100060 - AMF Bowling enters Inc. dba AMF Carousel Lanes, 3545 Ridge Road. (Ward 12). Received.

**File No. 1631-97.**  
Re: New Application - 8769750 - Diane Joy Tamburro dba DJS Variety & Tackle, 5401 Fleet Avenue. (Ward 12). Received.

**File No. 1632-97.**  
Re: Transfer of Ownership Application - 4529523 - KBL Inc. dba Jacks Bar, 6608 Cedar Avenue. (Ward 5). Received.

**File No. 1633-97.**  
Re: Transfer of Ownership and Location Application - 0668488 - Best Buy Food Market Inc., 10601-03 Sandusky Avenue, first floor. (Ward 2). Received.

**File No. 1634-97.**  
Re: Transfer of Ownership and Location Application - 8122057 - Shwing Inc. dba Fishbobs Beer Farm, 750 Prospect Avenue. (Ward 13). Received.

#### OATH OF OFFICE

**File No. 1635-97.**  
Oath of Office for Joseph C. Davis, Member of the Fair Housing Board for the City of Cleveland. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1686-97**—Sallie P. Hale.  
**Res. No. 1687-97**—Nellie M. Steward.

**Res. No. 1688-97**—Ann Trapp.  
**Res. No. 1689-97**—James A. Woodard.

**Res. No. 1690-97**—Mary Elizabeth Wilburn.

**Res. No. 1691-97**—Sister Maggie Fryer.

**Res. No. 1692-97**—Angela Tobin Hamlin.

**Res. No. 1693-97**—William Voss.  
**Res. No. 1694-97**—Michael Lynn Davis.

**Res. No. 1695-97**—James Woods.

#### APPRECIATION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

**Res. No. 1696-97**—Michele Bailey.

#### CONGRATULATORY RESOLUTIONS

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

**Res. No. 1697-97**—Marie Clarke.  
**Res. No. 1698-97**—Jean Carol Blake.

**Res. No. 1699-97**—Sally A. Caskey.  
**Res. No. 1700-97**—George P. Catavolos.

**Res. No. 1701-97**—George E. Ehle.  
**Res. No. 1702-97**—Donna J. Eymann-Fried.

**Res. No. 1703-97**—Frank Jancura.  
**Res. No. 1704-97**—Reverend Florian Manas.

**Res. No. 1705-97**—Jay A. Miranda.  
**Res. No. 1706-97**—Brenda J. Epps.  
**Res. No. 1707-97**—Greater Cleveland Chapter of the American Payroll Assoc.

**Res. No. 1708-97**—Lieutenant Dennis Gunsch.

**Res. No. 1709-97**—Detective James Cudo.

**Res. No. 1710-97**—Detective John R. Crawford.

**Res. No. 1711-97**—Captain James Veres.

**Res. No. 1712-97**—Captain Gary Gingell.

**Res. No. 1713-97**—Herb Score.

**Res. No. 1714-97**—Deborah Naiman.

**Res. No. 1715-97**—Slavic Village Broadway Development Corporation.

**Res. No. 1716-97**—Brown Family Reunion.

**Res. No. 1717-97**—Reverend Thomas & Virginia Matthews.

**Res. No. 1718-97**—Hodge Family Reunion.

**Res. No. 1719-97**—Professor Wilbert Nichols.

**Res. No. 1720-97**—Heights Title Agency.

**Res. No. 1721-97**—Rev. & Mrs. Richard Brown, Jr.

#### RESOLUTIONS OF RECOGNITION

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

**Res. No. 1722-97**—George Whalley Company 60th Anniversary.

**Res. No. 1723-97**—Paul M. Wells.

**Res. No. 1724-97**—West Side Institute of Technology.

**Res. No. 1725-97**—Eliot Ness.

**Res. No. 1726-97**—Faith Cumberland Presbyterian Church.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1636-97.**

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a requirement contract without competitive bidding with East Ohio Gas Company for the purchase of natural gas transportation services, and authorizing and directing the purchase by requirement contract of natural gas, for the various divisions of City Government.

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 natural gas transportation services are non-competitive and cannot be secured from any sources other than the East Ohio Gas Company. Therefore, the Director of Finance is hereby authorized and directed to make a written requirement contract with said East Ohio Gas Company for a period of one (1) year, for natural gas transportation services, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government.

**Section 2.** That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the purchase of natural gas to be transported by the East Ohio Gas Company in the estimated sum of \$2,641,415.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items, as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies

until provision is made for the requirements for the entire year.

**Section 3.** That the cost of said contracts shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchases thereunder, which purchases, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contracts duly certified by the Director of Finance. (RL 23235)

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

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

**Ord. No. 1637-97.**

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into contract without competitive bidding with Pitney Bowes for maintenance a mail inserter system, for the Division of Water, Department of Public Utilities.

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

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

**Section 1.** That it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than Pitney Bowes. Therefore, the Director of Public Utilities is hereby authorized and directed to make a written contract with said Pitney Bowes upon the basis of its proposal dated June 20, 1997, for maintenance on one Pitney Bowes mail inserter system, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Division of Water, Department of Public Utilities.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 52 SF 001, Request No. 23403.

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

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

**Ord. No. 1638-97.**

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Mid-Continent Coal and Coke Company for the use and occupancy of certain river-front property located in Cleveland.

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into a Lease Agreement ("Lease") with Mid-Continent Coal and Coke Company for the use and occupancy of approximately 13,356 square feet of land generally located at 700 Stone Levee Road (the "Premises") in Cleveland. The Lease shall be for a term of ten (10) years beginning January 1, 1996; the Premises shall be used only for the loading, unloading and storage of bulk cargo, provided that no cargo shall be stored within one hundred (100) feet of the bulkheads. Annual rent for years 1 to 5 shall be \$3,500; annual rent for years 6 to 10 shall be the greater of \$3,500 or

CPI-U (All cities) for December of the 5th year of lease term	
_____	x \$3,500
CPI-U (All cities) in effect at the commencement of the lease term	

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

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

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

**Ord. No. 1639-97.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into supplements to the Master Site Lease between the City and the Federal Aviation Administration ("FAA") and to enter into subsequent agreements with the FAA to install, operate and maintain radar facilities, instrument landing systems and other air navigational aids on certain premises at Cleveland Hopkins International Airport (the "Airport") and on certain premises contiguous to the Airport.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into supplements to the Master Site Lease between the City and the Federal Aviation Administration ("FAA"), Master Site Lease No. DTF A14-89-L-R700, as found in File No. 1096-90-A, filed with the Clerk of Council. Any supplements shall be approved by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

**Section 2.** That the Director of Port Control is further authorized to enter into subsequent agreements with the FAA to install, operate and maintain radar facilities, instrument landing systems, and other air navigational aids on certain premises at the Airport and on certain other premises contiguous to the Airport in which the City has obtained an interest to install said air navigational aids.

Any subsequent agreements as described above shall be entered into with the United States of America without charge in consideration of the benefits said air navigational aids will provide to the City at the Airport. The Director of Law shall approve all subsequent agreements and such agreements shall contain any other terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

**Ord. No. 1640-97.**

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

**An emergency ordinance authorizing and directing the Director of Public Service to enter into contract with Michael Benza & Associates for professional services necessary to design the public improvement of rehabilitating East 55th Street, Phase II, from Woodland Avenue to Superior Avenue, for the Division of Engineering and Construction, Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to enter into contract with Michael Benza & Associates for professional services necessary to design the public improvement of rehabilitating East 55th Street, Phase II, from Woodland Avenue to Superior Avenue on the basis of its proposal dated April 24, 1997, in the total sum of \$360,400, payable from Fund Nos. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21956, for the Division of Engineering and Construction, Department of Public Service.

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

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

**Ord. No. 1641-97.**

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

**An emergency ordinance authorizing and directing the purchase by contract of office furniture, workstations, and equipment necessary to renovate and improve the offices of the Division of Engineering and Construction, including installation, if necessary, for the Department of Public Service.**

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

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

**Section 1.** That the Director of Public Service is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: office furniture, workstations, and equipment necessary to renovate and improve the offices of the Division of Engineering and Construction, including installation, if necessary to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Engineering and Construction, Department of Public Service.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 01-40-04-0456, Request No. 21915.

**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, Finance.

**Ord. No. 1642-97.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating Carter Road, Columbus Road, Center Street, West 3rd Street, Willow Avenue and Eagle Avenue lift bridges; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public improvement; authorizing said Director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**

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

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

**Section 1.** That, it is hereby determined to make the public improvement of rehabilitating Carter Road, Columbus Road, Center Street, West 3rd Street, Willow Avenue and Eagle Avenue lift bridges, including paving, grading, drainage, curbing, sidewalks, lighting, streetscaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

**Section 2.** That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component

part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the Director of Public Service is hereby authorized and directed to employ by contract one or more professional architects, engineers, one or more firms of architects and engineers, and other consultants necessary 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 Improvement.

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

**Section 4.** That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

**Section 5.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

**Section 6.** That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

**Section 7.** That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund No. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21954.

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

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

**Ord. No. 1643-97.**

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

**An emergency ordinance determining the method of making the public improvement of rehabilitating East 89th Street Bridge over N & S and RTA; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said direc-**

**tor to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.**

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

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

**Section 1.** That, it is hereby determined to make the public improvement of rehabilitating East 89th Street bridge over N & S and RTA, including paving, grading, drainage, curbing, sidewalks, lighting, street-scaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

**Section 2.** That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

**Section 4.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

**Section 5.** That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

**Section 6.** That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund No. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21957.

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

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

**Ord. No. 1644-97.**

**By Councilman Jackson (by request). An emergency ordinance authorizing the Director of Public Service to issue a permit to Ameritech to encroach into the public right-of-way of East 40th Street at Carnegie Avenue with an above-ground telephone equipment cabinet to provide services in this area.**

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 Ameritech 13630 Lorain Avenue, 4th Floor, Cleveland, Ohio 44111, regarding Ameritech Job Number 0112151; its successors and assigns, for the construction, use and maintenance of an above-ground telephone equipment cabinet to furnish additional and maintain existing telephone service, and which telephone cabinet will encroach into the public right-of-way of East 40th Street at the side of 3915 Carnegie Avenue and is more fully described as follows:

**AMERITECH TELEPHONE  
CABINET ENCROACHMENT AT  
E. 40 ST. & CARNEGIE**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Ten Acre Lot No. 69, bounded and described as follows:

Beginning at the intersection of the centerlines of East 40th Street, 99.00 feet wide, and Carnegie Avenue, 86.00 feet wide; thence Due North along the said centerline of East 40th Street, 109.43 feet; thence Due West and perpendicular to said centerline of East 40th Street, 22.19 feet to the Principal Place of Beginning; thence continuing Due West and perpendicular to said centerline of East 40th Street, 20.00 feet; thence Due North and parallel with the said centerline of East 40th Street, 10.00 feet; thence Due East and perpendicular to said centerline of East 40th Street, 20.00 feet; thence Due South and parallel with the said centerline of East 40th Street, 10.00 feet to the Principal Place of Beginning and containing 0.0046 acres of land as described on April 29, 1997 by R. M. Kole & Assoc. Inc., Professional Land Surveyors.

**Section 2.** That said above-ground telephone cabinet will be located within the public right of way of East 40th Street at Carnegie Avenue and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1645-97.**

**By Councilman Skrha.**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to Ampeco System Parking to encroach into the public right-of-way of West 9th St. at Lakeside Ave. with a three (3) foot area of landscaping and planters along the sidewalk area.**

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 Ampeco System Parking, 1459 Hamilton Avenue, Cleveland, Ohio 44114; its successors and assigns, for the construction, use and maintenance of a three (3) foot strip of landscaping with planters, which will encroach into the public right-of-way of West 9th Street at Lakeside Avenue at the location more fully described as follows:

**LANDSCAPING ENCROACHMENT  
AT AMPACO PARKING LOT AT  
WEST 9TH STREET**

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and lying within the bounds of West 9th Street, 99.00 feet in width, bounded and described as follows:

Beginning on the northeasterly line of said West 9th Street at a capped 5/8" iron pin found at the most southerly corner of land conveyed to K and S. Parking Company, Inc., by deed dated October 20, 1976 and recorded in Volume 14631, Page 281 of Cuyahoga County Records; Course No. 1: thence South 33°-53'-07" East along said northeasterly line of West 9th Street, 143.55 feet to a railroad spike found at the northwesterly corner of Block "A" in the Lot Split and Consolidation of part of Original Two Acre Lot Nos. 1 to 6, as shown by the recorded plat in Volume 282 of Maps, Page 88 of Cuyahoga County Records; Course No. 2: thence South 56°-06'-53" West, 3.00 feet to its intersection with a line drawn parallel with and distant 3.00 feet southwesterly by rectangular measurement from said northeasterly line of West 9th Street; Course No. 3: thence North 33°-53'-07" West along said parallel line, 143.55 feet to a point; Course No. 4: thence North 56°-06'-53" East and perpendicular to said northeasterly line of West 9th Street, 3.00 feet to the place of beginning, according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in October, 1996, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

**Section 2.** That said landscaping and planters will be constructed within the public right-of-way at the locations aforesaid in Section 1, and 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.

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

**Ord. No. 1646-97.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1998 Drug Prevention, Treatment and Intervention Program.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$464,530.00, from the Alcohol and Drug Addiction Services Board of Cuyahoga County, to conduct the 1998 Drug Prevention, Treatment and Intervention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1646-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

**Ord. No. 1647-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of animal trappings and pest control services, for the Division of Environment, Department of Public Health, for a period not to exceed two years.**

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

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

**Section 1.** That the Director of Public Health is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of animal trappings and pest control services in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Environment, Department of Public Health. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21822)

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

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

**Ord. No. 1648-97.**

**By Mayor White and Councilman Johnson.**

**An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into contract with the Cleveland Board of Education to conduct recreational, cultural and extracurricular programs for the benefit of school children during the 1997-98 school year.**

Whereas, pursuant to Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admissions tax can be used to fund recreational, cultural and extracurricular programs within the Cleveland School System; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural and extracurricular programs for City school children during the 1997-98 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports and academic enrichment programs; and

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

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

**Section 1.** That the Directors of Parks, Recreation and Properties and Finance are hereby authorized to enter into contract with the Board of Education of the Cleveland City School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children, in accordance with the program description contained in File No. 1648-97-A, for an amount not to exceed \$2,000,000.00, payable from the fund or funds to which are credited the proceeds of the taxes levied pursuant to Ordinance No. 1025-A-95, passed June 28, 1995, under such terms and conditions as are acceptable 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.

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

**Ord. No. 1649-97.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase a site for a park at the northwest corner of East 81st and Mansfield Avenue, for the Department of Parks, Recreation and Properties.**

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase the following described property for the purpose of developing a public park:

Permanent Parcel Number 133-06-005  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 85 feet of Sublot No. 3 and the Easterly 10 feet of the Northerly 85 feet of Sublot No. 2 in E. S. Gillette's Allotment of part of Original One Hundred Acre Lot No. 447, as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Southerly side of Union Avenue, S.E. and extending back of equal width 85 feet to the Northerly line of Mansfield Avenue, S.E., as appears by said plat, be the same more or less, but subject to, all legal highways.

Subject to easement for Union Avenue slope rights recorded in Volume 1710, Page 268-70 of Cuyahoga County Deed Records.

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

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

**Section 3.** That the consideration to be paid for such property shall not exceed its fair market value.

**Section 4.** That all costs of acquisition of land shall be paid from Fund No. 20 SF 330, Request No. 20558.

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

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

**Ord. No. 1650-97.**

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

**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into a requirement contract without competitive bidding with Cleveland Energy Resources, or their assignee, for the purchase of steam heating services and necessary incidentals, for the various divisions of City government for a period up to twenty years.**

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

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

**Section 1.** That it is hereby determined that the within services are non-competitive and cannot be secured from any source other than Cleveland Energy Resources. Therefore, the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written requirement contract for a period up to twenty (20) years with said utility for steam heating services and necessary incidentals on such terms and conditions as approved by the Directors of Law and Parks, Recreation and Properties, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government.

**Section 2.** That the cost of said contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22984)

**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. 1651-97.**

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

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block A of the Cleveland Industrial Park to Euro-USA, or its designee.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located in the Cleveland Industrial Park, identified as Permanent Parcel No. 142-22-020 to Euro-USA, or its designee; and

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

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

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

(Insert legal)

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Euro-USA, or its designee, at a price not less than fair market value as determined by the Board of Control.

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

**Section 4.** That the Director of Parks, Recreation and Properties and other appropriate City officials are authorized to prepare and execute such other documents and certificates and take such other action as may be necessary or appropriate to effectuate the sale authorized by this ordinance.

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

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



**Ord. No. 1652-97.**  
**By Councilmen Johnson, Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located in Block H of the Cleveland Industrial Park to Westside Roofing Co., Inc., or its designee.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located in the Cleveland Industrial Park, identified as Permanent Parcel No. 142-22-018 to Westside Roofing Co., Inc., or its designee; and

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

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

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

(Insert legal)

**Section 2.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Westside Roofing Co., Inc., or its designee, at a price not less than fair market value as determined by the Board of Control.

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

**Section 4.** That the Director of Parks, Recreation and Properties and other appropriate City officials are authorized to prepare and execute such other documents and certificates and take such other action as may be necessary or appropriate to effectuate the sale authorized by this ordinance.

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

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

**Ord. No. 1653-97.**  
**By Councilmen Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6810 Kinsman Road and 6822-28 Kinsman Road to Casell Moore.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 125-17-048 and 125-17-051, as more fully described in Section 2 below, to Casell Moore.

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

P.P. No. 125-17-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northeastly 120 feet of Sublot No. 15 in the William Meyer and John Thomas Allotment of part of Original One Hundred Acre Lot No. 329, as shown by the recorded plat in Volume 7 of Maps, Page 4 of Cuyahoga County Records, and being 40 feet front on the Southwesterly side of Kinsman Road, S.E., (formerly Kinsman Street), and extending back of equal width 120 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 125-17-051

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublots Nos. 17, 18 and 19 in William Meyer and John Thoman's Allotment of part of Original One Hundred Acre Lot No. 329, as shown by the recorded plat in Volume 7 of Maps, Page 4 of Cuyahoga County Records, and bounded and described as follows:

Beginning, on the Southwesterly line of Kinsman Road, S.E. at the most Easterly corner of land conveyed to Maria Gedeon by deed dated March 23, 1908, and recorded in Volume 1145, Page 519 of Cuyahoga County Records; thence Southeasterly along the Southwesterly line of Kinsman Road, S.E., about 81.16 feet to the most Easterly corner of Sublot No. 19; thence Southwesterly along the Southeasterly line of Sublot No. 19, about 120.20 feet to the most Easterly corner of land conveyed to the City of Cleveland by deed dated Octo-

ber 31, 1959 and recorded in Volume 9925, Page 241 of Cuyahoga County Records; thence Northwesterly along the Northeastly line of land so conveyed, about 81.20 feet to the South-easterly line of land conveyed to Maria Gedeon as first aforesaid; thence Northeastly along said Southeasterly line, about 120.20 feet to the place of beginning, as appears by said plat.

Also subject to Zoning Ordinances, if any.

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

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

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

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

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

**Ord. No. 1654-97.**  
**By Councilmen Jackson, Rybka and Westbrook (by departmental request).**  
**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9119 Laisy Avenue to Clemtana Y. Stewart.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 127-12-017, as more fully described in Section 2 below, to Clentana Y. Stewart.

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

P.P. No. 127-12-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 42 in T. E. Burton's Allotment of part of Original 100 Acre Lot No. 440, as shown by the recorded plat in Volume 12 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Laisy Avenue and extending back of equal width 121 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 1655-97.**  
**By Councilmen Jackson, Rybka and Westbrook (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6612 Beaver Avenue to David Coleman and Angela Bruc Coleman.**

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 124-18-066, as more fully described in Section 2 below, to David Coleman and Angela Bruc Coleman.

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

P.P. No. 124-18-066

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sub Lot No. 18 in the John and Mary Robertson Subdivision of Original 100 Acre Lot No. 329 as recorded in Volume 4, Page 25 of Cuyahoga County Records and bounded and described as follows:

Beginning at the Northeasterly corner of said Sublot No. 18, thence Westerly along the Southerly line of Beaver Avenue a distance of 40 feet to the Northeasterly corner of land conveyed to Sergie Kredic and Mary Kredic by deed dated September 8, 1925, and recorded in Volume 3314, Page 634 of Cuyahoga County Records; thence Southerly along the Easterly line of said land conveyed to Sergie Kredic and Mary Kredic to the Northerly line of Bushnell Avenue as established by Ordinance No. 14058, March 22, 1909; thence Easterly along the Northerly line of said Bushnell Avenue to a point in the Easterly line of said Sublot No. 18; thence Northerly along the Easterly line of said Sub Lot No. 18, which is also the Westerly line of land conveyed to Elizabeth Hill by deed dated September 24, 1945, and recorded in Volume 6024-541 of Cuyahoga County Records to the place of beginning, be the same more or less, but subject to all highways.

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

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

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

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

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

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

**Ord. No. 1656-97.**  
**By Councilmen Rybka, Jackson and Westbrook (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3435 East 70 Street to John T. Russell, Jr.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 125-33-052, as more fully described in Section 2 below, to John T. Russell, Jr.

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

P.P. No. 125-33-052

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 59 in the J. Gallop Subdivision of part of Original One Hundred Acre Lot No. 322, as shown by the recorded plat in Volume 6 of Maps, Page 16 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 70th Street (formerly Homewood Avenue), and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market

Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

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

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

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

**Ord. No. 1657-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 12216 Lena Avenue to Kenneth M. and Lorraine M. Busler.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 020-10-017, as more fully described in Section 2 below, to Kenneth M. and Lorraine M. Busler.

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

P.P. No. 020-10-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in the Clark-Manchester Company's Homesite Allotment Nos. 3 and 5 of part of Original Rockport Township Lot No. 1, Section No. 1 as shown by the recorded plat in Volume 54 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Lena Avenue, S.W., and extending back of equal width 174 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 1658-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with EZ Electric Service Company, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for use at its operation located at 1725 Clarkstone Road, Cleveland, Ohio 44112.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with EZ Electric Service Company, Inc., or its designee, to provide economic development assistance to partially finance the acquisition of machinery and equipment for use at its operation located at 1725 Clarkstone Road, Cleveland, Ohio 44112.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1658-97-A.

**Section 3.** That the costs of said contract shall not exceed Seventy Thousand Dollars (\$70,000.00), and shall be paid from Fund No. 12 SF 958, Request No. 23339.

**Section 4.** That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of

this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 954.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**Ord. No. 1659-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Danly Die Set, a division of Connell Ltd. Partnership, or its designee, and Moreway, Inc., its Lessor, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to renovate a building at 16065 Industrial Lane and for the purchase of machinery and equipment needed to relocate the enterprise from Parma, Ohio to the Cleveland Area Enterprise Zone.**

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

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

Whereas, Danly Die Set, a division of Connell Ltd. Partnership (the "Enterprise") has proposed to relocate its facilities, lease and renovate the building at 16065 Industrial Lane, and purchase machinery and equipment needed for its operation in the City of Cleveland; and

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

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace,

safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

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

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Danly Die Set, a division of Connell Ltd. Partnership, or its designee(s), and Moreway, Inc., its Lessor, to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to lease and renovate a building at 16065 Industrial Lane and for the purchase of machinery and equipment needed to relocate the enterprise from Parma, Ohio to the Cleveland Area Enterprise Zone; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1659-97-A.

**Section 4.** That the Director of Economic Development is hereby authorized to charge and accept fees not to exceed maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

**Ord. No. 1660-97.**

**By Councilmen White, Jackson and Westbrook (by departmental request).  
An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Flaherty Metals Corporation, dba Brontel Bearing Bronze Company, or its designee, to provide economic development assistance to partially finance the acquisition of equipment for use at its operation located at 9314 Elizabeth Avenue, Cleveland, Ohio 44105.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Flaherty Metals Corporation, dba Brontel Bearing Bronze Company, or its designee, to provide economic development assistance to partially finance the acquisition of equipment for use at its operation located at 9314 Elizabeth Avenue, Cleveland, Ohio 44105.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1660-97-A.

**Section 3.** That the costs of said contract shall not exceed Forty Four Thousand Dollars (\$44,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 23338.

**Section 4.** That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 006.

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 7.** That the Director of Law is hereby authorized to prepare said contract and such other documents as may be appropriate to complete the transaction.

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

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

**FIRST READING EMERGENCY  
RESOLUTIONS REFERRED**

**Res. No. 1661-97.**

**By Councilman Skrha.  
An emergency resolution declaring the intention to vacate that part of Webster Avenue S.E.**

Whereas, this Council is satisfied that there is good cause for vacate that part of Webster Avenue S.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. WEBSTER AVENUE S.E.** Being all that portion of Webster Avenue (60.00 feet wide) bounded on the West by that portion of Webster Avenue vacated by the Council of the City of Cleveland by Ordinance Number 2625-88, passed on December 19, 1988; bounded on the East by the Southerly prolongation of the Westerly line of East 13th Street (60.00 feet wide); bounded on the North by the Northerly line of Webster Avenue S.E., and on the South by the Northerly right-of-way of the Innerbelt Freeway, so called.

**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. 1662-97.**

**By Councilman Smith (by request).  
An emergency resolution declaring the intention to vacate portions of W. 44th Pl., and The 1st Alley North of Detroit & East of W. 44th Pl., and The 1st Alley North of Detroit & West of W. 44th Pl.**

Whereas, this Council is satisfied that there is good cause for vacating portions of West 44th Place, and The First Alley North of Detroit and East of West 44th Place, and The First Alley North of Detroit and West of West 44th Place, 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. WEST 44TH PLACE** Being all that portion of West 44th Place (38.00 feet wide) extending Northerly from the Northerly line of Detroit Avenue N.W. (66.00 feet wide) to that portion of West 44th Place vacated by the Council of the City of Cleveland by Ordinance Number 531-40, passed April 22, 1940. **FIRST ALLEY NORTH OF DETROIT AVENUE AND EAST OF WEST 44TH PLACE** Being all that portion of The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Easterly from the Easterly line of West 44th Place (38.00 feet wide) to its Easterly terminus. **FIRST ALLEY NORTH OF DETROIT AVENUE AND WEST OF WEST 44TH PLACE** Being all that portion of The First Alley (10.00 feet wide) North of Detroit Avenue N.W. extending Westerly from the Westerly line of West 44th Place (38.00 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.

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

**Ord. No. 1663-97.**

**By Councilman Melena.**

**An emergency ordinance consenting to and approving the issuance of a permit for the Cleveland AIDS Walk on September 28, 1997, sponsored by the Health Issues Task Force of Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Cleveland AIDS Walk Race, sponsored by the Health Issues Task Force of Cleveland, on September 28, 1997, beginning at Edgewater Park, through Edgewater Park to Edgewater Drive, west on Edgewater Drive to the Cleveland - Lakewood border, outside the City limits into the City of Lakewood, return back into Cleveland at West 117th Street and Clifton, east on Clifton to West Blvd., West Blvd. back into Edgewater Park and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1664-97.**

**By Councilman Moran.**

**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to issue a permit to St. Leo's the Great Church to stretch a banner across Broadview Road at 4900 Broadview Road for the period from August 15, 1997 to October 15, 1997, inclusive, publicizing their Octoberfest.**

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 St. Leo's the Great Church to install,

maintain and remove a banner across Broadview Road at 4900 Broadview Road for the period from September 15, 1997 to October 15, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1665-97.**

**By Councilman Patmon.**

**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to issue a permit to the Rockefeller Park Cultural Arts Association to stretch banners on eight utility poles on Dr. Martin Luther King, Jr. Blvd. between East Blvd. and Ansel Rd. for the period of August 29, 1997 to September 16, 1997, inclusive, publicizing the celebration of "One World Day".**

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 Parks, Recreation and Properties is hereby authorized and directed to issue a permit to the Rockefeller Park Cultural Arts Association, South Park Boulevard, Shaker Heights, Ohio 44120; to install, maintain and remove eight (8) banners on Dr. Martin Luther King, Jr. Boulevard between the freeway ramp to East Boulevard and Ansel Road in Rockefeller Park, for the celebration of "One World Day", for the period from August 29, 1997 to September 16, 1997, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

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

**Ord. No. 1666-97.**

**By Councilmen Patmon and Willis. An emergency ordinance consenting to and approving the issuance of a permit for the Race for the Cure on September 28, 1997, 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 Race for the Cure, sponsored by Hermes Race Systems, on September 28, 1997, beginning at Wade Oval to East Blvd., East Blvd. to E. 99th St., E. 99th St. to MLK, MLK to Oval Drive, Oval Dr. to Wade Oval, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1667-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting and approving the issuance of a permit for a footrace on September 7, 1997 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 a footrace, sponsored by Hermes Race Systems, the route is; start at W. 38th and Lorain, Lorain to Abbey, Abbey to Columbus,

Columbus to Riverbed, Riverbed to Elm, Elm to River, River to Center, Center to Riverbed and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1668-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon/Pray-A-Thon on September 20, 1997 sponsored by the Office of Religious/Diocese of Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk-A-Thon/Pray-A-Thon, sponsored by the Office of Religious/Diocese of Cleveland, on September 20, 1997, beginning at East Side - St. Vitas Parish, the route: come out of the parking lot at St. Vitas and go to St. Clair, then head west on the north side of St. Clair Ave. until walkers reach W. 3rd St. Cross to the west side of W. 3rd St. and proceed south to the south west quadrant of Public Square. South Side - Our Lady of Lourdes Parish, the route: come out of the parking lot at Our Lady of Lourdes and proceed to the west side of Broadway Ave. Follow on the west side of the street Broadway Avenue all the way until it meets Orange Ave. Make a left on Orange Ave. and stay on the west side of the street. Follow Orange until it becomes Ontario St. and then follow to Public Square and make a left and go to the southwest Quadrant of Public Square, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1669-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting to and approving the issuance of a permit for the Walk for Diabetes (Walktoberfest) on October 5, 1997, sponsored by the American Diabetes Association.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Walk for Diabetes (Walktoberfest), sponsored by the American Diabetes Association, on October 5, 1997, starting at Nautica Stage, West Bank of the Flats, west on Main Ave. to Center St., east on Center St. to Columbus Rd., east on Columbus Rd. to Merwin Ave., north on Merwin Ave. to W. Superior Ave., east on W. Superior Ave. to Public Square, south on Public Square to Ontario Ave., south on Ontario Ave. to Huron Rd., east on Huron Rd. to Prospect Ave., east on Prospect Ave. to E. 18th St., north on E. 18th St. to Superior Ave., west on Superior Ave. to E. 9th St., north on E. 9th St. to Erieside Ave., west on Erieside Ave. to W. 3rd St., south on W. 3rd St. to Lakeside Ave., west on Lakeside Ave. to W. 9th St., north on W. 9th St. to Front Ave., west on Front Ave. to Old River Rd., south on Old River Rd. to Merwin Ave., south on Merwin Ave. to Columbus Rd., west on Columbus Rd. to Center St., west on Center St. to Main Ave., east on Main Ave. to the boardwalk, east on the boardwalk and back to Nautica Stage where walkers will disperse, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1670-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting and approving the issuance of a permit for a footrace on September 1, 1997 sponsored by the Cleveland Browns and 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 a footrace, sponsored by the Cleveland Browns and Hermes Race Systems, start at W. 3rd and Lakeside, north on Erieside, Erieside to E. 9th, across to N. Marginal to E. 26 and return the same route, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1671-97.**

**By Councilman Skrha.**

**An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon on September 20, 1997 sponsored by the Interchurch Council of Greater Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk-A-Thon, sponsored by the Interchurch Council of Greater Cleveland, start west on Euclid to Huron (using sidewalk on south side of street), turn left, southwest on Huron to Prospect (using sidewalk on southeast side of street), turn right, west on Prospect to Huron (using sidewalk on south side of street), turn left,

southwest on Huron to East 6th St (using sidewalk on southeast side of street), turn left, south and then west on East 6th to Ontario (using sidewalks on east and then north side of street), turn right, north on Ontario to St. Clair (using sidewalk on east side of street), turn left, west on St. Clair to Old River Road (using sidewalk on south side of street), turn right, north on Old River Road to Front (using sidewalk on east side of street), turn right, east on Front to West 9th (using sidewalk on south side of street), turn right, south on West 9th to West Lakeside (using sidewalk on west side of street), turn right, east on West Lakeside/Lakeside to Mall B (using sidewalk on south side of street), turn right, south through Mall B to St. Clair, turn left, east on St. Clair to East 12th (using sidewalk on south side of street), turn right, south on East 12th to Chester (using sidewalk on west side of street), turn left, east on Chester to East 21st (using sidewalk on north side of street), turn right, north on East 21st to Euclid (using sidewalk on east side of street), turn left, east on Euclid to 2230 Euclid (using sidewalk on south side of street), end, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1672-97.**

**By Councilmen Skrha and Smith.**

**An emergency ordinance consenting and approving the issuance of a permit for a 5K and 10K Walkathon an October 14, 1997 sponsored by the OLA/St. Joseph Center.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a 5K and 10K Walkathon, sponsored by the OLA/St. Joseph Center, with the 5K and 10K walkers beginning at OLA/St. Joseph Center Parking lot on Kenilworth, head (east) on Kenilworth to W. 11th St., turn right circle Lincoln Park 2 times, return to W. 11th/Kenilworth intersection, turn left onto W. 11th walk to University Rd., turn right onto University Rd. walk to W. 10th St.,

turn right onto W. 10th St. walk to stop sign, veer left onto Professor Ave. (stay on right side of street), walk to Jefferson, turn right onto Jefferson walk to Starkweather (cross W. 14th to west side of W. 14th), turn left on West 14th St. walk (south) to Clark Ave., turn right onto Clark Ave. & walk across bridge (over highway) to Scranton Rd., turn right onto Scranton Rd. walk to Kenilworth, turn right onto Kenilworth, return to OLA/St. Joseph Center (on your left on other side of highway overpass) 5K WALKERS STOP HERE!; 10K walkers continue walking on Kenilworth to W. 11th St., turn left onto W. 11th St. walk to Abbey Rd., turn left onto Abbey Ave. (cross street to north side of Abbey), cross Abbey Ave. Bridge to West 20th Street (enjoy the view of downtown!), cross street to south side of Abbey Avenue, turn left and return across the Abbey Avenue Bridge, (enjoy the view of the industrial side of the flats!), walk to West 11th St., turn left to University Rd., walk to W. 10th St., turn right onto W. 10th St., walk to Literary (right side of St.), turn right onto Literary walk to Kenilworth (veer left & cross street), turn right onto Kenilworth, return to OLA/St. Joseph Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

**Ord. No. 1680-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 5709 and 5713 Whittier Avenue to Bernard and Marsha Pettus.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 104-18-077 and 104-18-078, as more fully described in Section 2 below, to Bernard and Marsha Pettus.

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

P.P. No. 104-18-077

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the West-erly 32 feet from front to rear of Sublot No. 92 and the Easterly 20 feet from front to rear of Sublot No. 93 in the Luther Moses Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat on Volume 7 of Maps, Page 13 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 52 feet on the Northerly side of Whittier Avenue N.E. (formerly Sixth Avenue N.E.), and extending back of equal width 180 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 104-18-078

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 91 and the Easterly 8 feet front to rear of Sublot No. 92 in Luther Moses Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by the recorded plat in Volume 7 of Maps, Page 13 of Cuyahoga County Records and together forming a parcel of land 48 feet front on the Northerly side of Whittier Avenue, N.E., and extending back of equal width 180 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

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

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

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

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

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

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

**Ord. No. 1681-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8100-8106 and 8108 Hough Avenue to Kelly Chapman.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-01-047 and 119-01-048, as more fully described in Section 2 below, to Kelly Chapman.

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

P.P. No. 119-01-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 in the L.M. and A.J. Holt's Subdivision of part of Original One Hundred Acre Lot No. 391, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records and bounded and described as follows: Beginning on the Southerly line of Hough Avenue, N.E. at its point of intersection with the Easterly line of East 81st Street (formerly Princeton Street); thence Easterly along said Southerly line of Hough Avenue, N.E., 60 feet to the Northwesterly corner of land conveyed to George J. Hardway by Deed dated February 4, 1889 and recorded in Volume 438, Page 639 of Cuyahoga County Records; Thence Southerly, along the Westerly line of land so conveyed to George J. Hardway and parallel with Westerly line of said East 81st Street, 87 feet and 10-1/4 inches to the Northeastly corner of land conveyed to Effie I. Jackett by Deed dated April 24, 1923 and recorded in Volume 2800, Page 582 of Cuyahoga County Records; Thence Westerly along the Northerly line of

land so conveyed to Effie I. Jackett and parallel with said Southerly line of Hough Avenue, N.E., 60 feet to the Easterly line of East 81st Street; Thence Northerly along said Easterly line of East 81st Street, 87 feet and 10-1/4 inches to the place of beginning, be the same more or less, but subject to all legal highways.

Appurtenant Rights for Use of Driveway recorded in Volume 438, Page 639 of Cuyahoga County Records.

Easement for Common Driveway over the Southerly 4 feet of premises in Caption, the Northerly 4 feet of the Premises Adjacent to the South, and over a strip of land 8 feet wide lying Easterly of and adjacent to the Easterly Line of Premises in Caption and More Land, recorded in Volume 2835, Page 81 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

P.P. No. 119-01-048

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 11 in L.M. and A.J. Holt's Re-Subdivision of Sublot No. 12 of the Subdivision made by the heirs of O. Hough, deceased, of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the South line of Hough Avenue, N.E., at a point 60 feet East of the Northwest corner of said Sublot No. 11 and which is also 60 feet East of the East line of East 81st Street (formerly Princeton Street); thence South parallel with the West line of said Sublot No. 11, 147 feet to the South line of said Sublot No. 11; thence East on the South line of said Sublot No. 11; 45 feet; thence North parallel with the East line of said Sublot No. 11 to the South line of Hough Avenue, N.E.; thence West along the South line of Hough Avenue, N.E., 45 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 1682-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10813 Elliott Avenue; 3345 East 121st Street, 3263 East 130th Street, 3278 East 140th Street, 3386 East 117th Street, 3415 East 125th Street, 9616 Gibson Avenue to Mt. Pleasant Now Development Corporation or designee.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 127-19-061, 130-04-116, 130-07-059, 130-11-113, 130-21-108, 130-22-154, 135-02-054, as more fully described in Section 2 below, to Mt. Pleasant Now Development Corporation or designee.

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

P.P. No. 127-19-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in the Walton Brothers Subdivision of part of Original One Hundred Acre Lot No. 442, as shown by the recorded plat in Volume 15 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Elliott Avenue, S.E., and extending back of equal width 125 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 130-04-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 163 in Crawford-Woodhill Subdivision of part of Original One Hundred Acre Lot Nos. 436, 445 and 444, as shown by the recorded plat in Volume 47 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 121st Street and extends back between parallel lines 139 feet deep, be the same more or less, but subject to all legal highways.

Also, subject to zoning ordinances, if any.



## P.P. No. 130-07-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 224 in the Walton Bros. Subdivision of part of Original One Hundred Acre Lot No. 445 as shown by the recorded plat in Volume 14 of Maps, Page 6 of Cuyahoga County Records, Sublot No. 224 in the Walton Brothers Subdivision of part of Original One Hundred Acre Township Lot No. 445, as shown by the recorded plat of said Subdivision in Volume 14 of Maps, Page 6 of Cuyahoga County Records. Said Sublot No. has a frontage of 40 feet on the Easterly side of East 130th Street, (formerly Germania Avenue) and extends back between lines 150 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

## P.P. No. 130-11-113

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 79 in Behm-Homestead Allotment of part of Original One Hundred Acre Lot No. 446, as shown by the recorded plat in Volume 45 of Maps, Page 13 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 140th Street and extending back between parallel lines 145.31 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

## P.P. No. 130-21-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in Karoline Knopf's Allotment of part of Original One Hundred Acre Lot No. 444, as shown by the recorded plat in Volume 32 of Maps, Page 23 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 117th Street (formerly Adam Street), and extending back of equal width 127 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

## P.P. No. 130-22-154

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 162, in the McHenry-Sinnott Realty Company's Mount Pleasant View Subdivision No. 3 of part of Original One Hundred Acre Lot No. 445, as shown by the recorded plat in Volume 49 of Maps, Page 11 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 125th Street and extending back 145.45 feet on the Northerly line, 145.50 feet on the Southerly line and having a rear line of 40 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

## P.P. No. 135-02-054

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 70 in Gibson and Benham's Allotment of part of Original One Hundred Acre Lot No. 449, as shown by the recorded plat in Volume 20 of Maps, Page 20 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Gibson Avenue, S.E., and extending back of equal width, 91.06 feet deep on the Westerly side, 91.52 feet deep on the Easterly side and 35.01 feet wide in

the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

**Ord. No. 1683-97.**

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 14700-10 Kinsman Road to Evangelistic Temple of Faith, Inc.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 139-11-001, as more fully described in Section 2 below, to Evangelistic Temple of Faith, Inc.

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

## P.P. No. 139-11-001

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 417 and 418 in the Parkhill Land and Allotment Company's Shaker Overlook Subdivision of part of Original Warrensville Township Lot No. 51, as shown by the recorded plat in Volume 59 of Maps, Page 10 of Cuyahoga County Records and being 63.02 feet front on the Southerly side of Kinsman Road S.E. and being 122 feet deep on the Easterly line 103.53 feet and arc along the Westerly line, which is also the Easterly line of East 147th Street and being 96.59 feet wide in the rear, be the same more or less, but subject to all legal highways.

Subject to: Restrictions recited in Volume 2360, Page 501 of Cuyahoga County Records, dated 1/6/20.

Also subject to zoning ordinances, if any.

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

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

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

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

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

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

**Ord. No. 1684-97.**

**By Councilmen Skrha, Rybka, Patmon, White, Jackson and Westbrook (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 930 Linn Drive; 3316 East 49 Street; 4804 Vivian Avenue; 3295, 3275, 3271 East 48th Street; 3272 East 49 Street; 3456, 3458 East 53 Street; 3546 East 82 Street and 9407 Pratt Avenue to Cleveland Housing Network Ltd. Partnership XIV.**

Whereas, the City of Cleveland has elected to adopt and implement

the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 109-20-033 as more fully described in Section 2 below, to Cleveland Housing Network Ltd Partnership XIV.

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

P.P. No. 109-20-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 74 in the Realty Underwriting Company's Lakeview Road Subdivision of part of Original One Hundred Acre Lot No. 371 as shown by the recorded plat in Volume 63 of Maps, Page 30 of Cuyahoga County Records, said Sublot No. 74 has a frontage of 41 feet on the Westerly side of Linn Drive, N.E., and extends back between parallel lines 125 feet, appears by said plat.

Also subject to all zoning ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-18-026 as more fully described in Section 4 below, to Cleveland Housing Network Ltd. Partnership XIV.

**Section 4.** That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 131-18-026

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284, as shown by the recorded plat in Volume 13 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 49 Street (formerly Petrie Street) and extending back of equal width 149 feet 10-1/5 inches to East 49 Place in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-18-032 as more fully described in Section 6 below, Cleveland Housing Network Ltd. Partnership XIV.

**Section 6.** That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 131-18-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 35 in Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284 as shown by the recorded plat in Volume 13 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 48th Street (formerly Ballou Street) and extending back 117 feet 10 3/4 inches on the Southerly line of Vivan Avenue, S.E., and having a rear line of 40 feet, as appears by said plat.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-18-033 as more fully described in Section 8 below, to Cleveland Housing Network Ltd. Partnership XIV.

**Section 8.** That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 131-18-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an unimproved Lot, and known as being Sublot No. 34 in Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284 as shown by the recorded Plat in Volume 13 of Maps, Page 14 of Cuyahoga County Records, and being 35 feet front on the Easterly side of East 48th Street (formerly Ballou Street) and extending back of equal width 117 feet 10-3/4 inches as appears by said plat, be the same more or less but subject to all legal highways.

Also, subject to zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-19-055 as more fully described in Section 10 below, to Cleveland Housing Network Ltd. Partnership XIV.

**Section 10.** That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 131-19-055

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 38 in Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284, as shown by the recorded plat in Volume 13 of Maps, Page 14 of Cuyahoga County Records, and being a parcel of land 35 feet front on the Easterly side of East 48th Street, (formerly Ballou Street), and extending back of equal width 117 feet 10-3/4 inches deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-19-056 as more fully described in Section 12 below, to Cleveland Housing Network Ltd. Partnership XIV.

**Section 12.** That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 131-19-056

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39, in Joseph Stanley's Allotment of a part of Original Lot No. 284 in said City. Said Sublot No. 39 has a frontage of 35 feet on the East side of Ballou Street, now East 48th Street, and extends back 117-10-3/4/100 feet deep, as per plat of said Allotment recorded in Volume 13 of Maps, Page 14 of Cuyahoga County Records, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 13.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-19-087 as more fully described in Section 14 below, Cleveland Housing Network Ltd. Partnership XIV.

**Section 14.** That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 131-19-087

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 284 and bounded and described as follows:

Beginning at a point in the Westerly line of East 49th Street (formerly Petrie Street, so called) 25 feet West from the Easterly line of said Original Lot and 300 feet South from the Northerly line of said Original One Hundred Acre Lot No. 284; thence South along the line of said street 40 feet; thence West at right angles to said street 149.83 feet; thence North parallel to East 49th Street 40 feet; thence East 149.85 feet to the place of beginning.

**Section 15.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-21-068 as more fully described in Section 16 below, Cleveland Housing Network Ltd. Partnership XIV.

**Section 16.** That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 131-21-068

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and bounded and described as follows, to wit: and known as being the Southerly 21.5 feet of Sublot No. 91 in Heisel, Hamm, Wagner Wagenmann's Allotment of part of Original One Hundred Acre Lots Nos. 316, 320 and 321, as shown by the recorded plat in Volume 6 of Maps, Page 3 of Cuyahoga County Records, and being 21.5 feet front on the Westerly side of East 53rd Street (formerly Goethe Street) and extending back of equal width 125 feet, as appears by said plat.

**Section 17.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 131-21-069 as more fully described in Section 18 below, Cleveland Housing Network Ltd. Partnership XIV.

**Section 18.** That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 131-21-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 90 in Heisel, Hamm, Wagner and Wageman's Allotment of part of Original One Hundred Acre Lot Nos. 316, 320 and 321, as shown by the recorded plat in Volume 6 of Maps, Page 3 of Cuyahoga County Records, and forming a parcel of land 30 feet front on the Westerly side of East 53rd Street and extending back between parallel lines 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

**Section 19.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 133-06-030 as more fully described in Section 20 below, Cleveland Housing Network Ltd. Partnership XIV.

**Section 20.** That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 133-06-030

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 46 in E. S. Gillett's Subdivision of part of Original One Hundred Acre Lot No. 447, as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 82nd Street (formerly Stafford Avenue), and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances.

**Section 21.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 136-13-096 as more fully described in Section 22 below, to Cleveland Housing Network Ltd. Partnership XIV

**Section 22.** That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows.

P.P. No. 136-13-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 45 in Lucy M. Gaylord et al Subdivision of part of Original One Hundred Acre Lot No. 465, as shown by the recorded plat in Volume 14 of Maps, Page 56 of Cuyahoga County Records and being 40 feet front on the Northerly side of Pratt Avenue, S.E., and extending back of equal width 167.55 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 23.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be

repealed and shall be of no further force or effect.

**Section 24.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 25.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

**Section 26.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

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

**Ord. No. 1685-97.**

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

**An emergency ordinance authorizing the Director of the Community Relations Board to apply for and accept a grant from the Cleveland Foundation for the Strategic Planning Retreat for members of the Community Relations Board.**

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

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

**Section 1.** That the Director of the Community Relations Board is hereby authorized to apply for and accept a grant in the amount of \$2,500.00, from the Cleveland Foundation, to conduct the Strategic Planning Retreat for members of the Community Relations Board, for the purposes set forth in the application and according thereto; that the Director of the Community Relations Board is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

**Section 2.** That the application for said grant, File No. 1685-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

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

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

**Res. No. 1673-97.**

**By Councilman White.**

**An emergency resolution urging the Director of Public Safety and the Chief of Police to make policy changes for high-speed police pursuits in the City of Cleveland to apprehend criminal suspects without endangering the general public.**

Whereas, the City of Cleveland Division of Police has policy protocol Number 10-95 to deal with the persons suspected of committing a felony and who attempt to flee apprehension in a moving vehicle; and

Whereas, the act of high speed police pursuit often involves vehicles exceeding the speed limit, which excess can pose a threat to the safety of the general public; and

Whereas, Council has researched high speed police pursuit protocols in police divisions in other major municipalities throughout the United States; and

Whereas, Council based upon its' research recommends that the following changes to policy protocol 10-95 be implemented by the Director of Public Safety and the Chief of the Division of Police to ensure the safety of the general public; 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 the following policy protocol regarding high speed police pursuits be implemented by the Division of Police, Department of Public Safety of the City of Cleveland:

**1. Jurisdiction**

That the policy and procedures of the Division of Police relating to high speed pursuit in order to apprehend a criminal suspect is under the control of the Director of Public Safety and Chief of Police for the City of Cleveland.

**2. Initiation of Police Pursuit**

That the decision to initiate a pursuit must be based on the pursuing officer's conclusion that the immediate danger to the public created by the pursuit is less than the immediate or potential danger to the public should the suspect remain at large. Any law enforcement officer in an authorized emergency vehicle may initiate a vehicular pursuit when all of the following criteria are met:

(a) The suspect exhibits the intention to avoid arrest by using a motorized vehicle to flee apprehension for an alleged felony or misdemeanor where a full custody arrest is authorized.

(b) The suspect operating the vehicle refuses to stop at the direction of the officer; and

(c) The suspect, if allowed to flee, would present a danger to human life or cause serious injury to the general public.

That the pursuing officer shall consider factors in determining whether to initiate a pursuit such as weather, time of day, amount of traffic, road conditions and the capability of the pursuit vehicle, population density, geographic location, proximity to school areas during school hours and familiarity of the area.

### 3. Discontinuance of a Vehicle Pursuit

A vehicle pursuit shall be discontinued when the following circumstances occur:

(a) Loss of communication with the CCS or sector supervisor.

(b) If there is sufficient information to identify and file on the fleeing suspect, and termination of the pursuit will not result in the lost of vital evidence.

(c) The distance between the pursuing vehicle and the vehicle being pursued becomes so great that further pursuit is futile.

(d) If the driver shows a complete disregard for his/her life or the lives of others as evidenced by activity such as not attempting to slow for red lights or stop signs, driving left of center into oncoming traffic, or excessive speed relative to road/traffic conditions, etc.

### 4. Responsibilities of the Pursuing Officer

(a) It shall be the responsibility of the pursuing officer to immediately notify the Communications Control Section that a pursuit is underway. The pursuing officer shall provide reasoning for the pursuit, direction of travel, description of the vehicle and license plate number, number of occupants and speeds involved.

(b) The pursuing officer shall abandon the pursuit when the danger to life and/or property outweighs the need for immediate apprehension. The pursuing officer shall also abandon the pursuit if it should persist for more than 60 seconds unless directed by that officer's supervisor.

(c) It shall be the responsibility of the pursuing officer to use emergency lights and sirens at all times during the duration of the pursuit. The pursuing officer shall terminate the pursuit if radio contact is lost with the Communications Section and/or other units involved in the pursuit are lost, except where extraordinary circumstances exist. The pursuing officer shall not engage in, or continue, vehicular pursuits in areas where the officer is unfamiliar, exceptions will be permitted only in the most grievous of circumstances.

(d) The pursuing officer shall not make any attempt to overtake or pass the pursued vehicle. At no time shall the pursuing officer exceed the maximum speed limit by no more than 20 mph as long as life or property is not endangered or the following circumstances; areas with increase traffic and pedestrian density; in a school zone during school hours.

(e) There shall be no paralleling of the pursuit route, unless the pursuit passes through a unit's assigned patrol area. Any police unit that is paralleling shall not join or interfere with the pursuit and shall not violate traffic laws to keep pace with the pursuit.

(f) Stationary roadblocks and the ramming of vehicles are prohibited except in critical circumstances such as preventing injury to pedestrians.

### 5. Motorcycles and Unmarked Units

That unmarked police vehicles and motorcycle units may pursue vehicles as a primary unit only until the arrival of a marked unit. An unmarked police vehicle and/or motorcycle unit shall terminate involvement when a marked police

vehicle with a lightbar becomes available to take over the pursuit. Any unmarked police vehicle or motorcycle unit shall adhere to the vehicle pursuit policy when involved in a high speed pursuit. At no time shall an unmarked unit initiate or become involved in a pursuit unless equipped with emergency red or blue lights and siren.

### 6. Administrative Responsibilities

Upon notification that a vehicular pursuit incident is in progress, the sector supervisor shall assume responsibility for monitoring control and termination of the pursuit as it progresses. The supervisor must grant permission for the pursuit to continue or it shall be terminated. It shall be the responsibility of the supervisor to control and direct the pursuit by directing specific units into and out of the pursuit; redesignating primary support or other back up unit responsibilities; approving or ordering alternative tactics; or terminating the pursuit in accordance to departmental policy.

### 7. Jurisdictional Responsibilities between Cities regarding High Speed Pursuit.

(a) In the event that a pursuit from another community enters into the City of Cleveland, the supervisor will monitor the pursuit and determine if Cleveland cars are to be permitted to join the pursuit once notified by Police Communications.

(b) Should a pursuit enter into another community, the Cleveland supervisor shall remain in charge unless control is requested by another agency, it shall be the responsibility of the supervisor to instruct the Communications Control Section to notify the other agency of the pursuit and any request for assistance.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit a copy of this resolution to the Director of Public Safety and to the Chief of the Police Division.

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

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

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

#### Res. No. 1674-97.

By Councilman Moran.

**An emergency resolution objecting to the transfer of location of a D2, D2X, D3 and D3A Liquor Permit to 6625 Denison Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 9129537, Tymocs Cafe Inc., 777 Starkweather Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 0769039, Blume inc., DBAPub, 6626 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 location of a D2, D2X, D3 and D3A Liquor Permit from Permit No. 9129537, Tymocs Cafe Inc., 777 Starkweather Ave., 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 0769039, Blume inc., DBAPub, 6626 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

#### Res. No. 1675-97.

By Councilman Robinson.

**An emergency resolution objecting to the stock of a C1 and C2 Liquor Permit to 4025 E. 131st St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock of a C1 and C2 and Liquor Permit to Permit No. 0012160, AAAM Food Corp., DBASpeedy Superette, 4025 E. 131st St., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the stock of a C1 and C2 Liquor Permit to Permit No. 0012160, AAAMFood Corp., DBASpeedy Superette, 4025 E. 131st St., Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 1676-97.**

**By Councilman Skrha.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1303 Clark Ave. & Gas Pumps.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 Liquor Per-

mit from Permit No. 9554967, West 14th & Clark Corp., 1303 Clark Ave. & Gas Pumps, Cleveland, Ohio 44109, to Permit No. 6591277, OSO Inc., 1303 Clark Ave. & Gas Pumps, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Permit No. 9554967, West 14th & Clark Corp., 1303 Clark Ave. & Gas Pumps, Cleveland, Ohio 44109, to Permit No. 6591277, OSO Inc., 1303 Clark Ave. & Gas Pumps, Cleveland, Ohio 44109; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 1677-97.**

**By Councilman Skrha.**

**An emergency resolution objecting to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit to 700 St. Clair Avenue W.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 2760874, 5304 Detroit Inc. Sol Tushman RCVR 1st Fl. & Bsmt. & Patio, 5304 Detroit Ave., Cleveland, Ohio 44113, to Permit No. 26239710005, Fairview Hospitality Inc., 700 St. Clair Ave. W, 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 ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 2760874, 5304 Detroit Inc. Sol Tushman RCVR 1st Fl. & Bsmt. & Patio, 5304 Detroit Ave., Cleveland, Ohio 44113, to Permit No. 26239710005, Fairview Hospitality Inc., 700 St. Clair Ave. W, 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1678-97.**

**By Councilman Skrha.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 1276-80 W. 6th St.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 0418591, Della Baltimore, 10408-12 Union Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 9555006, West 6th Street Partners Inc., 1276-80 W. 6th 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 ownership of a D5 Liquor Permit from Permit No. 0418591, Della Baltimore, 10408-12 Union Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 9555006, West 6th Street Partners Inc., 1276-80 W. 6th 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**Res. No. 1679-97.**

**By Councilman Skrha.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, and repealing Res. No. 1102-97, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, by Res. No. 1102-97, adopted June 16, 1997; 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, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, be and the same is hereby withdrawn and Res. No. 1102-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

**SECOND READING  
EMERGENCY ORDINANCE**

**Ord. No. 1472-97.**

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

An emergency ordinance authorizing and directing the purchase by requirement contract of microfiche processing, for the various divisions of City government, for a period not to exceed two years.


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

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilman Kenneth L. Johnson be and is hereby excused.

**MOTION**

The Council adjourned at 8:15 p.m. to meet on September 15, 1997.



Clerk of Council

**THE CALENDAR**

The following measure will be on its final passage at the next meeting:

**ORDINANCE**

**Ord. No. 1472-97.**

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of microfiche processing, for the various divisions of City government, for a period not to exceed two years.

**BOARD OF CONTROL**

September 3, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 3, 1997, at 11:30 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Absent: None.

Others: William Moon, Commissioner Purchases and Supplies, Barry Withers, Acting Director Office of Equal Opportunity.

On motion, the following resolutions were adopted.

**Resolution No. 714-97.**

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tele-Communication, Incorporated for the lease of an estimated quantity of Electronic Key Telephone System for the Division of Information Systems Services, Department of Finance, for the period of three (3) years received on August 8, 1997, pursuant to the authority of Ordinance No. 1174-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to Forty Thousand, Seven Hundred Twenty Two and 48/100 Dollars (\$40,722.48), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or

services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 094350 which shall be certified against such contract in the sum of Thirteen Thousand Five Hundred Seventy-Five and no/100 Dollars (\$13,575.00).

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 Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 715-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vallejo/Terrace, A Joint Venture for the public improvement of Mayfield Road 16" Water Supply Main, using the tunnel crossing alternate (B+D) and a 10% contingency allowance for the Division of Water, Department of Public Utilities, received on July 9, 1997, pursuant to the authority of Ordinance No. 1224-95 passed December 18, 1995, for a gross price for the improvement in the aggregate amount of Two Million Three Hundred Thirty Three Thousand Seven Hundred Thirteen 03/100 Dollars (\$2,333,713.03), 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 Vallejo/Terrace, a Joint Venture, for the abovementioned public improvement is hereby approved:

SUBCONTRACTOR	WORK
Granger Trucking, Inc.	MBE 20%
Cook Paving & Construction Co.	MBE 11%
Collinwood Shale Brick & Supply Co.	FBE 5%
Rockport Construction	FBE 3%
LJ Services	FBE 3%

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 716-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Underwater Marine Contractors, Inc. for an estimated quantity of diving and underwater inspection services (all items) for the Division of Water, Department of Public Utilities, for a period of two (2) years beginning with the

date of execution of a contract, received on the 23rd day of July, 1997, pursuant to the authority of Ordinance No. 729-97, passed June 2, 1997 on the basis of the estimated quantity would amount to One Hundred Twenty Thousand Eighty and no/100 Dollars (\$120,080.00) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 01007**

which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars (\$50,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 717-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Calgon Carbon Corporation for an estimated quantity of powdered activated carbon (item 2) for the Division of Water, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on the 30th day of July, 1997, pursuant to the authority of Section 129.24 of the Codified Ordinance of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to Fifty Two Thousand and 00/100 Dollars (\$52,000.00) (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 01008**

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

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 718-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cooper Landscaping, Inc., for an estimated quantity of land-

scaping and snow removal services, item no. 1, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 7th day of August 1997, pursuant to the authority of Ordinance No. 1011-97 passed June 16, 1997 on the basis of the estimated quantity would amount to One Hundred Twenty Five Thousand and no/100 Dollars (\$125,000.00) (2% 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 09249**

which shall be certified against such contract in the sum of Twenty Thousand and 00/100 Dollars (\$20,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 719-97.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Ken's Landscaping & Snowplowing Service, for an estimated quantity of landscaping and snow removal services, item no. 2, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two (2) years beginning with the date of execution of a contract, received on the 7th day of August 1997, pursuant to the authority of Ordinance No. 1011-97 passed June 16, 1997 on the basis of the estimated quantity would amount to Seventy Five Thousand and no/100 Dollars (\$75,000.00), (Net 30 Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 09250**

which shall be certified against such contract in the sum of Four Thousand and no/100 Dollars (\$4,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 720-97.**

By Director Cunningham.

Be it resolved by this Board of Control that Resolution No. 686-97, adopted August 21, 1997, authorizing

the Director of Port Control to enter into a public improvement contract with Anthony Allega Cement Contractors, Inc. for Phase I, structural and foundation for ready return building, rental car facility at Cleveland Hopkins International Airport is hereby amended by deleting Devon Contracting, Inc as the subcontractor and substituting CommSteel, Inc. (MBE - 47.88%) to provide subcontractor services.

Be it further resolved that all other terms of said Resolution No. 686-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 721-97.**

By Directors Guzman and Hamilton. Whereas, pursuant to the authority of Ordinance No. 788-97, passed by the Council of the City of Cleveland on June 2, 1997, and Resolution No. 668-97, adopted by this Board of Control on August 13, 1997, the City, through its Director of Community Development and Director of Public Service, was authorized to enter into a contract with R. DiLillo and Company for its requirements for the laying, re-laying and repairing sidewalks in all Districts of the City (Community Development Block Grant Program); and

Whereas, said Resolution No. 668-97 omitted the initial requisition number and incorrectly stated the initial requisition amount; and

Whereas, the City desires to amend Resolution No. 668-97 by including initial requisition number 65806 and by revising the amount certified to the initial requisition from Ninety-seven Thousand Eight Hundred Twenty-six and no/100 Dollars (\$97,826.00) to Ninety Thousand and no/100 Dollars (\$90,000.00); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 668-97 is hereby amended by inserting as the initial requisition number 65806 and revising the amount certified to said requisition to Ninety Thousand and no/100 Dollars (\$90,000.00).

Be it further resolved that all other terms of said Resolution No. 668-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 722-97.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Highway Products LTD. for an estimated quantity of manhole risers (all items) for the Division of Streets, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on July 31, 1997, pursuant to the authority of Ordinance No. 208-97, passed March 24, 1997, which on the basis of the estimated quantity would amount to approximately Twenty four Thousand Four Hundred and no/100 Dollars (\$24,400.00), (1% 10

Days) is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

**Requisition No. 99192**

which shall be certified against such contract in the sum of One Thousand Two Hundred Twenty and no/100 Dollars (\$1,220.00).

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 Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 723-97.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Perk Company, Inc., 55 Industry Drive, Bedford, Ohio 44146, for the public improvement of laying, re-laying and repairing of sidewalks in all Districts of the City (Division of Streets Program), for the Division of Engineering and Construction, Department of Public Service, received on the 14th day of August 1997, pursuant to the authority of Ordinance No. 1072-97 passed June 16, 1997, upon a unit basis for the improvement to be performed as ordered during the period ending December 31, 1998, at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Ninety-Seven Thousand Six Hundred and no/100 Dollars (\$97,600.00), is hereby affirmed and approved as the lowest responsible bid, and the Director of Public Service, is hereby requested to enter into a requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

**Requisition No. 099198**

which shall be certified against such contract in the sum of Eighty Thousand and no/100 Dollars (\$80,000.00).

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

Be it further resolved that the employment of the following, subcontractors by Perk Company, Inc., for the aforementioned Public Improvement by Requirement Contract is hereby approved:

**SUBCONTRACTORS**

Collinwood Shale Brick & Supply Co.  
12400 Broadway Avenue  
Cleveland, Ohio 44125  
FBE 10.76% - \$10,500.00

RVGS dba Alexa Trucking Co., Inc.  
16810 Kenyon Road  
Cleveland, Ohio 44120  
MBE 30.74% - \$30,000.00

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 724-97.**

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 693-96, adopted October 9, 1996 for the lease of a medical mobile unit with an option to purchase at the end of the lease term, is hereby amended for the purpose of exercising the purchase option by deleting \$115,750.00 and replacing it with \$127,500.00.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.  
Absent: None.

**Resolution No. 725-97.**

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Atwell Police & Fire Equipment Company, Inc. for an estimated quantity of Uniform Clothing (Ballistic Vests) (All Items) for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on July 31, 1997, pursuant to Section 135.06 of the Codified Ordinances of the City of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to Six Hundred Eighty Thousand and 00/100 Dollars (\$680,000.00), 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. 107734**

145 Item 1A, Male Ballistic Vests, complete as specified,

144 Item 2A, Additional Carriers, Male, complete as specified,

50 Item 1B, Female Ballistic Vests, complete as specified,

50 Item 2B, Additional Carriers, Female, complete as specified which shall be certified against such contract in the sum of One Hundred Thirty-Two Thousand Five Hundred Seventy-Five and 00/100 Dollars (\$132,575.00).

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 Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.

Nays: None.

Absent: None.



**Resolution No. 726-97.**

By Director Carmody.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of Messina Floor Company for the public improvement of Recarpeting of the Civil Division of the Cleveland Municipal Court for the Clerk of the Cleveland Municipal Court, Department of Finance, received on July 30, 1997, pursuant to the authority of Ordinance No. 524-95, passed April 10, 1995, for a gross price for the improvement in the aggregate amount of Sixty Three Thousand Nine Hundred Sixty Eight and 50/100 Dollars (\$63,968.50), is hereby affirmed and approved as the lowest responsible bid; and the Director of Finance is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Messina Floor Covering for the Furniture System for the Clerk of the Cleveland Municipal Court are hereby approved:

SUBCONTRACTOR	MBE/FBE
George Allen Construction	(MBE) 7.15%
Contract Surface Products	

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.  
Nays: None.  
Absent: None.

**Resolution No. 727-97.**

By Director Carmody.  
Resolved, by the Board of Control of the City of Cleveland that the bid of National Office Services, Inc. for an estimated quantity of Furniture System (all items) for the Clerk of the Cleveland Municipal Court, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on July 30, 1997, pursuant to the authority of Ordinance No. 1616-96, passed October 7, 1996, which on the basis of the estimated quantity would amount to approximately Two Hundred Seventeen Thousand Five Hundred Seventy Nine and no/100 Dollars (\$217,579.00) (Net) is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 90942 which shall be certified against such contract in the sum of Ninety One Thousand Seventeen and no/100 Dollars (\$91,017.00).

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 Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.  
Nays: None.  
Absent: None.

**Resolution No. 728-97.**

By Director Guzman.  
Resolved by the Board of Control of the City of Cleveland, that all bids received on June 5, 1997 for Cold Mix Material for the Division of Streets, Department of Public Service pursuant to the authority of Ordinance No. 207-97 passed by the Council of the City of Cleveland on March 24, 1997 be and the same are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.  
Nays: None.  
Absent: None.

**Resolution No. 729-97.**

By Director Spellman.  
Be it resolved by the Board of Control of the City of Cleveland, that the bid of James McHugh Construction Company, for the public improvement of the new Cleveland Browns Stadium cast-in-place concrete superstructure, package 4B, for the Division of Convention Center, Department of Parks, Recreation & Properties, received on September 2, 1997, 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 Thirty-Eight Million Eight Hundred Sixty-Five Thousand and 00/100 Dollars (\$38,865,000.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation & 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 James McHugh Construction Company for the public improvement of the new Cleveland Browns Stadium Cast-in-place concrete superstructure hereby is approved:

Totem Rebar	MBE - \$6,500,000
Perk Company	MBE - \$3,600,000
Commsteel	MBE - \$950,000
Coleman Spohn	MBE - \$700,000
Collingwood Concrete	FBE - \$2,200,000
Western Waterproofing	FBE - \$1,700,000

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Hudecek, Directors Nolan, Warren and Acting Director Alexander.  
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, SEPTEMBER 22, 1997

9:30 A.M.

**Calendar No. 97-196:** 3343 W. 97 St.

Nick Sarsama, owner, appeals to enclose the 24' x 8' two-story front porches of the 24' x 45' two-story frame two family dwelling house on a 40' x 126' lot located in a Two-Family District at 3343 W. 97 St.; said enclosure being contrary to the setback and enclosure limitations regulated by Sections 357.04, 357.06 and 357.13(b)(4) of the Codified Ordinances.

**Calendar No. 97-198:** 4268 E. 71 St.

Chris Brindza, et al owners, and Classic Auto Body, tenant, c/o Chris Brindza appeal, to add a 17' 4" x 22' one-story frame extension to the rear wall of the 36' x 36' one-story masonry nonconforming repair garage building on a 78' x 130' irregular shaped corner parcel located in a Local Retail District on the northwest corner of E. 71 St. and Rathbun Ave. at 4268 E. 71 St.; said repair garage use being contrary to the local retail use limitations of Section 343.01 and said garage use to be approximately 30' from the adjoining residence district to the west instead of 100' therefrom as required by Section 345.03(c)(2) and said addition to be contrary to the expansion limitations of Section 359.01 of the Codified Ordinances.

**Calendar No. 97-199:** 17215 Throckley Ave.; S.E.

Henry O'Bryant, owner, appeals to erect approximately 62 linear feet of 6' high wood fence to enclose the rear part of the 48' x 136' irregular shaped corner lot located in a One-Family District on the northwest corner of E. 173 St. and Throckley Ave. and occupied by a two-story dwelling house at 17215 Throckley Ave.; said fence to be in excess of the 4' 6" maximum height as limited for a corner lot by Sections 357.05 and 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 97-200:** 9822 Heath Ave.; S.E.

Geraldine Gilliamor, owner, appeals to erect approximately 24 linear feet of 4' high chain link fence to com-

plete the enclosure of the 36' x 137' corner lot located in a Two-Family District on the southwest corner of E. 99 St. and Heath Ave. and occupied by a two-story dwelling house at 9822 Heath Ave.; portions of said fence to be in excess of the 30' height limited for a corner lot by Section 357.13(b)(3) of the Codified Ordinances.

**Calendar No. 97-201:** 4031 Crest Dr. S.W.

Patricia A. Miles, owner, appeals to use as a Type A Day Care Center for a maximum of 12 children the 40' x 30' one-story frame one family dwelling house on a 53' x 125' irregular shaped lot located in a Multi-Family District at 4031 Crest Dr.; the north side yard being 3' and the south 10' instead of each being 15' in width as required for a day nursery by Section 337.08 (e)(3) of the Codified Ordinances.

HUNTER MORRISON,  
Acting Secretary

## REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 8, 1997

At the Meeting of the Board of Zoning Appeals on, Tuesday, September 2, 1997, the following appeals were heard by the Board, and, on Monday, September 8, 1997 were decided by the Board.

The following appeals were **Granted**:

**Calendar No. 97-184:** 3332 Denison Ave., S.W.

Walter Patriski, owner, appealed, to erect approximately 105 linear feet of 4' high chain link fence.

**Calendar No. 97-185:** 737 Bolivar Rd., S.E.

737 Bolivar Ltd. c/o John Leonard, owner, appealed, to renovate the existing 72' x 164' four story masonry office/electric substation building and add four additional floors.

**Calendar No. 97-186:** 484 E. 120th Street

Ivy Williamson, owner, appealed, to enclose the 22' 6" x 10' 6" one-story open front porch.

**Calendar No. 97-187:** 3402 Clark Ave., S.W.

WXZ Coral Company Limited c/o Eric Silver, owner, and Rite-Aid Corporation, tenant, c/o Scott Campbell, appealed, to erect a 131' x 87' one-story irregular shaped masonry retail store building and construct a 50 car accessory off-street parking lot. (conditional grant)

The following appeals were **Postponed**:

**Calendar No. 97-189:** 1846 Rudwick Rd., S.E. to September 22, 1997.

**Calendar No. 97-193:** 13821 Thornhope Rd., S.W. to September 22, 1997.

**Calendar No. 97-177:** 1705 Granby Ave., S.W. to September 22, 1997.

The following appeals were **Withdrawn**:

**Calendar No. 97-174:** 4677 State Rd., S.W.

**Calendar No. 97-128:** Appeal of Delta Plumbing Inc. dba Fox Construction and Equipment.

HUNTER MORRISON,  
Acting Secretary

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

Re: Report of the Meeting of  
September 3, 1997

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

\* \* \*

### Docket A-93-97.

RE: Appeal of Midtown Industrial Warehouse, Inc., Owner of the Property located on the premises known 1146 East 152nd Street from a NOTICE OF VIOLATION of the Chief of the Division of Fire dated April 4, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action by the Board at this time and that there will be no occupancy of the premises during the next two weeks; the docket will be rescheduled for September 17, 1997.

\* \* \*

### Docket A-120-97.

RE: Appeal of Advanced Medical System, Inc., Owner of the Property located on the premises known as 1020 London Road from a NOTICE OF VIOLATION of the Chief of the Division of Fire dated May 5, 1997, 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 recognize the following:

### FIRE PREVENTION BUREAU LETTER (DATED 5/5/97):

#### Items 1, 2, 5 and 6:

Are not being appealed and that those items are in the process of being complied with; and that Item 2, the proper connection of the wet fire sprinkler system, if it is incorrect, must be corrected;

#### Items 3 and 4:

No permits on file for the storage, handling, and use of hazardous substances, and no installation permits on file for the above ground storage tanks, the Board is requiring that if these conditions do exist, they must be abated in accordance with the Codified Ordinances of the City of Cleveland;

### DIVISION OF BUILDING AND HOUSING NOTICE OF VIOLATION (DATED 5/2/97):

#### Items 1 and 2:

Have been complied with; under Item 1 (#2), the citation was properly issued to reconnect the gutters and sewers, however that date is flexible due to the intervening of higher authorities, these sewers must be reconnected as soon as all permissions have been granted by those authorities; the property is

REMANDED at this time to the Division of Fire and the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

### Dockets A-140-97.

RE: Appeal of Katz Metal Group, Owner of the Property located on the premises known as 6700 Morgan Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated May 27, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-140-97 has been **POSTPONED**; to be rescheduled for a later date.

\* \* \*

### Dockets A-141-97 to A-167-97.

RE: Appeal of First Vanguard Corporation, Owner of the Properties located on the premises known as (Various Addresses) from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated May 28, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action by the Board at this time; the dockets will be rescheduled in thirty days (30 das.) to discuss the solutions.

\* \* \*

### Docket A-301-97.

RE: Appeal of Bryan H. Waddell, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 4601 West 146th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement, reducing it to seven feet (7 ft.) and permit the pool to be erected as indicated, noting the concurrence of the adjacent neighbor. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

\* \* \*

### Docket A-303-97.

RE: Appeal of Donald & Violet Riester, Owners of the Residential Property and Proposed Swimming Pool located on the premises known as 4609 West 146th Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-303-97 has been **POSTPONED**; to be rescheduled for a later date.

**Docket A-305-97.**

RE: Appeal of Alex Solomon, Owner of the Property located on the premises known as 4623 Clark Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated July 10, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-305-97 has been **POSTPONED**; to be rescheduled for a later date.

\* \* \*

**Docket A-308-97.**

RE: Appeal of David Muntaser, Owner of the Property located on the premises known as 970 Lakeview Road from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated August 11, 1997, 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 970 Lakeview Road to the Division of Building and Housing for further action, noting that the Appellant is to vacate and abandon the use of the second floor and abate all the violations required on the first floor, noting that should these actions not take place, the ORDER TO VACATE remains enforced immediately. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-312-97.**

RE: Appeal of Nafez Assad, Owner of the Property located on the premises known as 1014 East 105th Street from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated August 11, 1997, 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 enforce the ORDER TO VACATE unless the letter of abandonment is executed for the nonconforming dwelling units on the second floor or the permits are taken out and the violations are in the process of being abated; the property is REMANDED to the Division of Building and Housing at this time for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-318-97.**

RE: Appeal of Ohio Savings Plaza, Owner of the Property located on the premises known as 1801 East 9th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated August 20, 1997, 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 vari-

ance to Section 716.0 and permit the glass door and side light to remain, noting that there are sprinkler heads on both sides of the door and that it should be noted on the drawings; and that there will be no action on the deadbolt issue (Section 1017.4.1.1) since the issue is moot. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-320-97.**

RE: Appeal of Expo Pagers, Owner of the Property located on the premises known as 1140 East 105th Street from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated August 11, 1997, 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 uphold the ORDER TO VACATE in view of the serious nature of the hazardous violations, and to REMAND the property at 1140 East 105th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-321-97.**

RE: Amer Assad/Mom's Inc., Owner of the Property located on the premises known as 1140-46 East 105th Street from an ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated August 11, 1997, 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 uphold the ORDER TO VACATE in view of the serious nature of the hazardous violations, and to REMAND the property at 1140-46 East 105th Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

\* \* \*

**Docket A-322-97.**

RE: United Church of Christ Hotel Venture, Owner of the Property located on the premises known as 651 Huron Road from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated August 14, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC Section 1006.3 and permit the exiting to constitute to code compliance, noting that the recorded easement was approved by the City of Cleveland. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

\* \* \*

**Docket A-327-97.**

RE: Oberlin Farms Dairy, Inc., Owner of the Property located on the premises known as 3068 West 106th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated July 29, 1997, 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 Items 2 and 3 of the Adjudication Order (dated 7/29/97) and permit the building to be constructed as indicated on the plans, noting that there are deluge systems protecting the openings and that the overall conditions of the facility are safer than before the improvements were made. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-328-97.**

RE: Don & Julie Maloney, Owners of the Residential Property located on the premises known as 17010 Bradgate Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 8, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the residence to be occupied on the third floor without a means of egress, noting that the new window access to the roof and noting that this variance is granted for the present use and occupancy **only** and that the third floor is to be occupied by adults **only**. 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. Sullivan and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-98-97/A-102-97—Associated Estates Realty Corp.

A-107-97/A-112-97—Associated Estates Realty Corp.

A-276-97—Associated Estates Realty Corp.

A-277-97—Associated Estates Realty Corp.

A-278-97—Associated Estates Management Co.

A-306-97—James Hogan.

A-311-97—Phyllis K. Perlick.

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

**APPROVAL OF MINUTES:**

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

August 20, 1997

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

\* \* \*

JOSEPH F. DENK,  
CHAIRMAN

**SPECIAL HEARING  
NOTICE OF  
BOARD OF BUILDING  
STANDARDS AND BUILDING  
APPEALS**

Re: Report of the Meeting of  
September 5, 1997

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

\* \* \*

**Board Members Present:**

Joseph F. Denk, Chairman  
John W. Bowes  
James G. Williams  
Arthur Saunders - (Absent)  
James F. Sullivan, Alternate Member

\* \* \*

**Docket A-334-97.**

RE: Appeal of City of Cleveland (Cleveland Browns Football Stadium), Owner of the Property located on the premises known as 1085 West 3rd Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated August 27, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action by the Board at this time; the docket will be rescheduled for Tuesday, September 16, 1997.

\* \* \*

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, SEPTEMBER 19, 1997**

**Microfiche Services**, for the various divisions of the Department of Finance, as authorized by Ordinance No. 1472-97.

September 3, 1997 and September 10, 1997

**THURSDAY, SEPTEMBER 25, 1997**

**Cold Mix**, for the Division of Streets, Department of Public Service, as authorized by Ordinance No. 207-97, passed by the Council of the City of Cleveland, March 24, 1997.

**Pharmaceutical Supplies**, for the Divisions of Corrections and Health, Department of Public Health, as authorized by Ordinance No. 437-97, passed by the Council of the City of Cleveland, May 19, 1997.

**City Hall Air Intake Louver Replacement**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

**A DEPOSIT OF FIFTY DOLLARS (\$50.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RE-**

**TURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 11, 1997, 2:00 P.M. AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE.**

**City Hall Carpet Replacement - Phase 2**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96, passed by the Council of the City of Cleveland.

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

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 11, 1997, 10:00 A.M. IN CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE.**

September 3, 1997 and September 10, 1997

**FRIDAY, OCTOBER 3, 1997**

**Seven (7) Light Duty Utility Trucks**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 14, 1997.

September 3, 1997 and September 10, 1997

**WEDNESDAY, OCTOBER 8, 1997**

**Interior Renovation at the Third District Police Station Building (17-90D)**, for the Department of Public Safety, as authorized by Ordinance Nos. 1278-92 and 2053-91, passed by the Council of the City of Cleveland, July 22, 1992 and February 24, 1992, respectively.

**A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.**

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, SEPTEMBER 24, 1997, 9:00 A.M. AT THE THIRD DISTRICT POLICE STATION BUILDING, 2001 PAYNE AVENUE, SECOND FLOOR CONFERENCE ROOM.**

September 3, 1997 and September 10, 1997

**THURSDAY, SEPTEMBER 25, 1997**

**Installation of Runway and Taxiway Lighting Systems**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 562-97, passed by the Council of the City of Cleveland, June 16, 1997.

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

A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 18, 1997, 12:00 NOON, IN THE ENGINEERING CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DR., CLEVELAND, OHIO.

September 10, 1997 and September 17, 1997

**FRIDAY, SEPTEMBER 26, 1997**

**Generator Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 536-97, passed by the Council of the City of Cleveland, June 2, 1997.

September 10, 1997 and September 17, 1997

**THURSDAY, OCTOBER 2, 1997**

**Park Maintenance Service Facilities at Humphrey Park, East 40th St. and Johnston Parkway - Construction of Three New Site Specific Buildings**, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1284-96, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 23, 1997, 10:00 A.M., IN CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE, ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

September 10, 1997 and September 17, 1997

**FRIDAY, OCTOBER 3, 1997**

**Chrysler, Dodge, Plymouth and Jeep Parts**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1153-97, passed by the Council of the City of Cleveland, August 13, 1997.

**Elgin Sweeper Parts and Labor**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1149-97, passed by the Council of the City of Cleveland, August 13, 1997.

September 10, 1997 and September 17, 1997

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, September 8, 1997**

**Public Service Committee: 10:00 A.M.** — Present: Coats, Chairman; White, Vice Chairman; Britt, Melena, Moran, Smith, Sweeney, Westbrook. Excused: Johnson.

**Finance Committee: 2:00 P.M.** — Present: Westbrook, Chairman; Polensek, Vice Chairman; Britt, Coats, Lewis, Patmon, Robinson, Rybka, Smith, Zone. Excused: Johnson.

**Wednesday, September 10, 1997**

**Public Safety Committee: 10:00 A.M.** — Present: Polensek, Chairman; Willis, Vice Chairman; Dolan, Gordon, Jackson, Moran, Patmon, Patton. Excused: Zone.

**Public Utilities Committee: 1:30 P.M.** — Present: Patton, Chairman; Polensek, Vice Chairman; Coats, Lewis, Moran, Patmon, Skrha, Willis. Excused: Dolan.

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

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