

# The City Record

Official Publication of the City of Cleveland

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December the Eighteenth, Nineteen Hundred and Ninety-Six

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

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odelia V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	4300 West 143rd Street	44135
21	Michael A. Dolan	16519 West Park Road	44111

**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.  
 Linda Willis, Director, Office of Equal Opportunity

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

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

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

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

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

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

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

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

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

**DEPT. OF COMMUNITY DEVELOPMENT** - Terri Hamilton, Director,  
 3rd Floor, City Hall.

**DIVISIONS** - Administrative Services - Terrence Ross, Commissioner.  
 Neighborhood Services - Festus Cassels, Commissioner.  
 Neighborhood Development - Terri Hamilton, Commissioner.  
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

**DEPT. OF AGING** - Rm. 122, Delores Alexander, Acting Director

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

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

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

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

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

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

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

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

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

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

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

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

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

**CLEVELAND LANDMARKS COMMISSION** - Room 519, \_\_\_\_\_,  
 Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert  
 Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison,  
 Kenneth Nobile, 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 Connolly	15C
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	12B
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	14C
Judge Gerald F. Sweeney	13D
Judge Robert S. Triozzi	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, DECEMBER 18, 1996

No. 4332

## CITY COUNCIL

MONDAY, DECEMBER 16, 1996

### The City Record

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### ARTHA WOODS

Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio December 16, 1996.  
The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

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

Also present were Mayor White and Directors Sobol Jordan, Carmody, Konicek, Cunningham, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Willis, and Acting Directors Holland, Alexander, Brown.  
Absent: Director Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Theophilous J. Caviness, Co-Pastor of The Greater Alysinnia Baptist Church. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 2174-96.

From the Division of Purchases and Supplies: re: Monthly Report of all Departmental Requirement Contracts for December, 1996. Received.

##### File No. 2175-96.

From the Ohio Department of Transportation re: Cuyahoga County - City of Cleveland, Ord. No. 1439-96, passed September 30, 1996. Received.

##### File No. 2176-96.

From the Department of Public Utilities re: Doan Brook Detention Basin - Phase I/Contract No. 48633. Received.

##### File No. 2254-96.

From the Department of Public Safety: re: Deposits and expenditures for Mandatory Drug Fine

Fund and Law Enforcement Trust Fund for the period of June 1, 1996 to September 30, 1996. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 2177-96.

Re: Stock Application - 16715010005 - Con Jen, Inc. dba Papa Nick's Pizza, 11534 Clifton Blvd. (Ward 18). Received.

##### File No. 2178-96.

Re: Transfer of Ownership Application - 1173501 - C & S Beverage & Deli, Inc. dba C & S Beverage & Deli, 15649 Puritas Avenue. (Ward 20). Received.

##### File No. 2179-96.

Re: Transfer of Ownership Application - 2655243 - Fast & Friendly, Inc., 14102-06 St. Clair Avenue, first floor. (Ward 10). Received.

##### File No. 2180-96.

Re: New Application - 2175712 - John Dimmian, 383 East 156th Street. (Ward 11). Received.

#### STATEMENT OF WORK ACCEPTED

##### File No. 2181-96.

From the Department of Parks, Recreation and Properties re: Contract No. 48392 for the Cory Recreation Center pool rehabilitation. Received.

#### COMMUNICATIONS

##### File No. 2182-96.

December 6, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Ann-Marie McDonald for appointment to the Community Relations Board as a public appointment. This appointment is effective immediately upon approval of Council and will expire March 31, 2000.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received.

Referred to Committee on Mayor's Appointments.

**File No. 2183-96.**

December 6, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Sandra Morgan for appointment to the Landmarks Commission. This appointment is effective immediately upon approval of Council and will expire December 31, 1997.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received.  
Referred to Committee on Mayor's  
Appointments.

**File No. 2184-96.**

December 6, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Ms. Nancy Cronin for reappointment to the Police Review Board. This appointment will expire August 8, 2000.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received.  
Referred to Committee on Mayor's  
Appointments.

**File No. 2185-96.**

December 2, 1996

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

Dear Honorable Jay Westbrook:

Effective December 9th, 1996, I officially resign as Councilman of Ward 21 to accept the position of Director of Public Works for the City of Lakewood. I would like to extend my special thanks to you and my colleagues for your many years of support.

It has been a pleasure to serve the residents of Ward 21 and the City of Cleveland. I am very proud of the successes in Ward 21 and the City of Cleveland.

Sincerely,

David M. McGuirk  
Councilman-Ward 21

Received.

**ELECTION TO FILL  
VACANCY IN WARD 21**

The Clerk of Council read a letter of resignation from Councilman David M. McGuirk of Ward 21. The President of Council accepted the resignation and declared a vacancy

in Ward 21. Councilman Timothy J. Melena nominated Mr. Michael A. Dolan to serve as Councilman from Ward 21. Councilman Frank Jackson seconded the nomination. Council Majority Leader Roosevelt Coats moved that the nominations be closed. Without objection, the nominations were closed.

Thereupon the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilman of Ward 21. Upon completion of the roll call, the Clerk announced that Mr. Michael A. Dolan received 18 votes. Those who voted for Mr. Dolan were: Councilmen Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Smith, Westbrook, White, Willis, Zone.

The Chair declared Mr. Michael A. Dolan, having received the unanimous vote of all the members elected to Council to be the duly elected Councilman of Ward 21. The President requested Councilmen Timothy J. Melena, Frank Jackson, Roosevelt Coats, and Michael D. Polensek to escort the duly elected member of Council to the podium to have the oath of office administered by Judge Leo Spellacy.

**File No. 2186-96.****OATH OF OFFICE**

STATE OF OHIO )  
 ) SS:  
COUNTY OF CUYAHOGA )

I, MICHAEL A. DOLAN do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of CITY COUNCILMAN, WARD 21 of the City of Cleveland, State of Ohio, during my continuance in said office.

MICHAEL A. DOLAN

Sworn before me and subscribed in my presence this 16th day of December, 1996.

Charlene M. Berry  
Notary Public

Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 2234-96.** Selena M. Greer.  
**Res. No. 2235-96.** Bernice R. Krumhansl.

**Res. No. 2236-96.** James M. Carney, Sr.

**Res. No. 2237-96.** Mary C. Caldwell.  
**Res. No. 2238-96.** Pamela C. Perry.

**CONGRATULATORY RESOLUTIONS**

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

**Res. No. 2239-96.** Students from St. Joseph School.

**Res. No. 2240-96.** Students from Iowa Maple Elementary School.

**Res. No. 2241-96.** International Union of Operating Engineers.

**Res. No. 2242-96.** Mrs. Lela Owens.  
**Res. No. 2243-96.** Francis T. Matese.

**Res. No. 2244-96.** John W. Ryan.

**Res. No. 2245-96.** John Lyall.

**Res. No. 2246-96.** Richard Acton.

**Res. No. 2247-96.** Frank Valenta.

**Res. No. 2248-96.** David Abbott.

**Res. No. 2249-96.** Bob Gillispie.

**Res. No. 2250-96.** Dick Pouge.

**Res. No. 2251-96.** Rev. Malcolm McCuaig.

**RESOLUTION OF RECOGNITION**

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

**Res. No. 2252-96.** Joe Woods.

**RESOLUTION OF APPRECIATION**

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

**Res. No. 2253-96.** Barbara (Scully) Storch.

**FIRST READING EMERGENCY  
ORDINANCES REFERRED**

**Ord. No. 2020-A-96.**

(As a substitute for Ord. No. 2020-96).

By Councilman Coats.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 170.06 and Sections 396.01, 396.02, 396.03, 396.04, 396.05, 396.06, 396.07, 396.08, 396.09 and 396.99 thereof, all relating to notification, security and environmental abatement at closed businesses.

Whereas, any building within the City of Cleveland which is closed or vacated by a commercial enterprise should be reported to the appropriate authorities and, if needed, tested for environmental contamination and hazardous materials; and

Whereas, any closed or vacant commercial building should be secured to prevent vandalism; and

Whereas, Council finds that closed and vacant buildings that contain hazardous materials or that may contaminate the environment or pose a substantial threat of fire are a nuisance; 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 170.06 thereof to read as follows:

**Section 170.06 Public Subsidies**

Any agreement between the City and a property owner or an employer which provides for any type of public subsidy from the City, including tax abatement, shall provide as a condition that the property owner or employer agrees to reimburse the City the full amount of the subsidy if the property owner or employer closes or vacates the facility benefiting from the subsidy at any time subsequent to receiving the subsidy.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 396.01, 396.02, 396.03, 396.04, 396.05, 396.06, 396.07, 396.08, 396.09 and 396.99 thereof to read, respectively, as follows:

CHAPTER 396  
NOTIFICATION, ENVIRONMENTAL  
ABATEMENT AND  
SECURING OF CLOSED OR  
VACATED FACILITIES

**Section 396.01 Definitions**

As used in this Chapter:

(a) "Close" or "closing" means the permanent cessation of business operations at a facility. For purposes of this Chapter, "permanent" means a period of time longer than ninety (90) days.

(b) "Facility" means all building or structures considered as a whole located on a non-residential site or on contiguous or adjacent non-residential sites and that are under common ownership or control.

(c) "Regulated substances" means all hazardous and flammable substances regulated by this Title, as well as petroleum, tires, and any other hazardous or flammable substances regulated pursuant to federal, state, or local environmental laws.

(d) "Vacate" or "vacant" means abandoning a facility, or a majority of the facility as measured in square footage, such that no regular activities or regular occupancy by persons associated with the facility is occurring. It does not include:

(1) Storage of materials regulated by and in compliance with the remainder of this Title.

(2) Storage of materials regulated by and in compliance with state or federal environmental law.

(3) Storage of materials being actively used in normal business processes. The burden is on the owner, operator, or party in control to show that the materials are in active use.

(4) Storage of materials that are not regulated substances and that are stored by an entity that is in the commercial storage business as a part of that business.

**Section 396.02 Legislative Findings and Declaration of Nuisance**

(a) Council of the City of Cleveland finds that:

(1) Non-residential sites which are closed for business but vacant and open to entry by the general public attract children to enter who may encounter health or environmental hazards, harbor vermin, serve as temporary abode for vagrants and criminals, invite dumping and illegal storage of hazardous and flammable substances, and are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept and open grounds on such sites invite the dumping of garbage, rubbish, and hazardous and other regulated substances.

(3) Thousands of structures in this City are made of wood-frame construction which is more flammable than other building types.

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, thereby increasing the risk of conflagration and the spread of environmental contamination through the water and the air.

(b) All non-residential sites which are injurious to or a menace to the public health, safety or welfare, or which constitute a fire hazard, or which are vacant and open to public entry are declared to be a nuisance and are to be abated in accordance with this Chapter.

**Section 396.03 Notification and Fee Requirements**

(a) No later than sixty (60) days before closing or vacating a facility the owner, operator, or party in control of the facility shall submit to the Fire Chief a written notice that the facility will be closed or vacated, accompanied by a check or money order payable to the "City of Cleveland" for the sum of ten (10) dollars. Copies of the notice shall also be submitted to the Director of Economic Development, the Commissioner of Environment, and the Commissioner of Building and Housing.

(b) The notice shall designate a contact person who works or resides in Cuyahoga County and who shall be available both before and after closing or vacating the facility, until the time that the property is transferred to another owner, operator, or party in control. The contact person shall provide access to the facility to City employees and agents to inspect the facility for the purpose of ascertaining compliance with this Chapter. The contact person shall respond to requests for information regarding the facility; however, the designation of a contact person does not preclude a City employee or agent from requesting information from or making notifications directly to the owner, operator, or party in control.

(c) The notice shall include the address and telephone number of the principal office or residence of the owner, as well as the operator or party in control, and the address and telephone number of the contact person.

(d) The notice shall include the date on which the facility proposes to close or be vacated and shall include any plans for transfer of the property to another owner, operator, or party in control, if known.

(e) A person or entity acquiring title to or control over any facility which is closed or vacant shall comply with the requirements of this Section within sixty (60) days after acquiring title or control.

**Section 396.04 Duties of Owner, Operator, or Party in Control Prior to Closing or Vacating a Facility**

(a) No later than thirty (30) days before closing or vacating a facility the owner, operator, or party in control shall do all of the following:

(1) Submit to the Fire Chief a written statement indicating whether any asbestos-containing materials are present at the facility, either in storage or as part of the structure, if known.

(2) If applicable, submit to the Fire Chief a copy of the most recent emergency and hazardous chemical inventory form for the facility under Ohio Revised Code Section 3750.08.

(3) If applicable, submit to the Fire Chief a copy of the current hazardous chemical list, or of each of the material safety data sheets, that the owner, operator, or party in control is required to have on file under Ohio Revised Code Section 3750.07 in connection with the facility.

(4) If applicable, submit to the Fire Chief a list of every stationary tank, vat, drum, electrical transformer, and vessel of any type that is contaminated with a regulated substance and that is to remain at the facility; a precise description of the location of each; and an identification of the regulated substances that contaminate each.

(5) Remove all regulated sub-

stances, including regulated substances contained in a stationary vat, tank, drum, electrical transformer, vessel, or piping that is to remain at the facility; and remove from the facility or appropriately abate all debris, nonstationary equipment and furnishings, nonstationary containers, and motor vehicles and rolling stock that contain or are contaminated with a regulated substance. Submit to the Fire Chief the methods that were used to comply with this Paragraph and the place of final disposition of any regulated substances that were removed. This Paragraph does not require the abatement of nonfriable asbestos that is an integral part of the structure or its piping.

(6) Submit to the Fire Chief a description of any other equipment, material, or procedures at the facility that may result in the release of a regulated substance to the environment or that may pose a substantial risk of fire.

(b) The owner, operator, or party in control shall submit a statement of completion to the Fire Chief, affirming that the actions required by this Section have been completed or are not applicable to the facility, stating specifically the reasons why.

(c) All information submitted pursuant to this Section shall also be copied to the Commissioner of Environment and the Commissioner of Building and Housing.

(d) Upon the written request of the owner, operator, or party in control of the facility, the Fire Chief may extend the length of time required for compliance with this Section.

(e) If the Fire Chief determines that the actions taken under this Section or under Section 396.05 are insufficient to achieve the goals of this Chapter, the Fire Chief may order the owner, operator, or party in control to submit an environmental assessment prepared by a certified environmental consultant, describing the condition of the facility, and may order the owner, operator, or party in control to take appropriate actions to further protect public health, safety, and the environment. Nothing in this Section shall prevent the Fire Chief from taking other appropriate action pursuant to this Title of pursuant to the Ohio Fire Code.

(f) A person or entity acquiring title to or control over any facility which is closed or vacant shall comply with the requirements of this Section within sixty (60) days after acquiring title or control, to the extent that the requirements of this Section were not met by the previous owner operator, or party in control.

**Section 396.05 Building, Structure or Outdoor Location to be Secured Against Unauthorized Entry; Warning Signs**

(a) Before closing or vacating a facility, the owner, operator, or party in control of the facility shall secure against unauthorized entry each building or structure at the facility and each outdoor location by one or more of the following methods:

(1) Boarding or locking windows, doors and other potential means of entry.

(2) Providing security personnel to patrol the facility on a 24-hours-a-day, 7-days-a-week basis.

(3) Providing fencing.

(4) Providing lighting and a surveillance system.

(5) Using any other method or methods that are approved by the Fire Chief or the Fire Chief's designee.

(b) The owner, operator, or party in control shall post about each building, structure, or outdoor location in publicly-visible locations warning signs that prohibit trespassing and, if applicable, state that the facility may contain regulated substances that may endanger public health or safety if released into the environment or may constitute a fire hazard.

(c) The owner, operator, or party in control shall continue to ensure that the facility is secured against unauthorized entry by maintaining the security measures and the warning signs until the facility is transferred to another owner, operator, or party in control.

(d) Promptly after discovering, or after receiving notice from the Fire Division, whichever is earlier, that any of the entry barriers or warning signs installed pursuant to this Section have been damaged, lost, or removed, the owner, operator, or party in control shall repair or replace them.

(e) A person or entity acquiring title to or control over a facility which is closed or vacant shall comply with the requirements of this Section immediately upon acquiring title or control.

**Section 396.06 Inspection of Facility; Investigations**

(a) After receiving a statement of completion under Section 396.04, the Fire Chief or the Fire Chief's designee may conduct an inspection of the facility. Prior to conducting the inspection, reasonable efforts shall be made to schedule a time to conduct the inspection with the contact person designated under Section 396.03.

(b) The Fire Chief, the Commissioner of Environment or the Commissioner of Building and Housing, upon request or upon their own initiative, may investigate or make inquiries into any violations or alleged violations of this Chapter. Upon proper identification and upon stating the purpose and necessity of an inspection, they or their designees may enter at reasonable times upon any public or private property, real or personal, to inspect or investigate, obtain samples, and examine and copy records to determine compliance with this Chapter.

**Section 396.07 Authority of City Where Responsible Party Fails to Act**

(a) If the owner, operator or party in control fails to undertake the security and posting measures required by this Chapter, the City may undertake those action without further notice. Any costs incurred by the City in doing so shall be recoverable as costs under Section 3103.09 of the Codified Ordinances.

(b) If the conditions at a facility, including a fire at the facility, constitute an imminent and substantial threat to public health or safety, or are causing or contributing to, or are threatening to cause or contribute to, air or water pollution or soil contamination, then the Fire Chief, the Commissioner of Environment, or the Commissioner of Building and Housing may take such remedial actions as are necessary to protect the public health, safety, or

the environment. These actions include without limitation extinguishing fires, demolishing buildings or structures, boarding or otherwise securing property, and removing equipment, materials, or substances.

(c) The owner, operator, or party in control of a facility where a remedial action is undertaken by the City if liable to the City for the total cost of the remedial action, including the costs of inspections related to the remedial action, in addition to any other liabilities imposed by law.

**Section 396.08 Relationship to Other Laws**

(a) This Chapter does not abridge rights of action or remedies in equity, under common law, or as provided by statute or other Chapters of the Codified Ordinances, or limit the City in the exercise of other rights in equity, under common law, or as provided by statute or the Codified Ordinances to suppress nuisances or to abate or prevent pollution.

(b) Complying with this Chapter is required in addition to any other requirements contained in City, state, or federal law.

**Section 396.09 Contracts for the Sale or Lease of Real Property**

Any contract for the sale or lease of a facility or portion of a facility that is closed or vacant or will become closed or vacant within sixty (60) days following the sale or lease shall contain a statement certifying that the requirements of this Chapter have been met.

**Section 396.99 Penalties**

(a) A person who violates any provision of this Chapter shall pay a civil penalty of not more than one thousand dollars for each day of violation.

(b) A person who violates any provision of this Chapter is guilty of a misdemeanor of the first degree for each day of violation.

**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.

Without objection, substitute agreed to, Ordinance No. 2020-96 Laid on the Table.

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

**Ord. No. 2188-96.  
By Councilmen Coats and Rokakis  
(by departmental request).**

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

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 Digital Matrix Services, Inc. for software maintenance for the City's Geographic Information System for a period of one year on the basis of its proposal dated August 13, 1996, payable from Fund No. 10 SF 006, Request No. 21925, 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. 2189-96.  
By Councilmen Coats and Rokakis  
(by departmental request).**

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 2329-86, passed October 27, 1986, relating to giving consent of the City for the repair and resurfacing of West 117th Street from Bellaire Road to Edgewater Drive.**

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

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

**Section 1.** That the title and Section 1 of Ordinance No. 2329-86, passed October 27, 1986 are hereby amended to read, respectively, as follows:

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of West 117th Street from Bellaire Road to Edgewater Drive, including street-scape improvements.

**Section 1.** That it is declared to be in the public interest that the consent of said City of Cleveland be and such consent is hereby given to the Director of Transportation of the State of Ohio and the County of Cuyahoga to construct the following improvements in accordance with plans, specifications and estimates approved by said Director of Transportation and County of Cuyahoga: The repair and resurfacing of West 117th Street from Bellaire Road to Edgewater Drive, including streetscape improvements.

**Section 2.** That the existing title and Section 1 of Ordinance No. 2329-86, passed October 27, 1986 are hereby repealed.

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

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

**Ord. No. 2190-96.**  
**By Councilmen Johnson and Rokakis (by departmental request).**  
**An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to amend the agreement with the Board of County Commissioners of Cuyahoga County, to dedicate and sell 331 additional plots of ground in Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses.**

Whereas, pursuant to Ordinance No. 1912-94, passed December 14, 1994, Council authorized the Director of Parks, Recreation and Properties to enter into an agreement with the Board of County Commissioners of Cuyahoga County, Ohio (the "County Commissioners"), to dedicate plots of ground in West Park Cemetery and Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses; and

Whereas, on December 27, 1994, the Director of Parks, Recreation and Properties entered into such an agreement with the County Commissioners; and

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

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

**Section 1.** That the Director of Parks, Recreation and Properties is authorized and directed to amend the agreement with the County Commissioners to dedicate and sell three hundred and thirty-one (331) additional plots of ground in Highland Park Cemetery for the burial of Honorably Discharged Soldiers, Sailors, Marines and Nurses, at the same prices and fees as previously set forth in the agreement.

**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, Law.

**Ord. No. 2191-96.**  
**By Councilmen Coats and Rokakis (by departmental request).**

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

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 Data General Corporation. Therefore, the Director of Public Service is hereby authorized and directed to

make a written contract with said Data General Corporation upon the basis of its proposal dated August 4, 1996, for computer hardware and operating system maintenance services for various components of the City's Geographic Information System for a period commencing January 1, 1997, and expiring December 31, 1997, 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. 10 SF 006, Request No. 21926.

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

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

**Ord. No. 2192-96.**  
**By Councilmen Coats, Rybka and Rokakis (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of grinding pavement and authorizing the Director of Public Service to enter into a public improvement requirement contract for the making of such improvement for a period of two years and to extend Contract No. 48530 with Kenmore Asphalt Co.**

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of grinding pavement, for the Division of Streets, Department of Public Service, by a public improvement requirement contract duly let to the lowest responsible bidder upon a unit basis for the improvement.

**Section 2.** That, the Director of Public Service is hereby authorized and directed to enter into a requirement contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement for the period of not to exceed one year. 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 Director of Public Service until provision is made for the requirements for the entire year.

**Section 3.** That the Director of Public Service is hereby authorized to extend Contract No. 48530 with Kenmore Asphalt Co. with the same terms and conditions, until such time as the City enters into a new contract for pavement grinding pursuant to Section 1 of this ordinance.

**Section 4.** That the cost of said contract and the extension shall be paid from Fund No. 10 SF 401, Request No. 21331.

**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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**Ord. No. 2193-96.**  
**By Councilmen Johnson and Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by contract of insurance necessary for the construction of a new stadium facility, for the Division of Convention Center and Stadium, 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 any ordinance to the contrary, the Director of Parks, Recreation and Properties is hereby authorized and directed to make one or more written contracts in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for insurance, with such types of coverages and in such amounts as determined by the Director of Parks, Recreation and Properties, as needed for the construction of a new stadium facility, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

**Section 2.** That the cost of said contract or contracts hereby authorized shall be paid from Fund Nos. 20 SF 100, 20 SF 101, 20 SF 102, 20 SF 103, 20 SF 104 and 20 SF 105.

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

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

**Ord. No. 2194-96.**  
**By Councilmen Lewis, Jackson, Rybka and Rokakis (by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1458 East 94 Street to Viola Fuller.**

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

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-13-167, as more fully described in Section 2 below, to Viola Fuller.

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

P.P. No. 107-13-167

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 39 in The Park View Subdivision of part of Original 100 Acre Lot No. 385, as shown by the recorded plat in Volume 31 of Maps, Page 15 of Cuyahoga County Records, and being 35 feet front on the Southwesterly side of East 94th Street and extending back 131.89 feet on the Southeasterly line, 177.46 feet on the Northwesterly line, and having a rear line of 76 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Also subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 2195-96.**  
**By Councilmen Miller and Rokakis.**

**An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install a digital printer, for the various divisions of the Department of Port Control.**

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 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: labor and materials necessary to install a digital printer, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 22557.

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

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

**Ord. No. 2196-96.**  
**By Councilmen Miller, Jackson and Rokakis (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Actron Manufacturing Company, or its designee, to provide economic development assistance to partially finance the acquisition of approximately eleven acres of property in the Cleveland Business Park, Cleveland, Ohio 44114.**

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 the Actron Manufacturing Company, or its designee, to provide economic development assistance to partially finance the acquisition of approximately eleven (11) acres of property in the Cleveland Business Park, Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms set forth in the Executive Summary contained in File No. 2196-96-A.

**Section 3.** That the costs of said contract shall not exceed Three Hundred Fifty Thousand Dollars (\$350,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 22278.

**Section 4.** That the Director of Economic Development is hereby authorized to accept collateral as said director shall deem adequate in

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

**Section 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.

**Ord. No. 2197-96.**  
**By Councilmen Patton and Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to make hydraulic repairs, for the Division of Water, Department of Public Utilities.**

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

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

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

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of



the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23390)

**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. 2198-96.**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing a storm sewer on Pawnee Avenue, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is hereby authorized and directed to enter into contract for the making of the above public 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 said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23010.

**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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

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

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

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

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing a combined sewer on Rosewood Avenue, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is hereby authorized and directed to enter into contract for the making of the above public 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 said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the cost of said

improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23009.

**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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

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

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

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

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of replacing a sewer on Rustic Avenue, for the Division of Water Pollution Control, Department of Public Utilities, 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 Utilities is hereby authorized and directed to enter into contract for the making of the above public 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 said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the cost of said improvement hereby authorized shall be paid from Fund No. 54 SF 001, Request No. 23011.

**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 Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

**Ord. No. 2202-96.**

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

**An emergency ordinance authorizing and directing the Director of Public Utilities to enter into agreement with the State of Ohio for the relocation, replacement, and adjustment of existing water main facilities, as necessitated by the Ohio Department of Transportation improvement of Harvard Avenue**

**Bridge (C.R. 43) over N. & S.S. Railway in the Villages of Cuyahoga Heights and Newburgh Heights; and authorizing the reimbursement of the State of Ohio, Cuyahoga County, Cuyahoga Heights, and Newburgh Heights for any costs expended to relocate the north water main presently crossing under the bridge to the new bridge structure.**

Whereas, the Ohio Department of Transportation will administer the bridge replacement project of the Harvard Avenue (County Route 43) Bridge over N. & S.S. Railway located in the Village of Cuyahoga Heights and the Village of Newburgh Heights; and

Whereas, the bridge replacement project will necessitate the relocation, replacement and adjustment of two existing 24-inch water mains owned by the City of Cleveland; and

Whereas, the Ohio Department of Transportation has determined that the 24-inch south main will be relocated in the new bridge structure at the expense of the Ohio Department of Transportation; and

Whereas, the Ohio Department of Transportation has determined that the relocation of the 24-inch north main presently crossing under the bridge structure to the new bridge structure is not required for the bridge replacement project, and that such relocation costs must therefore be borne by the City of Cleveland; and

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

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

**Section 1.** That notwithstanding the provisions of Section 531.01 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Utilities is hereby authorized and directed to enter into agreement with the State of Ohio, acting by and through its Director of Transportation, for the relocation, replacement and adjustment of existing water mains and their appurtenances necessitated by the improvement of Harvard Avenue Bridge (County Route 43) over N. & S.S. Railway in the Villages of Cuyahoga Heights and Newburgh Heights.

**Section 2.** That the Director of Public Utilities is authorized and directed to apply and pay for such permits, licenses, or other authorizations required by any governmental subdivision, regulatory agency, or public authority in connection with the relocation, replacement and adjustment of the water mains described herein.

**Section 3.** That the Director of Public Utilities is hereby authorized and directed to enter into agreement with the Village of Cuyahoga Heights, the Village of Newburgh Heights, Cuyahoga County, and the State of Ohio for the reimbursement of construction costs expended by any of the foregoing governmental subdivisions which are attributable to the relocation of the 24-inch north water main.

**Section 4.** That said agreements shall be in a form approved by the Director of Law and shall provide that the cost of relocating, replacing and adjusting existing water main facilities, excluding the costs attributable to the 24-inch north water main as mentioned in Section 3 of this ordinance, shall be paid from funds provided by the State. The

reimbursement costs for the 24-inch north water main shall be paid from Fund No. 52 SF 001, Request No. 20975.

**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 Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

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

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 895 East 70 Street aka 850 East 72 Street to Even Cut Abrasive Company or its designee.**

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

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

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

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

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

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

P.P. No. 105-16-087

**Parcel No. 1**

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

**Parcel No. 2**

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio and known as being all of Sublots Nos. 20, 21, 22 and part of Sublot No. 23 in the W.J. Crawford's Re-Subdivision of parts of Original One Hundred Acre Lots Nos. 347 and 349, recorded in Volume 13 of Maps, Page 17 of Cuyahoga County Records, and bounded and described as follows:

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

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

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

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

**Section 6.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force 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. 2204-96.**

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

**An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice Office - of Community Oriented Policing Services for the COPS Universal Hiring 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 Safety is hereby authorized to apply for and accept a grant in the amount of \$2,700,000, from the U.S. Department of Justice - Office of Community Oriented Policing Services (COPS), to conduct the COPS Universal Hiring Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety 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. 2204-96-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 Safety, Finance, Law; Committees on Public Safety, Finance.

**Ord. No. 2205-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of building materials, for the various divisions of City government, 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 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 two years for the necessary items of building materials 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

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

by the Director of Finance. (RL 21517)

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

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

**Ord. No. 2206-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of lamps, for the various divisions of City government, 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 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 two years for the necessary items of lamps 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21520)

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

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

**Ord. No. 2207-96.**  
**By Councilman Rokakis (by departmental request).**

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

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of paper and cloth wipers 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21518)

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

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

**Ord. No. 2208-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the purchase by requirement contract of dry cell batteries, for the various divisions of City government, 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 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 two years for the necessary items of dry cell batteries 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21516)

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

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

**Ord. No. 2209-96.**  
By Councilman Rokakis (by departmental request).

**An emergency ordinance authorizing and directing the purchase by requirement contract of hand tools and hand held power tools, for the various divisions of City government, 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 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

two years for the necessary items of hand tools and hand held power tools 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21519)

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

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

**Ord. No. 2210-96.**  
By Councilman Rokakis (by departmental request).

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

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of reproduction and mounting service 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22980)

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

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

**Ord. No. 2211-96.**  
By Councilman Rokakis (by departmental request).

**An emergency ordinance to amend Section 32 of Ordinance No. 486-96, passed April 1, 1996, relating to compensation for various classifications.**

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

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

**Section 1.** That Section 32 of Ordinance No. 486-96, passed April 1, 1996, is hereby amended to read as follows: Section 32. That the appointing authority shall fix salaries in the following classifications at not less than \$23,647.11 and not more than \$49,876.72 per annum:

1. Accountant Supervisor
2. Assistant Chief of Water Distribution
3. **Assistant Commissioner, Division of Printing and Reproduction**
4. Assistant Commissioner of Engineering and Construction
5. Building Manager
6. Chief Architect
7. Chief Auditor - Utilities
8. Chief City Planner
9. Chief, Computer Operations
10. Chief Engineer - Civil
11. Chief Engineer - Mechanical
12. Chief Legal Investigator - Civil Branch
13. Chief of Street Lighting and Electrical Services
14. Chief of Laboratories
15. Chief of Purification
16. Chief Surveyor
17. Convention Manager

- 18. Financial Systems Coordinator
- 19. Fiscal Manager
- 20. Investment Manager
- 21. Manager of Enterprise Units
- 22. Manager of Events
- 23. Manager of General Maintenance
- 24. Manager of Markets
- 25. Manager of Parking
- 26. Manager of Production Power Generation
- 27. Purchasing Supervisor-Division of Purchases and Supplies
- 28. Manager of Recreation
- 29. Secretary, Board of Zoning Appeals
- 30. Secretary to the Board of Building Standards and Building Appeals
- 31. Security Manager - Convention Center
- 32. Senior Internal Auditor
- 33. Senior Programmer Analyst
- 34. Supervisor - Information Control
- 35. Supervisor of Food and Drug Administration
- 36. Theatrical Manager
- 37. Water Plant Manager

**Section 2.** That existing Section 32 of Ordinance No. 486-96, passed April 1, 1996, is hereby repealed.

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

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

**Ord. No. 2212-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance to amend Section 149.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, relating to report and payment of fees due jurors and witnesses.**

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

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

**Section 1.** That Section 149.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is hereby amended to read as follows:

**Section 149.07 Report and Payment of Fees Due Jurors and Witnesses**

The Clerk of the criminal branch of the Municipal Court shall certify to the Director of Finance, under the seal of such Court, the amount of fees due jurors and witnesses in City cases, and the Director shall thereupon draw his warrant in favor of such jurors or witnesses for the amounts due on the City Treasurer, and **said City Treasurer or said Clerk**, shall pay the same on presentation. The Director shall report monthly the amount so paid to Council.

**Section 2.** That existing Section 149.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 63410-A, passed September 22, 1924, is hereby repealed.

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

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

**Ord. No. 2213-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance authorizing and directing the Director of Finance to employ one or more consultants to provide professional services necessary to maintain and support the hardware, software, firmware and application software for the MITIS computer system; and authorizing and directing the purchase by requirement contract of component necessary to operate the MITIS computer system.**

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

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

**Section 1.** That the Director of Finance is hereby authorized and directed to employ by contract one or more consultants for the purpose of supplementing the regularly employed staff of the City in order to provide professional services necessary to maintain and support hardware, software, firmware and application software for the MITIS computer system. The services contemplated hereby shall include, but not be limited to, programming, networking, data base support and application support. The selection of said consultant or consultants shall be made by the Board of Control upon the nomination of the Director of Finance from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling such a list, which list shall be compiled to permit the award of a single contract or the award of separate contracts for the various services, or any combination as the Board of Control shall determine. The services shall be fixed by the Board of Control. The contract or contracts herein authorized shall be prepared by the Director of Law and shall be for a one-year term with two one-year options to renew.

**Section 2.** That the services authorized herein shall be paid from Fund No. 01-81-001-0320, Request No. 21205.

**Section 3.** 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 of two years for the necessary items of computer hardware, software, firmware and application software for the MITIS computer system, in the estimated sum of \$100,000.00, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision of made for the requirements for the entire term.

**Section 4.** That the cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21205)

**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 Finance, Law; Committee on Finance.

**Ord. No. 2214-96.**  
**By Councilman Rokakis (by**  
**departmental request).**

**An emergency ordinance authorizing and directing the Director of Finance to enter into contract with Blue Cross Blue Shield of Ohio to provide Super Blue Plus medical coverage for City employees.**

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

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

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

**Section 2.** That 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. 2215-96.**  
**By Councilman Rybka (by departmental request).**

**An emergency ordinance to enact Sections 325.121 and 347.15 of the Codified Ordinances of Cleveland, Ohio, 1976, and to amend Sections 337.10, 343.01, 343.11, 345.01, 345.02 and 345.03, as enacted by various ordinances, all relating to correctional halfway houses.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 325.121 and 347.15 thereof to read, respectively, as follows:

**Section 325.121 Correctional Halfway House**

"Correctional halfway house" means a premises which provides room and board and/or rehabilitative services to individuals who have been assigned to or referred to such facility by either a governmental authority or a court of law, as furlonghees, parolees, probationers or in any confinement status within the correctional system.

**Section 347.15 Correctional Halfway Houses**

Correctional halfway houses, as defined in Section 325.121, shall be permitted only in accordance with the following regulations and other applicable regulations of the Codified Ordinances of the City of Cleveland.

(a) **Purpose.** The regulations of this section are intended to provide suitable locations for residential institutions which assist in enabling individuals to live independently, productively and lawfully as mem-

bers of the larger community, following a period of incarceration or following a conviction for criminal activity. These regulations are also intended to ensure that such institutions are operated in a manner which serves the best interests of their residents, while protecting the safety of residents living in nearby neighborhoods.

(b) **Certificate of Occupancy.** No correctional halfway house shall be established or expanded before issuance by the Commissioner of Building and Housing of a Certificate of Occupancy.

(c) **Permitted Locations.** Correctional halfway houses shall be allowed in General Retail Business, Residence-Industry and Semi-Industry zoning districts, in accordance with all applicable regulations.

(1) **Separation Standards.** No correctional halfway house shall be established on a lot or lots within two hundred fifty (250) feet of a Residential zoning district nor within two hundred fifty (250) feet of the lot or lots occupied by a playground, church or primary or secondary school, measured in accordance with the standards of division (d)(3) of this section. Specifically, however, along the rear lot line of a property to be occupied by a correctional halfway house, this separation standard may be waived by the Board of Zoning Appeals, if, in the determination of the Board, adequate fencing, buffer areas and/or other barriers are in place or will be put in place to screen and separate the adjoining properties, and to prevent access between the properties.

(2) **Spacing Standard.** No correctional halfway house shall be established on a lot or lots within one thousand (1,000) feet of a lot or lots occupied by another such facility measured in accordance with the standards of division (d)(3) of this section.

(3) **Measurement Standard.** In all instances where this section requires separation or spacing by a specified distance, such distance shall be measured in a geometrical straight line which represents the shortest distance between the lot or lots accommodating the proposed correctional halfway house and the lot or lots or zoning district from which the correctional halfway house is to be separated. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographic feature.

(d) **Licensing and Supervision.** All correctional halfway houses operating in the City of Cleveland shall be licensed by the State of Ohio, either through the Department of Rehabilitation and Corrections or the Alcohol and Drug Services Board. On-site supervision by qualified staff shall be provided for all hours during which residents are on the premises. Security measures shall be sufficient to protect the safety of residents and other citizens in the vicinity of the facility.

(e) **Minimum Floor Area.** A minimum of Two hundred (200) square feet of habitable floor area shall be provided, on average, for each resident of a correctional halfway house, including staff members normally on the premises after 11:00 p.m.

(f) **Parking.** A minimum of one

off-street parking space shall be provided for every three residents of a correctional halfway house, plus one space for each staff person on duty during the largest shift. Such spaces shall be provided either on or directly adjacent to the property occupied by the facility.

(g) **Excluded Residents.** Correctional halfway houses shall not accommodate residents who, at the time of their admission or at any time during their stay, exhibit a pattern of violent behavior.

(h) **Revocation of Certificate.** The Commissioner of Building and Housing shall revoke the Certificate of Occupancy issued to a correctional halfway house if it is determined that the facility is no longer licensed as required in this section or if compliance with City regulations or with requirements of the Board of Zoning Appeals is not maintained.

(i) **Application.** An application for a Certificate of Occupancy for a correctional halfway house shall include the following information, in addition to such information and drawings otherwise required under these Codified Ordinances.

(1) The name, address and telephone number of the operator, the agency holding the required State License, and the owner of the property on which the facility is to be established.

(2) The address of the proposed site.

(3) The name of the government agency providing or expected to provide a license to the operator; the term of such license; and the expiration date thereof.

(4) The proposed design capacity of the facility in terms of the number of residents and staff on the largest shift.

(5) Written policies of the operator governing admission to residence in the facility, and rules for residents, including rules for the storing and taking of medicine.

(6) A written affidavit from the operator that all residents will have been determined to be capable of functioning adequately in a community setting and will not constitute a reasonably foreseeable danger to the community.

(7) Client groups to be served by type, age range, level of functioning or rehabilitation, nature of past institutionalization or incarceration, present status in treatment and in the correctional system (e.g., with respect to furlough, parole or probation status).

(8) Description of supervision and security arrangements, and a description of arrangements for maintenance of the facility and the grounds.

(9) Description of services to be provided to residents in on-site and off-site locations.

(10) Addresses of all similar facilities currently or previously operated by the proposed operator and the licensing agency.

(11) Plans and statements of all exterior and interior building alterations proposed to accommodate the facility.

(12) Number, size, location and surfacing of all off-street parking spaces, and a statement of the operator's policy on keeping of cars by residents.

(13) Any other information deemed necessary by the Commissioner of Building and Housing to determine compliance with the provisions of this section and other

applicable provisions of these Codified Ordinances.

(j) **Special Exception.** In the case of an application to establish or expand a correctional halfway house in a manner which does not meet the requirements of this code, the Board of Zoning Appeals may approve such application if it determines that the proposed facility, by virtue of existing conditions or safeguards specifically required by the Board, will have no significant adverse impacts on the surrounding area and will meet the needs of the facility's residents.

**Section 2.** That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 337.10, as amended by Ordinance No. 1871-73, passed September 24, 1973.

Section 343.01, as amended by Ordinance No. 2329-89, passed February 4, 1991.

Section 343.11, as amended by Ordinance No. 1205-94, passed June 13, 1994.

Sections 345.01 and 345.02, as amended by Ordinance No. 584-51, passed May 7, 1951.

Section 345.03, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are hereby amended, to read, respectively, as follows:

**Section 337.10 Permitted Buildings and Uses in Residence-Office Districts**

In a Residence-Office District the following buildings and uses are permitted, provided that no sales, display or warehousing of merchandise shall be permitted on the premises:

(a) Apartment houses.

(b) Apartment hotels.

(c) The following, if located at least fifteen feet from the lot lines where the adjoining premises are not used for similar purposes:

(1) Administrative and professional office buildings.

(2) Hospitals, sanitariums, nursing, rest or convalescent homes, homes for the aged and clinics provided that none of these uses are operated primarily for abortions, the care of contagious diseases, the insane or feeble-minded, epileptics, drug or liquor patients.

(3) Junior or senior high schools, colleges and universities that are nonprofit.

(4) Dormitories, fraternity or sorority houses when related to an existing nonprofit public or private school, college or university located within the same Residence-Office District.

(5) Police and fire stations and other administrative governmental buildings.

(6) Nonprofit libraries and museums.

(7) Kindergartens, day nurseries, children's boarding homes, orphanages and other child care centers.

(8) Public utility buildings, provided that no storage yard or building shall be operated in connection therewith.

(9) Research laboratories not involving the manufacture, fabrication, processing or sale of products on or off the premises, provided that such does not create or emit offensive or noxious odors, fumes, dust, smoke, gas, noise or other similar air pollutants.

(10) An accessory ethical pharmacy used in connection with and for the exclusive use of the patients in a medical office building or any

other permitted use devoted to medical care, provided that there shall be no display or advertising sign visible from the exterior of the building, and further that access to such pharmacy shall be had from within the main building only.

(11) Nonprofit lodges.

**(12) Charitable institutions not for correctional purposes.**

(d) Accessory uses as permitted and as regulated by **divisions (a) (8), (a)(9) and (11) of Section 337.23.**

**Section 343.01 Local Retail Business District**

(a) "Local Retail District" means a business district adjacent to or surrounded on at least three sides by Residence Districts in which such uses are permitted as are normally required for the daily local retail business needs of the residents of the locality only.

**(b) Permitted Buildings and Uses.**

The following buildings and uses are permitted in a Local Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses, and there shall be no display of goods in front of a setback building line.

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in the least restricted Residence District adjacent to any part of such Local Retail Business District.

(2) Retail business for local or neighborhood needs to the following limited extent:

A. The sale of baked goods, confectionery, dairy products, delicatessen, fruits, vegetables, groceries, meats.

B. The sale of dry goods and variety merchandise, excluding department stores.

C. The sale of men's and boys' furnishings, shoes, hats, women's ready-to-wear, furs, millinery, apparel, accessories.

D. The sale of china, floor covering, hardware, household appliances, radios, paint, wallpaper, materials and objects for interior decorating.

E. The sale of books, magazines and newspapers, including adult book stores subject to Section 347.07, cigars, drugs, flowers, gifts, music, photographic goods, sporting goods, stationery.

F. Eating places, lunch rooms, restaurants, cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages, but excluding buildings which provide entertainment or dancing and buildings in which beer and intoxicating liquor are sold for consumption on the premises, provided such building for the sale of beer or intoxicating liquor is within 500 feet of the boundary of a parcel of real estate having situated thereon a school, church, library, nonprofit recreational or community center building or public playground.

G. Service establishments: barber or beauty shops, custom tailors, laundry agencies, self-service laundries, hand laundries, shoe repair, ice stations and dry cleaning, pressing or tailoring shops in which not more than five persons are engaged in such work or business at any one time, and in which only nonexplosive and nonflammable solvents are used and no work is done on the premises for retail outlets elsewhere

and pet shops, provided noise and odors are effectively confined to the premises. As used in this division (b)(2)G., "pet shops" does not include businesses which board dogs or cats overnight or any pet hospital.

(3) Business offices: real estate, insurance and other similar offices, and the offices of the architectural, clerical, engineering, legal, dental, medical or other established recognized professional, but excluding morticians, undertakers and funeral directors, in which only such personnel are employed as are customarily required for the practice of such business or profession and not exceeding a total of five persons at any one time.

(4) Automotive services: public garages, provided they conform to the applicable provisions of Sections 343.19 to 343.21 and Chapter 349; and parking lots which conform to the provisions of division (c) of Section 349.13, except that permission from the Board of Zoning Appeals shall not be required.

**(5) Charitable institutions not for correctional purposes.**

(6) Signs: permitted in accordance with the requirements of Chapter 350.

(7) Other main uses: any other neighborhood store, shop or service similar to the uses listed in this division in type of goods or services sold, in business hours, in the number of persons or cars to be attracted to the premises and in effect upon the adjoining Residence Districts.

(8) Accessory uses, only to the extent necessary normally accessory to the limited types of neighborhood service use permitted under this division.

**Section 343.11 General Retail Business Districts**

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

**(b) Permitted Buildings and Uses.**

The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses:

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District.

(2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:

A. The sale of food and beverages of all kinds, including sale for consumption on the premises;

B. The sale of general merchan-

dise, including sale in department stores;

C. The sale of apparel of all kinds;

D. The sale of furniture and household goods, including furniture and accessory furniture storage;

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishment permitted in a Local Retail Business District without limitation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises.

H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools.

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Service garage.

2. Automobile laundry, provided the premises are located not less than 100 feet from a Residence District.

3. Parking lot.

4. Lot for the sale of new and secondhand motor vehicles or trailers except those of more than two tons net weight provided that all vehicles advertising matter, and all structures, movable or fixed, are kept back of a structurally-sound barrier at least one and one-half feet high located as follows:

a. Where the building line is back of the street line, the barrier shall be located on or back of the setback building line.

b. Where the distance from the street line to the front line's of the premises and within 100 feet of the premises is less than that required by division (I)(4)A.I.a. of this section, the barrier may be erected to a line joining the near front corners of such buildings, or at the average distance of such buildings from the street line.

5. Service station which meets all the requirements and provisions of Section 343.13.

J. House trailer or travel trailer park, as defined in Section 3733.01 of the Revised Code, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval.

K. Signs: signs permitted in accordance with the requirements of Chapter 350.

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to

the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises.

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal, provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four feet wide between curbs.

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display.

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than 100 square feet of floor area and shall be located at least ten feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one opening not greater than four square feet in size, located not less than four feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for

killing, flicking and dressing and shall be not less than twenty-five feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

4. Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less than 300 feet from any Residence District, church, school, playground, library or building of Institutional H Occupancy classification.

P. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts.

Q. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use.

(3) Hotels.

(4) Motels.

**(5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.**

#### **Section 345.01 Residence-Industry District Defined and Established**

(a) As used in this Zoning Code, "Residence-Industry District" means an industrial area controlled with respect to character of occupancy, manufacturing processes, provision for off-street parking and off-street loading, location of driveways, setbacks from residential boundary lines and from residential streets and treatment of such setback open spaces, so as to protect the character of any adjoining or adjacent residential area.

(b) The Residence-Industry District is hereby created in order to permit lands suitable for industrial use and in locations where such use is consistent with the general plan for the City adopted by the City Planning Commission, including locations which are adjoining or adjacent to a Residence District, to be used for industrial purposes under conditions that will not be detrimental to such Residence District.

#### **Section 345.02 Permitted Buildings and Uses in Residence-Industry District**

Within any Residence-Industry District no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part for other than one or more of the following specified uses, provided that:

(a) All resulting cinders, dust, flashing, fumes, gases, noises, odors, refuse matter, smoke, vapors and vibrations are effectively confined to the premises;

(b) All materials are stored inside buildings;

(c) Setback building lines to the same extent as required in this Zoning Code for Residence Districts are observed on any street on which the Residence-Industry District adjoins a Residence District, and suitable planting is maintained in the setback area. Side yards and rear yards not less than twenty-five feet are provided at lot lines which are also boundary lines of Residence Dis-



tricts or of lots used for residences in a Local Retail Business District or Shopping Center district. A chain link fence not less than six feet high is constructed on lot lines which are also boundary lines of Residence districts or of lots used for residences in a Local Retail Business District or Shopping Center District;

(d) There are adequate off-street loading and unloading facilities so designed that any standing vehicle using them is within the property lines and is either not visible from streets or not nearer than fifty feet to streets;

(e) There is adequate off-street car parking for the employees, owners and others coming to the premises on matters incidental to the uses thereof, and adequate off-street parking of trucks in space so located as not to be visible from the streets or not nearer than fifty feet to streets;

(f) Entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area;

(g) In the case of nonresidential use, trucking operations are not conducted evenings, nights, Sundays nor on holidays generally observed by business and single-shift industry:

(1) Any use permitted in a Multifamily District.

(2) Office buildings, loft buildings, telephone exchanges, transformer stations, research laboratories.

(3) Retail tin shops and furnace shops, retail plumbing shops and plumbing supply shops, signs, display or decorating shops, printing shops.

(4) The following uses if located not less than 100 feet from a Residence district; repair garage for repair or painting of motor vehicles, creamery, milk bottling or milk distributing stations.

(5) Operation of any internal combustion engines in connection with any use permitted in the District, provided such engines are equipped and operated only with an effective muffling device.

(6) Carpet cleaning, dry cleaning or dyeing, laundries, cold storage plants, bottling works, ice plants, ice cream plants, cigar factories.

(7) Wholesale, jobbing, distributing or warehouse establishments for such materials as cotton, wool, clothing, fabrics, furniture, hardware, ice, leather, metals other than scrap or junk metals, rubber, shop and store supplies, including the making, assembling, remodeling, repairing, altering, finishing or refinishing of these products or merchandise, provided the processes used comply with the limitations specified in this section.

(8) Machine shops in which only lathes, drill presses, hydraulic presses, shavers, milling machines, planers, grinders and similar tools are used, and no hammering, rolling, spinning, heat treating by other than induction processes or riveting is done and no forges, metal saws

other than automatic hack saws, heavy shears, multiple spindle automatic screw machines or other noise or vibration-producing tools or machines are operated.

**(9) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.**

**(10) Any other building or use similar in character and operation and in effect on conforming uses in adjoining more restricted use districts as the buildings or uses herein permitted.**

#### **Section 345.03 Semi-Industry Districts**

(a) Definition. As used in this Zoning Code, "Semi-Industry District" means an area usually adjacent to a Retail Business District or more restricted use district, in which storage, wholesaling, passenger or motor-freight transportation terminals, light manufacturing and other semi-industrial operations of such nature as not to be detrimental to an adjacent Retail Business District or more restricted use district, are permitted.

(b) Retail Business Uses, Conditions. Within any Semi-Industry District no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses; provided that all resulting cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke and vapor either are effectively confined to the premises or are disposed of in a manner which will not create a nuisance or hazard to safety or health, and provided further that noise and vibration are effectively prevented from being audible or perceptible at a distance of fifty feet from such premises:

Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in a General Retail Business District. However, after the effective date of this Zoning Code no dwelling house, row house or multiple dwelling, and no building or Institutional H Occupancy Classification, shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet of such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit such erection, conversion or alteration when the development of the immediately surrounding area is essentially residential in character and the erection or establishment of an additional residence building would not be incompatible with or hamper or obstruct the use of the Semi-Industry District and the adjoining General or Unrestricted Industry Districts for the uses for which they are intended, and except that the Board may grant special permission for temporary dwellings, or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.

(c) Additional Commercial and Semi-Industrial Buildings and Uses

(1) Second-hand truck lot.

(2) Repair garage for repair or painting of motor vehicles, provided that such use is located not less than 100 feet from a Residence District.

(3) Amusement enterprises operated as a business; provided that the

Board may, in specific instances, exempt such enterprises from the requirement that noise be effectively prevented from being audible at a distance of fifty feet from such premises where the premises upon which such enterprise is located and operated is sufficiently distant from any existing residential occupancy, and noise is confined to a practicable degree, or where the use is of a temporary nature, or where the audibility of noise beyond the fifty-foot limit would not adversely affect the use of surrounding premises, if the Board determines that the intent and purpose of such requirement are adequately served, under the circumstances.

(4) Operation of internal combustion engines in connection with any use permitted in the District, provided such engines are equipped and operated only with an effective muffling device.

(5) Carpet cleaning.

(6) Dry cleaning or dyeing.

(7) Laundries employing any number of persons.

(8) Cold storage plants.

(9) Bottling works.

(10) Ice plants.

(11) Ice cream plants.

(12) Creamery, milk bottling or milk distributing stations, if such buildings or uses are located not less than 100 feet from a Residence District.

(13) Except where prohibited by division (a) of Section 347.01, motor freight depots or trucking terminals; provided such buildings or uses are not less than 300 feet from a Residence District and the entrances thereto and exits therefrom are not located where prohibited by division (b) of Section 347.01, and are to or from a permitted street whose near curb, in front of the property, is not less than twenty-two feet from the center line of the street; and provided further than any loading or unloading platform facing such street is not less than eighty feet from the center line of the street and not less than fifty feet behind any setback building line on the street.

(14) Tin shops, furnace shops.

(15) Plumbing shops, plumbing supply shops, blacksmith shops.

(16) Sign, display or decorating shops.

(17) Wagon sheds or stables for any number of the horses.

(18) Wholesale bakeries.

(19) Manufacture of food products.

(20) Manufacture of confections.

(21) Breweries or distilleries.

(22) Cigar factories.

(23) Garment factories.

(24) Printing shops.

(25) Newspaper plants.

(26) Painting or varnishing shops.

(27) Cold mixing or grinding of paint.

(28) Vulcanizing shops.

(29) Woodworking shops.

(30) Monument shops.

(31) Machine shops in which only lathes, drill presses, hydraulic presses, shapers, milling machines, planers, grinders and similar tools are used, and no hammering, rolling, spinning, heat treating by other than induction processes or riveting is done, and no forges, metal saws other than automatic hack saws, heavy shears, multiple spindle automatic screw machines or other noise or vibration-producing tools or machines are operated.

(32) Any other manufacturing or industrial enterprise, operation or process, whether making, assem-

bling, repairing, buffing, finishing, plating, painting, annealing or brazing by electric furnace, polishing, tempering, packing, shipping or storing, of a character, extent and hazard similar to those specified above and not specifically permitted only in a General Industry or Unrestricted Industry District, provided the building or use complies with the requirements of this section relating to the control of cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, vapor, noise and vibration.

(33) Storage in bulk of, or warehouse for, such materials as building materials, contractors' equipment, cotton, wool, clothing materials, fabrics, feed, furniture, hardware, ice, leather, machinery, metals other than scrap or junk metals, petroleum and other flammable liquids in above-ground tanks of less than 10,000 gallons capacity each, paint and paint materials, pipe, rubber, shop and store supplies, provided that any material stored in unenclosed premises to a height greater than four feet above grade level shall be a surrounded by a substantial seven-foot high wall or fence erected to observe all required building lines. Any lumber used for such wall or fence shall be new sound material surfaced and painted on the outside. There shall be no storage of salvaged lumber or other used building material, junk, paper, glass, rags, rubber, unclean or unrepaired containers or other discarded or salvaged articles or materials either in buildings or on premises, and there shall be no wrecking or dismantling of motor vehicles or storage of vehicles pending wrecking or dismantling on the premises.

(34) Storage of coal in buildings, silos, hoppers or packages and storage of coke, wood or other solid fuel; provided that all dust, dirt and noise incident to such storage or handling are effectively confined to the premises and a fence or wall is provided around unenclosed premises when and as required by division (c)(33) of this section.

(35) Wholesale businesses.

(36) Produce markets.

(37) Poultry raising for profit.

(38) Wholesale sale of poultry or the storage or sale of poultry in crate lots, or the killing of poultry or game in wholesale quantities for persons other than the ultimate consumer, provided that such business is conducted in strict compliance with applicable statutes, laws, ordinances, rules and regulations including those requiring rat proofing, and provided further that the building in which the slaughtering is done, either for wholesale or for retail purposes, is located, arranged, built and equipped as required by division (b)(2) of Section 343.11.

(39) **Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.**

(40) Any other building or use similar in operation and in effect on adjacent premises in adjoining more restricted use districts as the buildings or uses herein listed.

(41) Signs: Signs permitted in accordance with the requirements of Chapter 350.

(42) An accessory use customarily incident to a use authorized by this section, except that no use prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use in a Semi-Industry District

unless authorized under division (c)(43) of this section.

(43) The Board of Zoning Appeals may, after public notice and hearing and subject to appropriate conditions and safeguards, permit the location of a use authorized in a General Industry District on any lot in a Semi-Industry District that adjoins a railroad right of way, or adjoins a nonconforming use which is regularly permitted only in an industrial district.

**Section 3.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Section 337.10, as amended by Ordinance No. 1871-73, passed September 24, 1973,

Section 343.01, as amended by Ordinance No. 2329-89, passed February 4, 1991,

Section 343.11, as amended by Ordinance No. 1205-94, passed June 13, 1994,

Sections 345.01 and 345.02, as amended by Ordinance No. 584-51, passed May 7, 1951, and

Section 345.03, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are hereby repealed.

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

**Ord. No. 2220-96.**

**By Councilman Paulenske.**

**An emergency ordinance to change the names of Pittsburg Ave. S.E. from Broadway S.E. to E. 34 St., and E. 34 St. from Pittsburg Ave. to Broadway be changed to "Broadway"; AND Broadway from Pittsburg to E. 34 St. be changed to "Rockefeller Avenue S.E."**

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 name of that portion of Pittsburg Avenue S.E. from Broadway S.E. to East 34th Street; and East 34th Street from Pittsburg Avenue to Broadway be changed to "Broadway"; as shown on Exhibit "A" on file with the Council of the City of Cleveland in File No. 2220-96-A.

**AND**

That the name of that portion of Broadway from Pittsburg to East 34th Street be changed to "Rockefeller Avenue S.E."; as shown on Exhibit "A" on file with the Council of the City of Cleveland in File No. 2220-96-A.

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

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

**Ord. No. 2232-96.**

**By Councilmen Johnson and White.**

**An emergency ordinance to enact Sections 392A.01 to 392A.06 and 392A.99 of the Codified Ordinances of Cleveland, Ohio 1976, relating to requiring the installation and maintenance of carbon monoxide detectors in public buildings.**

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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 392A.01 to 392A.06 and 392A.99 thereof, to read, respectively, as follows:

#### CHAPTER 392A CARBON MONOXIDE DETECTORS

##### **Section 392A.01 Definitions**

As used in this Chapter,

(a) "Carbon Monoxide detector" or "CO detector" means an approved device which detects carbon monoxide and which emits an audible or visual signal indicating a serious condition or both an audible and visual signal indicating a serious condition.

(b) "CO Maintenance person" means a person designated by the Owner of a Regulated Facility to be responsible for complying with the requirements of Chapter 392A of the Codified Ordinances, Cleveland, Ohio 1976.

(c) "Owner" means the City of Cleveland, County of Cuyahoga, State of Ohio, The Cleveland Board of Education or the United States government.

(d) "Regulated Facility" means any building, structure or facility owned, operated by or leased to the City of Cleveland, County of Cuyahoga, State of Ohio, The Cleveland Board of Education or the United States government, or any agency, division or instrumentality thereof, that is occupied by one (1) or more persons for any lawful purpose.

##### **Section 392A.02 Installation Required**

Owners of each new and existing Regulated Facility shall install a minimum of one (1) Carbon Monoxide detector in each floor of the Regulated Facility including the basement within sixty (60) days from the passage date of this Section. Carbon monoxide detectors shall be Underwriters Laboratories listed and shall be installed in a manner and locations consistent with the manufacturer's instructions.

##### **Section 392A.03 Testing and Inspection**

The Owner of each Regulated Facility shall designate a CO Maintenance Person who shall be responsible for the testing and inspection of carbon monoxide detectors in each Regulated Facility. The testing and inspection shall be performed by the Owner not less than once a week. It shall be the duty of the Owner to inspect the CO detectors to insure proper working condition.

This section shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.

#### **Section 392A.04 Maintenance**

(a) Any lawful occupant of a Regulated Facility may notify the Owner in writing that a CO detector is in need of replacement or repair. The Owner shall repair or replace the CO detector within seventy-two (72) hours of receipt of the occupant's written notice.

(b) The Owner of each Regulated Facility shall provide new batteries for battery-operated CO detectors at least semi-annually. It shall be the responsibility of the Owner to ensure that the batteries installed are not removed.

#### **Section 392A.05 Tampering**

No person shall interfere with or tamper with a Carbon Monoxide detector required to be installed under this Chapter. Anyone tampering or interfering with the effectiveness of a CO detector shall be in violation of this Chapter and subject to the penalties set forth in Section 392A.99(b).

#### **Section 392A.06 Enforcement**

(a) The Commissioners of Environment and Building and Housing of the City shall have concurrent jurisdiction with the Chief of Fire to inspect the installation of any CO detector required pursuant to Section 392A.02 of this chapter. If, upon inspection, a violation of Section 392A.02 is found, the inspector shall issue a written notice of such violation to the Owner requiring the Owner to conform to Section 392A.02 within fifteen (15) calendar days of issuance of such notice.

(b) No Owner shall refuse to allow inspection at reasonable times of any dwelling unit by a duly authorized City inspector.

(c) After investigating a complaint for carbon monoxide poisoning in any Regulated Facility, in the absence of a CO detector, the City's investigating authority shall issue to the Owner a CO detection installation order. Failure to comply with such order within fifteen (15) calendar days of the issuance of the order constitutes a violation of this chapter.

#### **Section 392A.99 Penalty**

(a) Violation of any of the provisions of Sections 392A.02, 392A.03, 392A.04, or 392A.06 shall result in the revocation of the Regulated Facility's Certificate of Occupancy and no person shall occupy said facility for any purpose until the Owner complies with the requirements of this chapter.

(b) Anyone who violates Section 392A.05 shall be guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). For a second offense such person is guilty of a misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned not more than thirty (30) days or both. On a third or subsequent offense, such person is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six months, or both.

**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 Community Development, Finance, Law; Committees on Community Development, Legislation, Finance.

### **FIRST READING ORDINANCES REFERRED**

#### **Ord. No. 2187-96.**

**By Councilman Britt.**  
An ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 687.01 through 687.17, relating to the registration of bounty hunters.

Whereas, this ordinance constitutes a 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 Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 687.01 through 687.17 thereof, to read, respectively as follows:

### **CHAPTER 687 BOUNTY HUNTERS**

#### **Section 687.01 Definitions**

As used in this chapter:

(a) "Bounty Hunter" means a person employed by a professional bondsman for the purpose of assisting the bondsman in the apprehending fugitives and returning them to court.

(b) "Commissioner" means the Commissioner of Assessments and Licenses or his designee.

(c) "Fugitive" means a person who has posted a bond with a professional bondsman and has failed to appear in court.

(d) "Person" means an individual, firm, partnership, association, corporation, company or business of any kind.

(e) "Professional bondsman" means a person authorized under the laws of the State of Ohio to do business as a surety company and that demands or receives, directly or indirectly, fees or compensation for becoming the surety or providing surety on any bail bond, recognition bond, appeal bond or other court bond filed in any court with jurisdiction in the City of Cleveland.

#### **Section 687.02 Registration Required**

No person shall act as a bounty hunter without first having registered with the Commissioner of Assessments and Licenses.

Any person who violates this section is guilty of a misdemeanor of the first degree.

#### **Section 687.03 Availability of Application Forms**

The Commissioner shall make application forms available for the purpose of registering bounty hunters. The application forms shall include the questions contained in Section 687.04 and may include other questions that the Commissioner determines to be administratively helpful in determining whether the applicant is qualified.

#### **Section 687.04 Qualifications of Bounty Hunters.**

A person may be registered as a bounty hunter if he or she:

(a) Is a citizen of the United States; and

(b) Is at least twenty-one years of age; and

(c) Has good eyesight; and

(d) Has height, weight and muscle tone within normal range; and

(e) Answers the following questions in the negative:

"(1) Are you under indictment or have you been convicted of a felony of violence?"

"(2) Are you under indictment or have you been convicted of a crime involving force or threat of force?"

"(3) Are you currently engaging in the illegal use of drugs?"

"(4) Are you engaged in the abuse of alcohol?"

"(5) Have you been arrested for driving under the influence?"; and

(f) Answers all the following questions in the negative or demonstrates to the satisfaction of the Commissioner that an affirmative answer will not adversely affect the applicant's ability to perform the job of a bounty hunter:

"(1) Have you ever been convicted of a crime under federal, state or local law, other than a minor traffic violation? If you answer 'yes', explain."

"(2) Are you under a current court order that may affect your ability to perform the job of a bounty hunter? If you answer 'yes', explain."

"(3) Do you have any condition that would render you unfit to carry a firearm? If you answer 'yes', explain."; and

(g) Submits all the items identified in Section 687.05.

#### **Section 687.05 Items Required to be Submitted**

Any person seeking registration as a bounty hunter must submit all of the following items to the Commissioner of Assessments and Licenses:

(a) A completed application form; and

(b) Three (3) unretouched photographs of the applicant taken within thirty (30) days of the submission of the application of a size that can be affixed to the identification card; and

(c) A letter from two (2) reputable persons who can attest to the good character of the applicant; and

(d) A fingerprint card of the applicant taken at the Division of Police.

#### **Section 687.06 Referral to the Division of Police**

Upon receipt of a completed application, the Commissioner of Assessments and Licenses shall refer the application to the Chief of Police who shall cause a criminal record check to be made of the applicant. If the Chief of Police has any objection to the issuance of the registration, those objections shall be reported to the Commissioner together with results of the criminal record check.

#### **Section 687.07 Registration Fees; Record Check Fees**

A registration fee of sixty-five (\$65.00) shall be submitted with the application form required by Section 687.05. The applicant shall also pay a fee of fifteen (\$15.00) for the cost of a criminal record check.

**Section 687.08 Duration of Registration**

Registrations shall commence on April 30th of each year, and unless revoked, shall continue for a period of one year.

**Section 687.09 Issuance of Registration**

The Commissioner shall register any applicant who meets all of the requirements of this chapter and shall issue the registrant a photo identification card.

**Section 687.10 Suspension or Revocation**

Any person who has information that a registrant is unqualified to be a bounty hunter may file a complaint with the Commissioner of Assessments and Licenses. The Commissioner shall suspend or revoke the registration following a hearing if he finds that the registrant:

- (1) Was unqualified at the time the registration was issued; or
- (2) Has become unqualified and would be denied registration as a bounty hunter if he or she was submitting an application at the time of the hearing; or
- (3) Has failed to honestly answer each of the questions on the application form.

The rules of evidence applicable to courts of law shall not be strictly applied.

**Section 687.11 Appeals**

Any person who is denied registration as a bounty hunter, or whose registration is suspended or revoked, may appeal the Commissioner's decision to the Board of Zoning Appeals. The notice of appeal shall be in writing and shall be filed with the Commissioner of Assessments and Licenses within ten (10) days of the finding of the Commissioner. The Board shall sustain or overrule the decision from which the appeal is taken.

**Section 687.12 Limitations**

(a) The issuance of a registration under this chapter does not confer law enforcement status upon the registrant.

(b) The issuance of a registration does not authorize the registrant to carry a weapon. If the registrant intends to carry a weapon of any sort, he or she must comply with all federal, state and local laws, rules and regulations governing the same.

**Section 687.13 Firearms**

No person acting as a bounty hunter shall carry a firearm larger than a 9mm.

Any person who violates this section is guilty of a misdemeanor of the first degree.

**Section 687.14 Notification of the Police Before Attempting an Apprehension**

No person acting as a bounty hunter shall apprehend a fugitive without first notifying the Division of Police that an apprehension will be attempted. The Chief of Police shall determine the method by which such notifications will be made.

Any person who violates this section is guilty of a misdemeanor of the first degree.

**Section 687.15 Identification Card to be Visible**

No person registered as a bounty hunter shall attempt the apprehen-

sion of a fugitive without wearing on his or her outermost clothing the identification card issued by the Commissioner in a manner that it can be readily seen by any citizen or police officer.

Any person who violates this section is guilty of a misdemeanor of the second degree.

**Section 687.16 Rules and Regulations**

The Commissioner of Assessments and Licenses and the Director of Public Safety may each issue regulations to carry out the purposes of this chapter. Regulations shall take effect ten (10) days after their publication in the City Record.

**Section 687.17 Hiring Unqualified Bounty Hunters Prohibited**

(a) No person shall employ a person to act as a bounty hunter unless the person being employed is registered as a bounty hunter under this chapter.

(b) No person engaging in business as a professional bondsman shall employ as a bounty hunter a person known to the bondsman to be unqualified under this chapter.

(c) Whoever violates division (a) or (b) of this section is guilty of a misdemeanor of the first degree.

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

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

**Ord. No. 2216-96.**

**By Councilman Jackson.**

**An ordinance to change the Use and Height Districts of lands from the south side of Harris Avenue, S.E. to the north side of Union Avenue, S.E. between E. 88 Street and west of E. 93 Street. (Map Change No. 1925, Sheets Nos 5 & 6)**

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

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

Beginning at the intersection of the center line of East 88 Street and the center line of Harris Avenue, S.E.; thence easterly along said center line of Harris Avenue, S.E. to its intersection with the northerly extension of the easterly line of Sublot No. 92 in the W. J. Crawford & J. Parmelle Re-Subdivision as recorded in Volume 15, Page 26 of the Cuyahoga County Map Records; thence southerly along said northerly extension and along said easterly line of said Sublot No. 92 and continuing southerly along the easterly line of Sublot No. 53 in said W. J. Crawford and J. Parmelle Re-Subdivision and along its southerly extension to the center line of Marshall Avenue, S.E.; thence westerly along said center line of Marshall Avenue, S.E. to the center line of East 88 Street; thence southerly along said center line of East 88 Street to its intersection with a line located one hundred five (105) feet south of the southerly line of Easton Avenue, S.E., thence easterly along said line which is parallel to and one hundred five (105) feet south of said southerly line of Easton Avenue, S.E. to its intersection with the easterly line of Sublot No. 33 in the James Paton Allotment as recorded in Volume 5, Page 59 of the Cuyahoga County Map Records; thence southerly along

said easterly line of said Sublot No. 33 and along its southerly extension to the center line of Bessemer Avenue, S.E.; thence westerly along said center line of Bessemer Avenue, S.E. to its intersection with the northerly extension of the easterly line of Sublot No. 44 in said James Paton Allotment; thence southerly along said northerly extension and along said easterly line of said Sublot No. 44 to its intersection with the southerly line thereof; thence westerly along said southerly line of said Sublot No. 44 to its intersection with the easterly line of Sublot No. 40 in the T.E. Burton Allotment as recorded in Volume 12, Page 1 of the Cuyahoga County Map Records; thence southerly along said easterly line of said Sublot No. 40 and along its southerly extension to its intersection with the easterly line of Sublot No. 33 in said T. E. Burton Allotment; thence southerly along said easterly line of said Sublot No. 33 to its intersection with a line located one hundred twenty one (121) feet south of the southerly line of Laisy Avenue, S.E.; thence easterly along said line which is parallel to and one hundred twenty one (121) feet south of said southerly line of Laisy Avenue, S.E. to its intersection with a line located one hundred (100) feet west of the westerly line of East 93 Street; thence southerly along said line which is parallel to and one hundred (100) feet west of said westerly line of East 93 Street to its intersection with the northerly line of Sublot No. 20 in the Sherban H. Wightman Allotment as recorded in Volume 3, Page 41 of the Cuyahoga County Map Records; thence westerly along said northerly line of said Sublot No. 20 to its intersection with the easterly line of Sublot No. 19 in said Sherban H. Wightman Allotment, thence southerly along said easterly line of said Sublot No. 19 and along its southerly extension to the center line of St. Catherine Avenue, S.E.; thence westerly along said center line of St. Catherine Avenue, S.E. to its intersection with the northerly extension of a line located one hundred forty (140) feet west of said westerly line of East 93 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred (140) feet west of said westerly line of East 93 Street to its intersection with a line located one hundred fifty (150) feet south of the southerly line of St. Catherine Avenue, S.E.; thence westerly along said line which is parallel to and one hundred fifty (150) feet south of said southerly line of St. Catherine Avenue, S.E. to its intersection with the easterly line of Sublot No. 22 in said Sherban H. Wightman Allotment; thence southerly along said easterly line of said Sublot No. 22 to its intersection with a line located one hundred seventy nine and eighty eight hundredths (179.88) feet north of the northerly line of Union Avenue, S.E.; thence westerly along said line which is parallel to and one hundred seventy nine and eighty eight hundredths (179.88) feet north of said northerly line of Union Avenue, S.E. to its intersection with the westerly line of Sublot No. 1 in said Sherban H. Wightman Allotment; thence southerly along said westerly line of said Sublot No. 1 to its intersection with a line located approximately ninety nine and eight tenths (99.8) feet north of

the northerly line of Union Avenue, S.E.; thence westerly along said line which is parallel to and approximately ninety nine and eight tenths (99.8) feet north of said northerly line of Union Avenue, S.E. and along its westerly extension to the center line of East 88 Street; thence northwesterly and northeasterly along said center line of East 88 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Two Family Use District and a '1' Height District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1925, Sheets Nos. 5 & 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

**Ord. No. 2217-96.**

**By Councilman Paulenske.**

**An ordinance to change the Use District of lands on the northerly side of Payne Avenue between East 30 Street and East 31 Street. (Map Change No. 1921, Sheets Nos. 4 & 5)**

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

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

Beginning at the intersection of the center line of East 31 Street and the center line of Payne Avenue, N.E.; thence southwesterly along said center line of Payne Avenue, N.E. to the center line of East 30 Street; thence northwesterly along said center line of East 30 Street to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 84 in the Hoyt and Herrick Allotment as recorded in Volume 2, Page 48 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said northwesterly line of said Sublot No. 84 and along its northeasterly extension to its intersection with the center line of East 31 Place; thence southeasterly along said center line of East 31 Place to its intersection with the southeasterly line of Sublot No. 38 in said Hoyt and Herrick Allotment; thence northwesterly along said southeasterly line of said Sublot No. 38 and along its northeasterly extension to the center line of East 31 Street; thence southeasterly along said center line of East 31 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi-Industry District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1921, Sheets Nos. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

**Ord. No. 2218-96.**

**By Councilman Paulenske.**

**An ordinance to change the Use and Area Districts of lands on the north side of Payne Avenue between E. 39 Street and E. 38 Street and the north side of Payne between E. 39 Street and the railroad overpass. (Map Change No. 1926, Sheets Nos 4 & 5)**

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

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

Beginning at the intersection of the center line of the Pennsylvania System Railroad tracks and the center line of Payne Avenue, N.E.; thence southwesterly along said center line of Payne Avenue, N.E. to the center line of East 39 Street; thence northwesterly along said center line of East 39 Street to the center line of Lemar Avenue, N.E.; thence northeasterly along said center line of Lemar Avenue, N.E. to said center line of said Pennsylvania Systems Railroad tracks; thence southeasterly along said center line of said Pennsylvania Systems Railroad tracks to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Residence-Industry District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1926, Sheets Nos. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Beginning at the intersection of the northeasterly extension of the northwesterly line of Sublot No. 162 in the J. K. Hitchcock Allotment as recorded in Volume 1, Page 27 of the Cuyahoga County Map Records and the center line of East 39 Street; thence southeasterly along said center line of East 39 Street to the center line of Payne Avenue, N.E.; thence southwesterly along said center line of Payne Avenue, N.E. to the center line of East 38 Street; thence northwesterly along said center line of East 38 Street to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 268 in said J. K. Hitchcock Allotment; thence northeasterly along said southwesterly extension and along a line of said Sublot No. 268 to its intersection with the southwesterly line of Sublot No. 159 in said J. K. Hitchcock Allotment; thence southeasterly along said northwesterly line of said Sublot No. 268 and continuing southeasterly along the southwesterly lines of Sublots Nos. 160 and 161 in said J. K. Hitchcock Allotment to its intersection with said northwesterly line of said Sublot No. 162; thence northeasterly along said northwesterly line of said Sublot No. 162 and along its northeasterly extension to the place of beginning,

and as outlined in green on the map hereto attached, be and the same is hereby changed to a Multi-Family Use District, and an 'E' Area District.

**Section 4.** That said changed designation of land described in Section 3 shall be identified as Map Change No. 1926, Sheets Nos. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

**Ord. No. 2219-96.**

**By Councilman Rybka.**

**An ordinance to change the Use District of lands from E. 66 Street to E. 65 Street between Hoppensack Avenue, S.E. and Hubbard Avenue, S.E. (Map Change No. 1923, Sheets Nos. 5 & 6)**

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

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

Beginning at the intersection of the center line of East 66 Street and the center line of Hubbard Avenue, S.E.; thence westerly along said center line of Hubbard Avenue, S.E. to the center line of East 65 Street; thence northerly along said center line of East 65 Street to the center line of Hoppensack Avenue, S.E.; thence easterly along said center line of Hoppensack Avenue, S.E. to the center line of East 66 Street; thence southerly along said center line of East 66 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Two Family Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1923, Sheets Nos. 5 & 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

**Ord. No. 2221-96.**

**By Councilman Zone.**

**An emergency ordinance authorizing certain persons to engage in peddling in Ward 19. (Johnny R. Waddell - West 117th Street and Lorain Avenue).**

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 19; and

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

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

**Section 1.** That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 19 at the locations specified: West 117th Street and Lorain Avenue.

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

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

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

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

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

**Ord. No. 2222-96.**

**By Councilman Westbrook.**

**An emergency ordinance authorizing and directing the Clerk of Council to enter into contract without competitive bidding with Warwick Communications, Inc. for the labor and materials necessary to install a sound system in Council Chambers.**

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 Warwick Communications, Inc. Therefore, the Clerk of Council is hereby authorized and directed to make a written contract with said Warwick Communications, Inc. upon the basis of its proposal dated November 5, 1996, for labor and materials necessary to install a sound system in Council Chambers, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for City Council.

**Section 2.** That the cost of said contract hereby authorized shall not exceed \$20,000 and shall be paid from the funds appropriated for use by City Council.

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

**Ord. No. 2223-96.**

**By Councilman Smith.**

**An emergency ordinance authorizing the Director of Law to enter into contract with professional consulting firms for the purpose of providing expert consulting and testimony in a hazardous waste permit case now pending before the Ohio Hazardous Waste Facility Board, for the Department of Law.**

Whereas, a new application has been filed to site a hazardous waste processing facility in the City of Cleveland; and

Whereas, the City is a statutory party in a hazardous waste permit case now pending before the Ohio Hazardous Waste Facility Board, to wit: In re North East Chemical Corp., Case No. 95-NF-0670, in which the application is being considered; and

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

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

**Section 1.** That the Director of Law is hereby authorized to enter into contract with such professional consultants as the Director of Law may deem necessary, to provide a comprehensive review of the application and to provide expert consulting and testimony in the above mentioned case as the Director of Law deems necessary, payable from funds appropriated for the use of the Department of Law.

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

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

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

**Ord. No. 2224-96.**

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

**An emergency ordinance to amend Sections 1, 2, and 3 of Ordinance No. 1709-96, passed September 30, 1996, relating to the lease of space at the Ninth Street Plaza Building from MJM Management Company, or its designee.**

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

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

**Section 1.** That Sections 1, 2, and 3 of Ordinance No. 1709-96, passed September 30, 1996, are hereby amended to read, respectively, as follows:

**Section 1.** That notwithstanding and as an exception to the provi-

sions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to lease from MJM Management Company, or its designee, certain space more fully described as follows: The fourth floor of the Ninth Street Plaza Building, which is approximately 18,750 square feet of space, and a portion of the sixth floor of the Ninth Street Plaza Building, which is approximately 4,000 square feet of space.

**Section 2.** That the term of the lease shall commence upon August 1, 1996. The lease term for the sixth floor shall end on October 31, 1996. The lease term for the fourth floor shall end on July 31, 1998.

**Section 3.** That the rent for the sixth floor lease shall be \$16.00 per square foot, plus allocable operating and maintenance expenses. The rent for the fourth floor shall be \$16.00 per square foot from August 1, 1996 through October 31, 1996, plus allocable operating and maintenance costs, and \$14.50 per square foot from November 1, 1996, through July 31, 1998, plus allocable operating and maintenance costs.

**Section 2.** That existing Sections 1, 2, and 3 of Ordinance No. 1709-96, passed September 30, 1996, are repealed.

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

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

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

**Ord. No. 2225-96.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of pre-sort mail service, for the various divisions of City government, 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 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 two years for the necessary items of pre-sort mail service 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 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 two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the

requirements for the entire two years.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 21522)

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

**Ord. No. 2226-96.**

**By Councilman Britt.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Holy Rosary Church to stretch a banner across Mayfield Road and Murray Hill Road for the period from December 17, 1996 to January 15, 1997, inclusive, publicizing the Holiday Season in the Little Italy 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 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 Holy Rosary Church to install, maintain and remove a banner across Mayfield Road and Murray Hill Road for the period from December 17, 1996 to January 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 banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas

19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 2233-96.**

**By Councilman Coats.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Northeast Neighborhood Development Center to stretch a banner across East 123rd Street at St. Clair Avenue for the period from December 17, 1996 to January 17, 1997, inclusive, publicizing Holiday Greetings.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Northeast Neighborhood Development Center to install, maintain and remove a banner across East 123rd Street at St. Clair Avenue for the period from December 17, 1996 to January 17, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

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

**Res. No. 2227-96.**

**By Councilman Lewis.**

**An emergency resolution urging the Board of Education of Memphis, Tennessee not to demolish the Florida Street School.**

Whereas, the Florida Street School assisted scores of children to obtain a basic foundation of character and academics which has helped them through the years with their careers; and

Whereas, the Board of Education of Memphis, Tennessee is considering whether to demolish the Florida Street School; and

Whereas, one of the alumni of the Florida Street School and a current member of Cleveland City Council, Fannie M. Lewis, nee Scott, entered the first grade at Florida Street

School sixty-five (65) years ago; and

Whereas, the alumni of the School have a proposal to utilize the school as an academy to train young men; and

Whereas, this Council urges the Board of Education of Memphis, Tennessee to meet with the alumni of Florida Street School to consider alternatives to demolishing the facility; 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 this Council urges the Board of Education of Memphis, Tennessee not to demolish the Florida Street School.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to Board of Education of Memphis, Tennessee.

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

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

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

**Res. No. 2228-96.**

**By Councilman Westbrook.**

**An emergency resolution objecting to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit to 9401-03 Denison Avenue, first floor and basement.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 4174368, J.A.M. Cafe Inc., 9401-03 Denison Avenue, first floor and basement, Cleveland, Ohio 44102, to Permit No. 0396697, Bak Mentor Inc., dba Bonkers Tavern, 9401-03 Denison Avenue, first floor and basement, Cleveland, Ohio 44102; and

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

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

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

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

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

decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Permit No. 4174368, J.A.M. Cafe Inc., 9401-03 Denison Avenue, first floor and basement, Cleveland, Ohio 44102, to Permit No. 0396697, Bak Mentor Inc., dba Bonkers Tavern, 9401-03 Denison Avenue, first floor and basement, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 2229-96.**

**By Councilmen Miller, Westbrook, Patton, Polensek, Rybka, Paulensek, Coats and Lewis.**

**An emergency resolution calling upon May Department Stores, operating locally as Kaufmann's Department Stores, to take specific actions to ensure contractor compliance with its own vendor label program.**

Whereas, May Department Stores ("Mays") is one of the most profitable retailers of apparel in the United States and operates locally as Kaufmann's Department Stores; and

Whereas, Mays operates a highly profitable private label program in which Mays contracts with outside manufacturers to produce clothing for name brands sold only at its own stores, such as Claybrooke, Amanda Smith, Lord & Taylor, Karen Scott, and Valerie Stevens brands; and

Whereas, substantial evidence exists that significant portions of the clothing sold under Mays private labels is produced under sweatshop conditions both in the United States and abroad; and

Whereas, Norton McNaughton, a

manufacturer of women's apparel, which sold 38% of its products to Mays in 1994, has contracted with shops which were found to have locked fire exits and major overtime and minimum wage violations; and,

Whereas, workers at Y.P.S. International and Picasso Fashion, which produce apparel for Mays, testified to extensive violations of overtime and child labor laws and that they are subject to physical abuse and sexual harassment; and

Whereas, the vast majority of workers producing apparel under substandard labor conditions in the United States are minorities and recent immigrants; and

Whereas, Mays also extensively imports apparel from countries such as Indonesia, Honduras, and Canada, where workers receive wages as low as \$.26 per hour and are required to work inhumanely long hours under poor working conditions; and

Whereas, although Mays has a written policy of labor standards for its suppliers, Mays does not monitor compliance sufficiently to insure that products sold at its stores were not produced in violation of fair and humane labor standards; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that this Council is greatly concerned and strongly deplores the fact that there is a strong basis to believe that a significant amount of apparel being sold by Mays in Cleveland was produced under conditions of worker exploitation contrary to standards of fair humane labor practices; now, therefore,

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

**Section 1.** That this Council calls upon Mays to take the following actions to ensure contractor compliance with its own vendor conduct standards for its private label programs:

(1) Communicate its Code of Conduct to workers at its contract facilities in their own language, provide for monitoring of the code by independent labor and human rights organizations, and ensure that freedom of speech and association are guaranteed to its contractors' employees;

(2) Use its large quality assurance network to monitor and enforce compliance with its Vendor Code of Conduct;

(3) Work with suppliers to encourage improved working conditions rather than firing workers or shutting down facilities; and

(4) Use its size and market power to work with other retailers to lift minimum standards for apparel workers at home and abroad.

**Section 2.** That this Council urges all Clevelanders to employ best efforts to avoid the purchase of apparel produced under substandard labor conditions, such as by giving preference to products both made in the United States of America and carrying a union label.

**Section 3.** That this Council also urges Mayor Michael R. White and his administration to work with Mays to promote implementation of the actions recommended in this resolution.

**Section 4.** That the Clerk of Council is directed to transmit copies of this resolution to David Farrell, CEO of May Department Stores, Ted

Passig, Regional Administrator of Stores and to John Ryan, Executive Director-Elect of the Greater Cleveland AFL-CIO Federation.

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

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

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

**Res. No. 2230-96.**

**By Councilman Coats. An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 14102-06 St. Clair Avenue, first floor.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 1918059, Dani Market Inc., dba Dani Market, 14102-06 St. Clair Avenue, first floor, Cleveland, Ohio 44110, to Permit No. 2655243, Fast & Friendly Inc., 14102-06 St. Clair Avenue, first floor, Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 1918059, Dani Market Inc., dba Dani Market, 14102-06 St. Clair Avenue, first floor, Cleveland, Ohio 44110, to Permit No. 2655243, Fast & Friendly



Inc., 14102-06 St. Clair Avenue, first floor, Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 2231-96.**

**By Councilman Paulenske.**

**An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 5400-04 Broadway Avenue, first floor and basement.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 3304026, Gr. Maurice Enterprises Inc., dba Mayflower Tavern, 5400-04 Broadway Avenue, first floor and basement, Cleveland, Ohio 44127, to Permit No. 9650606, Theoplic Williams, Sr., dba Mayflower Tavern, 5400-04 Broadway Avenue, first floor and basement, Cleveland, Ohio 44127; and

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

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

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

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

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

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

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

Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 3304026, Gr. Maurice Enterprises Inc., dba Mayflower Tavern, 5400-04 Broadway Avenue, first floor and basement, Cleveland, Ohio 44127, to Permit No. 9650606, Theoplic Williams, Sr., dba Mayflower Tavern, 5400-04 Broadway Avenue, first floor and basement, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 475-95.**

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to The United States Postal Service located at the Cleveland District Main Office, 2200 Orange Avenue, Cleveland, Ohio to encroach into the right-of-way of Orange Avenue between East 22nd Street and Woodland Avenue Underpass with approximately eight (8) small banners.

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

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

**Ord. No. 272-96.**

By Councilmen Patmon, Patton, White, Robinson, Johnson, Jackson, Britt, Lewis, Willis, Coats, Rybka, Melena and Polensek.

An emergency ordinance authorizing the Director of the Office of Equal Opportunity to increase employment utilization goals for minorities and females on public works construction projects taking place within the boundaries of the City of Cleveland.

Contents noted by Directors of Office of Equal Opportunity, Finance, Law; Relieved of Commit-

tee on Legislation; Recommended by Committees on Employment, Affirmative Action and Training, Finance; when amended as follows:

1. Strike the title, and Sections 1 through 5 in their entirety, and insert in lieu thereof the following: "An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 667.05 relating to discrimination and to amend Section 667.99, as amended by Ordinance No. 1333-64, passed May 17, 1965, relating to the penalty therefor.

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 667.05 thereof to read as follows:

**Section 667.05 Unlawful Discrimination in Employment**

(a) No person shall refuse to employ or to bar or to discharge from employment any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(b) No person shall refuse to promote or grant any condition or privilege of employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(c) As used in this section, "person" means an individual, corporation, business trust, estate, trust, partnership, labor organization and association.

(d) As used in this section, "labor organization" means any organization which exists and is constructed for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditioned of employment, or of other mutual aid or protection in connection with employment.

**Section 2.** That Section 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-64, passed May 17, 1965, is hereby amended to read as follows:

**Section 667.99 Penalty**

(a) Whoever violates any of the provisions of Section 667.05 shall be guilty of a misdemeanor of the first degree and shall be fined not less than one thousand dollars (\$1,000.00), or sentenced to not less than three (3) months imprisonment, or both. The minimum fine and imprisonment to be imposed by a court for a violation of Section 667.5 is mandatory and may not be suspended in whole or in part.

(b) Whoever violates any other provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) and imprisoned for not more than thirty days.

**Section 3.** That existing Section 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1333-64, passed May 17, 1965, is hereby repealed."

2. Renumber existing Section 6 to new "Section 4".

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1109-96.**

By Councilmen Paulenske and Rokakis.

An emergency ordinance to amend Sections 405.04 and 405.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to impound and storage fees.

Contents noted by Directors of Public Safety, Finance, Approved by Director of Law; Recommended by Committees on Public Safety, Legislation, Finance; when amended as follows:

1. In Section 1, in Section 405.4, lines 3, 4 and 5, strike "a charge of eight dollars (\$8.00) for each day or fraction thereof shall be charged for the storage of the vehicle." and insert in lieu thereof the following: **"the person reclaiming the vehicle shall be charged a storage fee of eight (\$8.00) dollars for the first three days or fraction thereof, and thereafter shall be charged four dollars (\$4.00) for each day or fraction of a day."**

2. Strike division (a) of Section 405.06 in its entirety and insert in lieu thereof new division (a) to read as follows:

**"(a) In addition to the storage fee provided for in Section 405.06, the following fees shall be assessed against the owner or other person claiming an impounded vehicle:**

**(1) An impound fee of thirty dollars (\$30.00), except that the impound fee shall be reduced to ten dollars (\$10.00) for a person reclaiming a recovered stolen vehicle.**

**(2) A towing fee of sixty dollars (\$60.00), except that the towing fee shall be reduced to fifty dollars (\$50.00) for a person reclaiming a recovered stolen vehicle, and shall be increased to seventy dollars (\$70.00) for a person reclaiming a vehicle impounded incident to an arrest.**

**The towing charge shall be increased by ten dollars (\$10.00) if a dolly or flatbed are used or if a tire or tires are changed, except that there shall be no such additional charge in the case of a recovered stolen vehicle."**

3. After Section 2, insert new Section 3 to read as follows:

**"Section 3. The rates established by this ordinance shall be reviewed by this Council two years following the passage of this ordinance."**

4. Renumber existing Section 3 to read **"Section 4"**.

Amendments agreed to.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea were Councilmen: Britt, Coats, Dolan, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Paulenske, Polensek, Robinson, Smith, Westbrook, White, Willis, Zone. Councilman Jackson voted nay. Absent: Councilmen Rokakis and Rybka.

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1608-96.**

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

An emergency ordinance determining the method of making the public improvement of constructing a booster pumping station at Broadview Road; authorizing the Director of Public Utilities to employ professional design engineering services to design the public improvement;

authorizing the Director of Public Utilities to enter into contract for the making of such improvement; and authorizing the purchase of labor and materials necessary for this improvement.

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

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

**Ord. No. 1609-96.**

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

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

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

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

**Ord. No. 1610-96.**

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

An emergency ordinance to amend the title and Section 1 of Ordinance No. 248-96, passed May 6, 1996, relating to the public improvement of rehabilitating the exterior surfaces of water towers, and authorizing the Director of Public Utilities to enter into contract therefor.

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

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

**Ord. No. 1611-96.**

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

An emergency ordinance determining the method of making the public improvement of constructing the Kinsman-Green Water Supply Main in the Village of Highland Hills and the City of Beachwood; authorizing the Director of Public Utilities to enter into contracts for the making of such improvement; authorizing the acquisition of various rights and interests in real property; authorizing the relocation or modification of fixtures or features on said property; and authorizing professional service contracts for the Division of Water, Department of Public Utilities.

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

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

**Ord. No. 1612-96.**

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

An emergency ordinance determining the method of making the public improvement of rehabilitating Parma Reservoir; authorizing the Director of Public Utilities to employ professional design engineering services to design the public improvement; and authorizing the Director of Public Utilities to

enter into contract for the making of such improvement.

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

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

**Ord. No. 1613-96.**

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining trunk water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

1. In Section 3, line 2, strike "52 SF 001" and insert in lieu thereof **"52 SF 223"**.

Amendment agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1705-96.**

By Councilmen Coats, Johnson, Rybka and Rokakis (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 at the southeast corner of East 124th Street and St. Clair Avenue to Giltz & Associates, or their designee.

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

1. In Section 3, line 7, strike "and" and insert in lieu thereof the following: **"The deed"**; and at the end, strike the period and insert the following: **"," a reversionary clause providing that the property will revert to the City if the development of the parcels does not go forward within a period of time to be specified by the Board of Control, and a provision allowing the City to seek repayment from the grantee of any monies expended by the City for demolition related to the development of these parcels if the said development does not go forward."**

Amendment agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1708-96.**

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a License Agreement with the United States Department of Commerce for the installation, operation and maintenance of Automated Surface Observing System equipment at Cleveland Hopkins Interna-

tional Airport and Burke Lakefront Airport.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

**Ord. No. 1751-96.**

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

An emergency ordinance to amend Section 1 of Ordinance No. 708-96, passed July 17, 1996, relating to the execution of an easement granting to the Northeast Ohio Regional Sewer District certain easement rights to property located at East 55th Street and Brookside Park, and declaring said easement rights no longer needed for public use.

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

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

**Ord. No. 1795-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10708-12 St. Clair Avenue to Glenville Development Corp.

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

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

**Ord. No. 1796-96.**

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

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining distribution water mains, and authorizing the Director of Public Utilities to enter into contract for the making of such improvement.

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

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

**Ord. No. 1837-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1778 Crawford to Harry and Mary Sykes.

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

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

**Ord. No. 1844-96.**

By Councilmen White, Johnson, Jackson, Lewis, Rybka and Paulenske (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to WorldCom Network Services, Inc. to install, operate, and maintain an underground long distance telecommunications cable which will encroach into the right-of-way of various streets within the City of Cleveland.

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

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

**Ord. No. 1928-96.**

By Councilmen Coats and Rokakis (by departmental request).

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

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

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

**Ord. No. 1929-96.**

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

An emergency ordinance authorizing the Director of Community Development to apply for a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the redevelopment of buildings located at 1001 Huron, 1020 Huron and 1104 Prospect and to enter into contract with Gateway at Playhouse Square Associates, Limited Liability Company, or its designee, to provide economic development assistance for the redevelopment of buildings located at 1001 Huron, 1020 Huron and 1104 Prospect.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Smith, Westbrook, White, Willis, Zone. Councilman Dolan voted nay. Absent: Councilmen Rokakis and Rybka.

**Ord. No. 1930-96.**

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

An emergency ordinance authorizing the Director of Community Development to apply for a Section 108 Loan from the United States Department of Housing and Urban Development in order to provide economic assistance to partially finance the redevelopment of the Bardons and Oliver Building and to enter into contract with Water Street Associates, Limited Liability Company, or its designee, to provide economic development assistance for

the redevelopment of the Bardons and Oliver Building.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Smith, Westbrook, White, Willis, Zone. Councilman Dolan voted nay. Absent: Councilmen Rokakis and Rybka.

**Ord. No. 1931-96.**

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Water Street Associates, Limited Liability Company, or its designee, to provide financial assistance in the form of a Community Development Float Loan to partially finance the redevelopment of the Bardons and Oliver Building located at 1133 West Ninth Street.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 19. Nays 0. Read third time in full. Passed. Yeas 18. Nays 1.

Those voting yea were Councilmen: Britt, Coats, Jackson, Johnson, Lewis, Melena, Miller, O'Malley, Patton, Patton, Paulenske, Polensek, Robinson, Smith, Westbrook, White, Willis, Zone. Councilman Dolan voted nay. Absent: Councilmen Rokakis and Rybka.

**Ord. No. 1932-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 9418 Hilgert Road and 3005 East 126 Street to Buckeye Area Development Corp. or designee.

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

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

**Ord. No. 1935-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 1006-95, passed June 19, 1995, relating to an agreement for the purchase or lease of not to exceed forty-eight motor vehicles, for the Division of Cleveland Public Power, Department of Public Utilities.

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

1. In the title, line 2, after "amend" insert "**the title, Section 1 and**"; and in line 5, strike "or lease".

2. In Section 1, line 1, after "That" insert "**the title, Section 1 and**"; and in line 2, strike "is" and insert "**are, respectively,**".

3. In Section 1, between existing lines 2 and 3, insert the following: "An emergency ordinance authorizing and directing the purchase by contract of not to exceed forty eight motor vehicles, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed forty-eight (48) motor vehicles, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. The contract or contracts authorized herein shall require that, provided that sufficient competition can be generated to ensure that compliance with the following requirement will not result in an excessive price for the motor vehicles or the acquisition of a disproportionately inferior motor vehicle, all bids will be evaluated to give a preference to motor vehicles which are made in the United States, and, among motor vehicles which are made in the United States, to those made wholly or partially in Ohio. Prior to soliciting bids for the contract or contracts authorized herein, the Commissioner of Purchases and Supplies shall establish guidelines for applying such guidelines in the bid specifications for said contract or contracts."

4. In Section 2, line 1, after "That" insert "the existing title, Section 1 and"; and in line 2, strike "is" and insert "are".

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1937-96.**

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

An emergency ordinance establishing a Community Reinvestment Area in the area of West Ninth Street, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

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

1. In Section 3, strike the second paragraph in its entirety and insert in lieu thereof the following:

"The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland in accordance with the terms and conditions set forth in the executive summary contained in the Council File referenced in Section 1 hereinabove."

2. Insert new Sections 4 and 5 to read, respectively, as follows:

"Section 4. That the Director of Community Development ("Director") shall annually, not later than June 1 of each year during the period of the exemption, report to the

Community and Economic Development Committee ("Committee") on the rate of return on equity participation generated by the property authorized herein for exemption (Rate of Return). Where the annual average Rate of Return for the period beginning on the date the exemption becomes effective to December 31 immediately preceding said report is between Nine and One-quarter Percent (9.25%) and Fourteen and One-quarter Percent (14.25%) the Director shall make a recommendation to the Committee regarding reducing or eliminating the exemption.

Section 5. That, in the event the owner of such property authorized herein for exemption desires to transfer fee ownership of the property during the exemption period, the Director shall report same to the Committee with a recommendation regarding reducing or eliminating the exemption."

3. Renumber existing Sections 4, 5, and 6, respectively, to new "Section 6", "Section 7", and "Section 8".

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1938-96.**

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

An emergency ordinance establishing a Community Reinvestment Area in the area of Huron and Prospect, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

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

1. In Section 3, strike the second paragraph in its entirety and insert in lieu thereof the following:

"The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland in accordance with the terms and conditions set forth in the executive summary contained in the Council File referenced in Section 1 hereinabove."

2. Insert new Sections 4 and 5 to read, respectively, as follows:

"Section 4. That the Director of Community Development ("Director") shall annually, not later than June 1 of each year during the period of the exemption, report to the Community and Economic Development Committee ("Committee") on the rate of return on equity participation generated by the property authorized herein for exemption (Rate of Return). Where the annual average Rate of Return for the period beginning on the date the exemption becomes effective to December 31 immediately preceding said report is between Ten Percent (10.0%) and Fifteen Percent (15.0%) the Director shall make a recommendation to the Committee regarding reducing or eliminating the exemption.

Section 5. That, in the event the owner of such property authorized herein for exemption desires to transfer fee ownership of the property during the exemption period, the Director shall report same to the Committee with a recommendation regarding reducing or eliminating the exemption."

3. Renumber existing Sections 4, 5, and 6, respectively, to new "Section 6", "Section 7", and "Section 8".

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1940-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 17406 Dynes Avenue to Deborah M. Moore.

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

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

**Ord. No. 1946-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8711 Meridian Avenue to Rose Johnson/Hazel Bell.

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

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

**Ord. No. 1947-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1212 East 74 Street to Elaine Fannel and Napoleon Robinson.

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

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

**Ord. No. 1948-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1323 East 77 Street to Bernice Gibbs.

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

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

**Ord. No. 1949-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8811 Harkness Road to Dorothy M. and Elaine Eggleton.

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

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

**Ord. No. 1950-96.**

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1831 East 87 Street to Harry Stewart.

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

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

**Ord. No. 1968-96.**

By Councilmen Coats and Rokakis (by departmental request).

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

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

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

**Ord. No. 1969-96.**

By Councilmen Coats and Rokakis (by departmental request).

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

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

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

**Ord. No. 1971-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair, clean, core, and replace, if necessary, radiators, heater cores, gas tanks, and air conditioning units in city vehicles and equipment, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

The rules were suspended. Yeas

19. Nays 0. Read third time in full. Passed. Yeas 19. Nays 0.

**Ord. No. 1972-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace hydraulic cylinders, fuel injectors, drive shafts, gear boxes and trailer and hitch repairs, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 1976-96.**

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to create, furnish and accessorize office space, for the various divisions of the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

**Ord. No. 1977-96.**

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into an agreement with the Greater Cleveland Convention and Visitors Bureau for installation and maintenance of electronic message boards, a billboard, a visitor information booth and kiosks at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, Finance.

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

**Ord. No. 2022-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Crane carrier cab and chassis parts and labor, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2023-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Everest dump body salt spreader system parts, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2024-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary for vehicle frame repair and alignments, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2025-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Ford truck parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2027-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of Galion grader, road planer and roller parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2028-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various salt spreader and insert plow parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2029-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of parts for mowers and cutting equipment, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2030-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by

requirement contract of E.Z. pack packer parts, including labor if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

**Ord. No. 2034-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed ten pipe locators and cases, for the Division of Water, Department of Public Utilities.

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

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

**Ord. No. 2036-96.**

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General Local Law Enforcement Fund of the Cleveland Foundation for the Police-Purchase of Bulletproof Vests Grant.

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

1. In Section 1, line 3, after "Fund" insert "of the Cleveland Foundation".

Amendment agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2038-96.**

By Councilmen Robinson and Rokakis (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 1997 Target Cities Program.

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

1. After Section 2, insert new Section 3 to read as follows:

**"Section 3. That the Director of Public Health shall conduct a study of the outcome of this treatment program. The study shall include an analysis of progress during treatment and shall also involve tracking people that have received treatment for a significant period of time following their discharge from treatment."**

2. Renumber existing Section 3 to read "Section 4."

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2039-96.**

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Federation for Community Planning for the 1997 Health Services for Residents of Public Housing Program.

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

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

**Ord. No. 2041-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into contract for the purchase of labor and materials necessary to perform carpentry work, repair or replace countertops, and make other needed improvements to the offices of the Clerk of the Cleveland Municipal Court.

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

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

**Ord. No. 2042-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials needed to remove and install carpeting in the courtrooms, judges' chambers and offices, for the Department of Finance, on behalf of the Cleveland Municipal Court.

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

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

**Ord. No. 2043-96.**

By Councilmen Westbrook and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.

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

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

**Ord. No. 2119-96.**

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a Rental Agreement with the Cleveland Board of Education for the use of South High School gymnasium for the purpose of providing additional recreation facilities for the public.

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

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

**Ord. No. 2122-96.**

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

An emergency ordinance establishing a Community Reinvestment Area in the area of East 84th Street

and Crawford Road, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committees on Community and Economic Development, City Planning; Recommended by Committee on Finance, when amended as follows:

1. In Section 3, line 7, strike "100%" and insert in lieu thereof "75%".

Amendment agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2125-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance to make additional appropriation of \$300,000 (Three Hundred Thousand Dollars) of the special revenue fund, \$700,000 (Seven Hundred Thousand Dollars) of the Internal Service Fund, and \$530,000 (Five Hundred Thirty Thousand Dollars) of the Enterprise Fund.

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

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

**Ord. No. 2126-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance to make temporary appropriation for the current payrolls and other ordinary expenses of the City of Cleveland for the period from January 1, 1997 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 1997.

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

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

**Ord. No. 2127-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance to transfer the sum of Four Million Four Hundred Ninety Three Thousand One Hundred Twenty Two Dollars (\$4,493,122) within the various divisions of the General Fund, Eight Hundred Fifty Thousand Dollars (\$850,000) within the Special Revenue Fund, Two Hundred Thousand Dollars (\$200,000) within the Internal Service Fund, One Million Three Hundred Thousand Dollars within the Enterprise Fund (\$1,300,000) and Two Hundred Fifty Thousand Dollars within the Agency Fund.

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

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

**Ord. No. 2128-96.**

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

An emergency ordinance authorizing the Director of Economic Development

opment to enter into a contract with Kazimierz Chruscik, or his designee, to provide economic development assistance to partially finance the expansion of the Europa Deli on Fleet Avenue, Cleveland, Ohio.

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

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

**Ord. No. 2145-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of processing, transferring and marketing collected recyclable materials, for the Division of Waste Collection and Disposal, Department of Public Service.

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

1. In the title, strike lines 4 and 5 in their entirety and insert in lieu thereof "services for the transportation, processing, and marketing of recyclable".

2. In Section 1, strike lines 4, 5, 6, and 7 in their entirety and insert in lieu thereof the following: "Cleveland, Ohio, 1976, for the requirements for the period of up to four years for the necessary services for the transportation, processing and marketing of recyclables collected through the City's recycling program in the estimated sum of \$650,000, to be"; in line 14, strike "a year" and insert "four years"; and in line 16, strike "year" and insert "period".

Amendments agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 2146-96.**

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Franklin Circle Inn, Ltd., or their designee, to provide economic development assistance to partially finance the acquisition of furniture, fixtures, and equipment needed to develop a bed and breakfast inn located in Ohio City, Cleveland, Ohio.

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

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

**Ord. No. 2152-96.**

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept grants from the U.S. Environmental Protection Agency and the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Environment.

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

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

**Ord. No. 2153-96.**

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance to amend the title and Section 2 of Ordinance No. 269-95, passed February 27, 1995; to supplement said ordinance by adding new Sections 4 and 5; and to renumber existing Section 4 to new Section 6, relating to the 1997-99 Lead-based Paint Hazard Control Program.

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

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

**Ord. No. 2154-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with The Cleveland Police Patrolmen's Association (CPPA - Uniform).

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

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

**Ord. No. 2156-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Local 244.

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

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

**Ord. No. 2157-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with The Cleveland Police Patrolmen's Association (CPPA - Civilian).

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

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

**SECOND READING  
ORDINANCES PASSED**

**Ord. No. 1620-96.**

By Councilman Jackson.

An ordinance to change the Use, Area, and Height Districts of lands on the northerly side of Central Avenue, S.E. between E. 33 Street and E. 40 Street and the south side of Central Avenue, S.E. between E. 37 Street and E. 40 Street. (Map Change No. 1916, Sheet No. 5)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

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

**Ord. No. 1621-96.**

By Councilman Patmon.

An ordinance establishing the Glenville Business Revitalization District. (Map Change No. 1914, Sheet Nos. 4, 8, & 9)

Approved by Directors of Public

Service, City Planning Commission, Finance, Law; Recommended by Committee on City Planning; when amended as follows:

1. Strike Sections 5 and 6 in their entirety and renumber existing "Section 7" to new "Section 5".

Amendment agreed to.

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

In compliance with Section 33 of the charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1712-96.**

By Councilman Lewis.

An ordinance to change the Use, Area, and Height Districts of lands on the westerly side of East 76 Place to approximately 212 feet west, and south of Superior Avenue. (Map Change No. 1918, Sheet No. 4)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

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

**Ord. No. 1944-96.**

By Councilman Robinson.

An ordinance to change the Use and Area Districts of lands on the east side of E. 131 Street between Southview Avenue, S.E. and Chapel-side Avenue, S.E. (Map Change No. 1920, Sheet No. 10)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

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

**SECOND READING EMERGENCY  
RESOLUTIONS ADOPTED**

**Res. No. 1260-95.**

By Councilman Smith (by request).

An emergency resolution declaring the intention to vacate a portion of West 26th Street.

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

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

**Res. No. 1472-96.**

By Councilman Rokakis (by request).

An emergency resolution declaring the intention to vacate a portion of Clybourne Court S.W.

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

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

**Res. No. 1757-96.**

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Central Avenue S.E.

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

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

**Res. No. 1801-96.**

By Councilman Jackson (by departmental request).

An emergency resolution declaring the intention to vacate a portion of East 39th Place.

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

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

**Res. No. 1847-96.**

By Councilman Zone (by request). An emergency resolution declaring the intention to vacate a portion of West 118th Street.

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

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

**Res. No. 2129-96.**

By Councilman Rokakis (by departmental request).

An emergency resolution accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies certifying them to the County Auditor.

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

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

**Res. No. 2130-96.**

By Councilman Rokakis (by departmental request).

An emergency resolution requesting the County Auditor to make tax advances during the year 1997, pursuant to Section 321.34, Ohio Revised Code.

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

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

**Res. No. 2158-96.**

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

An emergency resolution declaring the necessity and intention to appropriate property for redevelopment and/or rehabilitation of the blighted premises located at 1284 West 87th Street, Cleveland, Ohio.

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

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

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilman James Rokakis and Councilman Edward Rybka be and is hereby authorized.

**MOTION**

The Council adjourned at 9:45 p.m. to meet on Monday, January 6, 1997.



Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

December 11, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 11, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Resseger, Directors Nolan, Warren, 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. 884-96.**

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Reed City Power Line Supply dba Power Line Supply Company for the following: Hand Held Meter Reading Devices, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 17th day of October, 1996, pursuant to the authority of Ordinance No. 547-96, passed May 20, 1996, which on the basis of order quantities would amount to One Hundred Three Thousand Five Hundred Eighty Six and no/100 Dollars, (\$103,586.00), (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

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

Nays: None.

Absent: None.

**Resolution No. 885-96.**

By Director Guzman.  
Resolved, by the Board of Control of the City of Cleveland that the bid of High Performance Asphalt, Incorporated for an estimated quantity of Cold Mix Material (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 the 29th day of August, 1996, pursuant to the authority of

Ordinance No. 812-96, passed June 10, 1996, which on the basis of the estimated quantity would amount to approximately One hundred seventy three thousand five hundred and no/100 Dollars, (\$173,500.00), (Net 30 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. 095894

which shall be certified against such contract in the sum of Eight thousand six hundred seventy five and no/100 Dollars, (\$8,675.00).

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

Nays: None.

Absent: None.

**Resolution No. 886-96.**

By Director Guzman.  
Resolved, by the Board of Control of the City of Cleveland that the bid of American Merchandising Services, Inc. for an estimated quantity of Diesel Fuel, (Item 1 (a) and (b) transport), (Items 2 (a) and (b) will call) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 1st day of November, 1996, pursuant to the authority of Ordinance No. 1102-96, passed July 17, 1996, which on the basis of the estimated quantity would amount to approximately Seven hundred seventy one thousand eight hundred thirty five and no/100 Dollars, (\$771,835.00), (Net 20 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. 092038

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

Nays: None.

Absent: None.



**Resolution No. 887-96.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sterling Engine Supply Company for an estimated quantity of rebuilt gasoline and diesel engines (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 18th day of October, 1996, pursuant to the authority of Ordinance No. 1013-96, passed June 18, 1996, which on the basis of the estimated quantity would amount to approximately Ninety thousand and no/100 Dollars, (\$90,000.00), (Net), 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. 092037

which shall be certified against such contract in the sum of Nine thousand and no/100 Dollars, (\$9,000.00).

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

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

Nays: None.

Absent: None.

**Resolution No. 888-96.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Petroleum Traders Corporation for an estimated quantity of Diesel Fuel, (item 2 (c) only) (will call) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 1st day of November, 1996, pursuant to the authority of Ordinance No. 1102-96, passed July 17, 1996, which on the basis of the estimated quantity would amount to approximately Four thousand seven hundred fifty and no/100 Dollars, (\$4,750.00), (2% 30 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. 092039

which shall be certified against such contract in the sum of Seven Hundred fifty and no/100 Dollars, (\$750.00).

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.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor to Petroleum Traders Corporation for the purchase of diesel fuel (item 2 (c) only) (will call), hereby is approved:

American Merchandising  
MBE — \$665.00

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

Nays: None.

Absent: None.

**Resolution No. 889-96.**

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Columbus Equipment Company for an estimated quantity of Blaw Knox Paver Parts and Labor (all items) (parts list #43 dated January 3, 1996 with a 0% trade discount and a labor rate of \$52.00 per hr. ship rate and \$54.00 per hr. field rate) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on the 8th day of November, 1996, pursuant to the authority of Ordinance No. 532-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Forty thousand and no/100 Dollars, (\$40,000.00), (2% 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. 092056

which shall be certified against such contract in the sum of Ten thousand and no/100 Dollars, (\$10,000.00).

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

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

Nays: None.

Absent: None.

**Resolution No. 890-96.**

By Director Guzman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc., for the public improvement of The Rehabilitation of Fulton Road between Pearl Road and Memphis Avenue, for the Division of Engineering and Construction, Department of Public Service, received on November 21, 1996, pursuant to the authority of Ordinance No. 932-95, passed June 12, 1995, upon a unit basis, for the improvement in the

aggregate amount of Two Million Sixty-seven Thousand Five Hundred Eighteen and 19/100 (\$2,067,518.19) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service 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 Perk Company, Inc., for the aforementioned Public Improvement is hereby approved:

**SUBCONTRACTORS**

Choice Construction Co., Inc.  
30675 Solon Road  
Solon, Ohio 44139  
\$630,009.55  
30.47% MBE

The Collinwood Shale Brick Co.  
12700 Broadway Avenue  
Cleveland, Ohio 44125  
\$183,556.62  
8.88% FBE

Cuyahoga Supply & Tool Co.  
5340 Perkins Road  
Cleveland, Ohio 44131  
\$61,395.18  
2.97% FBE

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

Nays: None.

Absent: None.

**Resolution No. 891-96.**

By Director Denihan.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jack Nadel, Inc., dba: DARE America Merchandise for an estimated quantity of D.A.R.E. Instructional Items (Item Nos. 4, 10, 11, 14, 17 and 18) 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 the 19th day of October, 1996, pursuant to the authority of Ordinance No. 1446-95, passed November 27, 1995, which on the basis of the estimated quantity would amount to Two thousand, eight hundred one and 50/100 Dollars, (\$2,801.50), 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. 82013

1,400 Item #18 - Plastic Key Tags, complete as specified which shall be certified against such contract in the sum of One hundred ninety six and no/100 Dollars, (\$196.00).

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: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman,

Staib, Denihan, Spellman, Acting Director Resseger, Directors Nolan, Warren, Acting Director Alexander.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 892-96.**

By Director Denihan.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Tee's Plus, Corp. for an estimated quantity of D.A.R.E. Instructional Items (Item Nos. 2, 3, 5, 6, 7, 9, 12, 13, 15, 16, 19 and 22) 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 the 19th day of October, 1996, pursuant to the authority of Ordinance No. 1446-95, passed November 27, 1995, which on the basis of the estimated quantity would amount to Nine thousand, nine hundred and 60/100 Dollars, (\$9,900.60), 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. 82013  
6,500 Item #5 - Bumper Stickers, complete as specified which shall be certified against such contract in the sum of Five hundred eighty five and no/100 Dollars, (\$585.00).

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

**Resolution No. 893-96.**

By Director Denihan.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Treadway Graphics, Inc. for an estimated quantity of D.A.R.E. Instructional Items (Item Nos. 1A, 1B, 8, 20, and 21) 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 the 19th day of October, 1996, pursuant to the authority of Ordinance No. 1446-95, passed November 27, 1995, which on the basis of the estimated quantity would amount to Twenty four thousand, six hundred forty two and 50/100 Dollars, (\$24,642.50), 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. 82015  
150 Item #1B - T-Shirts w/Logo (XXL), complete as specified

7,000 Item #8 - Bookmarkers w/Logo, complete as specified  
200 Item #20 - Writing Pens, complete as specified  
20 Item #21 - Wood Plaques, complete as specified which shall be certified against such contract in the sum of One thousand two hundred forty two and 50/100 Dollars, (\$1,242.50).

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

**Resolution No. 894-96.**

By Director Spellman.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 493-85, passed by the Council of the City of Cleveland on May 13, 1985, as amended by Ordinance No. 500-86 passed by the Council of the City of Cleveland on April 14, 1986, the firm of The Osborn Engineering Company is hereby selected upon the nomination of the Director of Parks, Recreation and Properties as the firm of engineers ("Engineer") to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide the professional services necessary to perform a post-construction peer review of the Willard Park Garage.

Be it further resolved that the Director of Parks, Recreation and Properties hereby is authorized to enter into a written contract with Engineer, based upon its proposal dated November 25, 1996, and its supplement dated December 2, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest.

The fees for services to be performed under the contract authorized hereby shall not exceed Sixty-Six Thousand and No/100 Dollars (\$66,000.00). Reimbursable expenses shall not exceed Eight Thousand and No/100 Dollars (\$8,000.00) the total compensation to the Engineer shall not exceed Seventy-Four Thousand and No/100 Dollars (\$74,000.00).

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

**Resolution No. 895-96.**

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 017-25-110 located at 3446 West

95 Street in Ward 18; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 18 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Rosa Delvalle for the sale and development of Permanent Parcel No. 017-25-110 located at 3446 West 95 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

**Resolution No. 896-96.**

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

Whereas, under said Program, the City has acquired Permanent Parcel Nos. 007-09-022, 007-09-167 and 007-09-209 located at 2078 West 29 Street, 2906 Chatham Avenue and 3016 Keence Ct. in Ward 14; and

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

Whereas, St. Ignatius High School, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with St. Ignatius High School for the sale and development of Permanent Parcel Nos. 007-09-022, 007-09-167 and 007-09-209 located at 2078 West 29 Street, 2906 Chatham Avenue and 3016 Keence Ct., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

**Resolution No. 897-96.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 006-06-119 located at 2106 West 78 Street in Ward 17; and

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

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

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Lonnie Gean for the sale and development of Permanent Parcel No. 006-06-119 located

at 2106 West 78 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

**Resolution No. 898-96.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 016-13-101 located at 4712 Bragdon Avenue, SW in Ward 14; and

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

Whereas, Steven Douglas Brown and Marion Jean Brown, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Steven Douglas Brown and Marion Jean Brown for the sale and development of Permanent Parcel No. 016-13-101 located at 4712 Bragdon Avenue, SW, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

**Resolution No. 899-96.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 002-34-145 located at 1980 West 47 Street in Ward 14; and

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

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Lorraine Hangauer for the sale and development of Permanent Parcel No. 002-34-156 located at 1980 West 47 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

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

**Resolution No. 900-96.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 004-15-015 located at 2150 West 7 Street in Ward 13; and

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

Whereas, Charge Development Company, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 13 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Charge Development Company for the sale and development of Permanent Parcel No. 004-15-015 located at 2150 West 7 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Resseger, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

**Resolution No. 901-96.**

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel Nos. 115-16-001, 115-16-025, 115-16-026, 115-16-027 and 115-16-028 under said Land Reutilization Program; and

Whereas, Ordinance No. 1101-96 passed November 25, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Collinwood Community Services Center has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1101-96 passed November 25, 1996 by the Cleveland City Council, the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Collinwood Community Services Center for the sale and development of Permanent Parcel Nos. 115-16-001, 115-16-025, 115-16-026, 115-16-027 and 115-16-028 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is here-

by determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Acting Director Resseger, Directors Nolan, Warren, Acting Director Alexander.

Nays: None.

Absent: Mayor White.

**Resolution No. 902-96.**

By Director Hamilton.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Repair Company for an estimated quantity of Drug House Board-up (All Items) for the Division of Building and Housing, Department of Community Development, for the period of two (2) years beginning with the date of execution of a contract received on the 14th day of November, 1996, pursuant to the authority of Ordinance No. 622-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to Four Hundred Thousand and 00/100ths Dollars, (\$400,000.00), (7% w/in 45 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Community Development 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. 098437

which shall be certified against such contract in the sum of Fifty Thousand and 00/100ths Dollars, (\$50,000.00).

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

Be it further resolved, by the Board of Control of the City of Cleveland that the following subcontractor for Cleveland Repair Company for the purchase of boarding up of structures for the Drug House Task Force Board-up Program, (all items), is hereby approved:

Leoni Companies  
\$120,000 (30%)

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

Nays: None.

Absent: None.

**Resolution No. 903-96.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1239-92, passed by the Council of the City of Cleveland on June 15, 1992, Metcalf & Eddy, Inc. is hereby selected from a list of firms determined, after a full and complete canvass by the Director of Public Utilities, as the firm to be

employed by contract to provide professional services necessary for engineering design services for the North Royalton Pump Station and Tank, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Metcalf & Eddy, Inc. based upon its proposals dated July 17, 1996 and October 29, 1996, respectively, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal upon execution of a contract for an aggregate fee not in excess of \$832,957.00 and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Metcalf & Eddy, Inc., for the above-mentioned professional service is hereby approved:

SUBCONTRACTORS	WORK
Ralph C. Tyler	\$250,000.00, MBE
M2 International	\$ 90,840.00, FBE

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

Nays: None.

Absent: None.

**Resolution No. 904-96.**

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 964-93, passed by the Council of the City of Cleveland on June 14, 1993, Dodson-Stilson, Inc. is hereby selected from a list of firms determined, after a full and complete canvass by the Director of Public Utilities, as the firm to be employed by contract to provide professional services necessary for engineering design services for the Southwest Quadrant Supply Mains, Proposal No. 2, for North Royalton-Akins, North Royalton-Bennett and North Royalton-Broadview Contract 1, Water Supply Mains, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities hereby is requested to enter into a contract with Dodson-Stilson, Inc. based upon its proposal dated August 26, 1996, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services as contained in said proposal upon execution of a contract for an aggregate fee not in excess of \$696,625.00 and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of

the following subcontractors by Dodson-Stilson, Inc., for the above-mentioned professional service is hereby approved:

<b>SUBCONTRACTOR</b>	<b>WORK</b>
Ralph C. Tyler	\$171,060.00, MBE
R & R International	\$ 42,529.00, MBE
KS Associates	\$ 53,390.00, FBE
City Blue	\$11,975.00, FBE

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

Nays: None.  
Absent: None.

**Resolution No. 905-96.**

By Director Spellman.  
Whereas, Board of Control Resolution No. 436-96 adopted June 26, 1996, authorized the City, through the Director of Parks, Recreation & Properties, to enter into a contract with WRCHowell, Inc. and International Merchandising Corporation, Inc. for marketing services for premium seating at the new football stadium; and

Whereas, the City entered into such City Contract No. 50026 as of May 31, 1996 (the "Agreement"); and

Whereas, WRCHowell, Inc. and International Merchandising Corporation, Inc. dba Cleveland Stadium Marketing ("CSM"), propose to enter into an Agency and Indemnity Agreement with the City and with Cleveland NFL Football LLC, National Football League and NFL Enterprises L.P. (collectively the "NFL Entities") for the purpose of clarifying CSM's agency relationship with those parties and for the purpose of obtaining indemnification from those parties; and

Whereas, the proposed Agency and Indemnity Agreement to be effective as of November 7, 1996 has the effect of amending the Agreement by clarifying CSM's agency relationship with the City and establishing a contingent indemnity obligation to CSM from the City; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that the Board of Control Resolution No. 436-96 adopted June 26, 1996, hereby is amended by adding at the end:

"Be it resolved that the Director of Parks, Recreation and Properties is hereby authorized to enter into a written Agency and Indemnity Agreement with WRCHowell, Inc. and International Merchandising Corporation, Inc. dba Cleveland Stadium Marketing ("CSM"), and with NFL Entities for the purpose of clarifying CSM's agency relationship with the City and NFL Entities and for the purpose of the City indemnifying CSM and the NFL Entities, to the extent permitted by law and subject to lawful appropriations, from any and all liability or expenses that may arise from any failure by the City to direct disbursement of the Premium Seat Licenses pro-

ceeds in accordance with the Agency and Indemnity Agreement (requiring disbursement in accordance with the Stadium Financing Agreement, the Lease and the Premium Seating Licenses), which agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest".

Be it further resolved that all other provisions of said Resolution No. 426-96 not expressly amended hereby shall remain unchanged and in full force and effect.

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

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

Calendar No. 96-235: 3399 E. 65 St.

John Sklodowski, owner, to erect a 20' x 8' two story frame addition to the rear of the 24' x 45' 6" two story frame two family dwelling house on a 40' x 125' corner lot located in a Local Retail District on the northeast corner of E. 65 St. and Ovington Ave. at 3399 E. 65 St.; said dwelling house being located approximately 1.5' from the north property line and said addition to be approximately 2' from the north property line instead of each being 5' therefrom as required for a corner lot by Section 357.09 and said addition to constitute an expansion contrary to the expansion limitations of Section 359.01 of the Codified Ordinances.

ANTHONY COSTANZO,  
Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 16, 1996**

At the Meeting of the Board of Zoning Appeals, on Monday, December 9, 1996, the following appeals were heard by the Board, and decided on Monday, December 16, 1996.

The following appeals were **Refused:**

Calendar No. 96-193: 3471 E. 49th Street

Gorodetzer & Stillman Inc., owner, c/o Charles Wagner, and Eller Media Co., tenant, c/o David M. Yale, to erect 14' x 48' double faced billboard.

Calendar No. 96-216: 7506 Indiana Avenue

Terry Vincent, owner, to convert to three dwelling units.

Calendar No. 96-217: 888 E. 139th Street

Jannie Hood, owner, to erect approximately 50' of 6' high wood stockade fence.

Calendar No. 96-218: 4829 Superior Ave., N.E.

Artis L. Hamilton, owner, to convert to three dwelling units the 24' x 45' 2-story frame two family dwelling house.

The following appeals were **Postponed:**

Calendar No. 96-203: 10520 St. Clair Ave., N.E. to January 13, 1997.

Calendar No. 96-226:

Appeal of Metropolis Industrial Gas and Chemical Co. postponed to January 13, 1997. (No real estate address involved)

The following appeal was **Dismissed:**

Calendar No. 96-222: 4246 West 36th Street

The following appeal was **Withdrawn:**

Calendar No. 96-225: 4341 Rocky River Drive, S.W.

ANTHONY COSTANZO,  
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, DECEMBER 30, 1996**

**9:30 A.M.**

Calendar No. 96-234: 12103 Geraldine Ave., N.W.

John Harciaga, owner, to erect a 24' x 8' one story addition to the front of the 24' x 35' one story masonry one family dwelling house, by enclosing the open front porch, on a 37.5' x 125' lot located in a Two Family District at 12103 Geraldine Ave.; said enclosure addition to be contrary to the setback and enclosure encroachment provisions of Sections 357.06 and 357.13 of the Codified Ordinances.

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

Re: Report of the Meeting of  
December 11, 1996

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

\* \* \*

**Docket A-170-96.**

RE: Continuance of Appeal of George Sevastos Jr., Owner of the Property located on the premises known as 2401 Denison Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated August 23, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.), noting that an engineering report to be submitted to the Board from the Appellant within that period of time.

\* \* \*

**Docket A-171-96.**

RE: Continuance of Appeal of George Sevastos Jr., Owner of the Property located on the premises known as 3403 Denison Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated August 23, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.), noting that an engineering report to be submitted to the Board from the Appellant within that period of time.

\* \* \*

**Docket A-173-96.**

RE: Appeal of Phyllis Gerber, Owner of the Property located on the premises known as 2826 Franklin Boulevard from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 4, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action.

\* \* \*

**Docket A-178-96.**

RE: Appeal of AMBD, Inc., Owner of the Property located on the premises known as 589 East 152nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

**Docket A-179-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 585 East 152nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-180-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 585 East 152nd Street (Bldg. B) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-181-96.**

RE: Appeal of AMBD, Inc., Owner of the Property located on the premises known as 589 East 152nd Street (Area Z) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-182-96.**

RE: Appeal of AMBD, Inc., Owner of the Property located on the premises known as 589 East 152nd Street (Area E) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-183-96.**

RE: Appeal of B & C Company, Owner of the Property located on the premises known as 565 East 152nd Street (Area X) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-184-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 587 East

152nd Street (Bldg. C) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-185-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 587 East 152nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-186-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 587 East 152nd Street (Bldg. C) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-187-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 577 East 152nd Street (Bldg. A & A1) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-188-96.**

RE: Appeal of A. Arthur Bates, Owner of the Property located on the premises known as 577 East 152nd Street (Bldg. A) from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-189-96.**

RE: Appeal of B & C Company, Owner of the Property located on the premises known as 591 East 152nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated September 13, 1996,

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

No action at this time; the docket will be rescheduled in sixty days (60 das.).

\* \* \*

**Docket A-195-96.**

RE: Appeal of Anita M. Spacek, Owner of the Property located on the premises known as 3888 Pearl Road from a NOTICE OF VIOLATION FIRE CODE of the Chief of the Division of Fire dated September 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to find that the owner of record for the property known as 3888 Pearl Road was reasonably cited by the Division of Fire, and that the conditions of the citation should be met; and that the identification and/or disposal of the abandoned drums should proceed within thirty days (30 das.) after the enactment of this resolution. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

\* \* \*

**Docket A-196-96.**

RE: Appeal of Willie Averyheart, Owner of the Residential Property located on the premises known as 10607 Hudson Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated October 14, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require that the property be boarded and secured immediately from casual entry, and to REMAND the property at 10607 Hudson Avenue to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-198-96.**

RE: Appeal of Michael Kadis, Trustee of the Property located on the premises known as 1270 East 53rd Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Municipal Code 389.34 and permit the sprinkler system at the cited property to be properly abandoned, noting the recommendations of the Fire Prevention Bureau and the lack of hazardous conditions.

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

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

**Docket A-199-96.**

RE: Appeal of Stewart-Boiling Properties, Owner of the Property located on the premises known as 3190 East 65th Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Municipal Code 389.34 and permit the sprinkler system at the cited property to be properly abandoned, noting the recommendations of the Fire Prevention Bureau and the lack of hazardous conditions.

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

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

\* \* \*

**Docket A-200-96.**

RE: Appeal of Michael Kadis, Trustee of the Property located on the premises known as 3319 East 80th Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Municipal Code 389.34 and permit the sprinkler system at the cited property to be properly abandoned, noting the recommendations of the Fire Prevention Bureau and the lack of hazardous conditions.

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

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

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**Docket A-201-96.**

RE: Appeal of Michael Kadis, Trustee of the Property located on the premises known as 5211 Lakeside Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Municipal Code 389.34 and permit the sprinkler system at the cited property to be properly abandoned, noting the recommendations of the Fire Prevention Bureau and the lack of hazardous conditions.

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

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

\* \* \*

**Docket A-202-96.**

RE: Appeal of Michael Kadis, Trustee of the Property located on the premises known as 5300 Lakeside Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring com-

pliance 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 Municipal Code 389.34 and permit the sprinkler system at the cited property to be properly abandoned, noting the recommendations of the Fire Prevention Bureau and the lack of hazardous conditions.

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

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

\* \* \*

**Docket A-203-96.**

RE: Appeal of Victory White Metal Co. Owner of the Property located on the premises known as 6100 Roland Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated September 25, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Municipal Code 389.34 and permit the sprinkler system to be abandoned, noting the hazard of an operating sprinkler system in this facility. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

\* \* \*

**Docket A207-96.**

RE: Appeal of Preferred Solutions, Inc. Owner of the Property located on the premises known as 1700 London Road from a CEASE USE ORDER - FIRE CODE of the Chief of the Division of Fire dated October 31, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action.

\* \* \*

**Docket A-221-96.**

RE: Appeal of The Euclid Chemical Company, Owner of the Property located on the premises known as 1900 Cochran Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 31, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the tread (Section 1014.6.1) and allow it to be an open tread stairway, and to require that nosing be adjusted to the required profile. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-224-96.**

RE: Appeal of Merrell Building Ltd. - 1900 West 25th Street, Owner of the Property located on the

premises known as 1900 West 25th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated December 2, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC Section 2608.7 and Section 705 and permit the plastic skylight to be installed as indicated on the plans, with the provision that the sprinklers on the exterior wall be mounted at 6 feet o.c. at an appropriate height. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

\* \* \*

**Docket A-228-96.**

RE: Appeal of Ohio Savings Management, Owner of the Property located on the premises known as 1111 Chester Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated November 6, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC Table 716.2 and permit the entry to be installed in glass as indicated, with the provision that either sprinklers be installed on both sides of the glass or that a suitable rated glass be used. 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-79-96—Limitless, Inc.
- A-132-96—Federal Home Loan Mortgage Corp.
- A-133-96—Federal Home Loan Mortgage Corp.
- A-134-96—Federal Home Loan Mortgage Corp.
- A-135-96—Federal Home Loan Mortgage Corp.
- A-136-96—Federal Home Loan Mortgage Corp.
- A-137-96—Federal Home Loan Mortgage Corp.
- A-138-96—Federal Home Loan Mortgage Corp.
- A-190-96 James Merklinger.
- A-192-96—Marilyn Pflieger.
- A-193-96—Federal Savings Bank.
- A-197-96—Crossland Savings.
- A-205-96—Hanna Lounge Inc.
- A-210-96—Mellon Mortgage Company.
- A-211-96—The Alexander Co., Inc.
- A-214-96—Karl Gumsey.
- A-218-96—The Osborn Engineering Company.

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

**APPROVAL OF MINUTES:**

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

November 27, 1996

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

JOSEPH F. DENK, CHAIRMAN

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, JANUARY 2, 1997

Transportation, Receiving, Processing, Marketing and Disposition of Mixed Recyclable Materials Col-

lected by the City, for the Division of Waste Collection and Disposal, Department of Public Service.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, DECEMBER 18, 1996, 9:30 A.M. IN THE DEPARTMENT OF PUBLIC SERVICE, ROOM 113, CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

Lease of One (1) High Capacity Medium Sized Copier, for the Department of Personnel and Human Resources, as authorized by Ordinance No. 1984-96, passed by the Council of the City of Cleveland, November 25, 1996.

December 11 and December 18, 1996

WEDNESDAY, JANUARY 8, 1997

Baldwin Filtration Plant - Phase IV, Landscaping and Site Improvements, for the Divisions of Water and Research, Planning and Development, Departments of Public Utilities and Parks, Recreation and Properties, respectively, as authorized by Ordinance No. 877-90, passed by the Council of the City of Cleveland, June 11, 1990.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON FRIDAY, DECEMBER 20, 1996, 2:00 P.M. AT THE UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 1ST FLOOR CONFERENCE ROOM (AUDITORIUM A), CLEVELAND, OHIO.

December 11 and December 18, 1996

THURSDAY, JANUARY 9, 1997

One (1) Police Armored Security Vehicle, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 918-96, passed by the Council of the City of Cleveland, June 18, 1996.

December 18 and December 25, 1996

FRIDAY, JANUARY 10, 1997

Groton Park and Martin Luther King, Jr. Park Site Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1284-96, passed by the Council of the City of Cleveland, October 14, 1996.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

December 18 and December 25, 1996



**THURSDAY, JANUARY 16, 1997**

**Rehabilitation of Cornell Road**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 1330-96 and 1433-96, passed by the Council of the City of Cleveland, October 28, 1996.

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

December 18 and December 25, 1996

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, December 16, 1996**

**City Planning (Zoning) Committee: 9:30 A.M.** — Present: Rybka, Chrm.; Britt, Vice Chrm.; O'Malley, Paulenske, White, Zone. Excused: Rokakis.

**City Planning Committee (Joint with Finance Committee): 10:00 A.M.** — Present: Rybka, Chrm.; Britt, Vice Chrm.; O'Malley, Paulenske, White,

Zone. Excused: Rokakis.

**Finance Committee (Joint with City Planning Committee): 10:00 A.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.; Patmon.

**Public Service Committee (Joint with City Planning and Finance Committees): 11:00 A.M.** — Present: Coats, Chrm.; O'Malley, Vice Chrm.; Britt, Johnson, Melena, Smith, Westbrook, White.

**City Planning Committee (Joint with Public Service and Finance Committees): 11:00 A.M.** — Present: Rybka, Chrm.; Britt, Vice Chrm.; O'Malley, Paulenske, White, Zone. Excused: Rokakis.

**Finance Committee (Joint with Public Service and City Planning Committees): 11:00 A.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.; Patmon.

**Community and Economic Development Committee (Joint with City Planning and Finance Committees): 12:00 P.M.** — Present: Jackson, Chrm.; Paulenske, Vice Chrm.; Britt, Coats, Lewis, Melena, Patton, Smith. Excused: Willis.

**City Planning Committee (Joint with Community and Economic Development and Finance Committees): 12:00 P.M.** — Present: Rybka, Chrm.; Britt, Vice Chrm.; O'Malley, Paulenske, White, Zone. Excused: Rokakis.

**Finance Committee (Joint with Community and Economic Development and City Planning Committees): 12:00 P.M.** — Present: West-

brook, Vice Chrm.; Johnson, Coats, Lewis, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.; Patmon.

**Public Health Committee (Joint with Finance Committees): 1:00 P.M.** — Present: Miller, Vice Chrm.; Britt, Jackson, Melena, O'Malley, Zone. Excused: Robinson, Chrm.

**Finance Committee (Joint with Public Health Committee): 1:00 P.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Patmon, Polensek, Rybka, Smith. Excused: Rokakis, Chrm.; Robinson.

**Aviation and Transportation Committee (Joint with Finance Committee): 1:30 P.M.** — Present: Miller, Chrm.; Paulenske, Vice Chrm.; Patmon, White, Willis. Excused: Rokakis.

**Finance Committee (Joint with Aviation and Transportation Committee): 1:30 P.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Patmon, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.

**Public Safety Committee (Joint with Finance Committee): 2:00 P.M.** — Present: Polensek, Chrm.; Willis, Vice Chrm.; Jackson, Miller, O'Malley, Patmon, Patton, Paulenske.

**Finance Committee (Joint with Public Safety Committee): 2:00 P.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Patmon, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.

**Finance Committee: 2:30 P.M.** — Present: Westbrook, Vice Chrm.; Johnson, Coats, Lewis, Patmon, Polensek, Robinson, Rybka, Smith. Excused: Rokakis, Chrm.

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Contract of E.Z. pack packer parts (O 2030-96).....	2253
Contract of Ford truck parts (O 2025-96) .....	2253
Contract of Galion grader, road planer and roller parts (O 2027-96) .....	2253
Contract of labor and materials -- for vehicle frame repair and alignments (O 2024-96).....	2253
Contract of labor and materials -- repair or replace hydraulic cylinders (O 1972-96).....	2253
Contract of labor and materials -- repair, clean, recore and replace if necessary, radiators, heater cores, gas tanks and air (O 1971-96).....	2253
Contract of parts for mowers and cutting equipment (O 2029-96).....	2253
Contract of rebuilt transmission (O 1968-96).....	2253
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Enter into contract without competitive bidding -- Data General Corporation -- purchases  
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Permit -- Service Department -- United States Postal Service -- Orange Avenue between East  
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Permit -- WorldCom Network Services Inc. -- install operate and maintain underground long  
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Requirement contract -- Crane carrier cab and chassis parts and labor (O 2022-96)..... 2253

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**Statement of Work Acceptance**

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