

# The City Record

Official Publication of the City of Cleveland

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September 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	David M. McGuirk

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# DIRECTORY OF CITY OFFICIALS

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

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Robert J. White	3760 East 126th Street	44105
3	Odella 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	David McGuirk	17101 Amber Drive	44111

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

**MAYOR**-Michael R. White  
 LaVonne Sheffield-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  
 Flr., Court Towers, 1200 Ontario  
 Carolyn Watts-Allen, Chief Asst. Prosecutor  
 Steven J. Terry, Chief Counsel

**DEPT. OF FINANCE** - Kathryn Burrer Hyer, Director, Room 104; Carlean  
 Alford, Manager, Internal Audit  
**DIVISIONS** - Accounts - A. Schneider, Commissioner, Room 19  
 City Treasury - Mary Christine Jackman, Treasurer, Room 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 - Martin Carmody, Acting Commissioner,  
 1404 E. 9th St.

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

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

**DEPT. OF PUBLIC SERVICE** - Henry Guzmán, Director, Room 113  
**DIVISIONS** - Waste Collection and Disposal - Larry Hines, Commissioner,  
 5600 Carnegie Avenue.  
 Streets - Randell T. Scott, Commissioner, Room 25  
 Engineering and Construction - J. Christopher Nielson, Acting  
 Commissioner, 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 Polluto, 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, Susan Axelrod, Director

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

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

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

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

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

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

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

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

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

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

**MORAL CLAIMS COMMISSION** - Sharon Sobol Jordan, Kathryn Burrer Hyer,  
 Councilmen James Rokakis, Jay Westbrook.

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

**BOARD OF EXAMINERS OF PLUMBERS** - Joseph Gyorky, Chrm.;  
 \_\_\_\_\_, 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 Connally	15C
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	12B
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	14C
Judge Gerald F. Sweeney	13D
Judge Robert S. Triozzi	12A

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, SEPTEMBER 18, 1996

No. 4319

## CITY COUNCIL

MONDAY, SEPTEMBER 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, McGuirk, 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, McGuirk, 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:** McGuirk, Chairman; Willis, Vice Chairman; Britt, Johnson, Patton, Rokakis, Rybka.

#### WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Miller, Chairman; Paulenske, Vice Chairman; McGuirk, 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, McGuirk, O'Malley, Patton, Willis, Zone.

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

The following Committee is subject to Call of the Chairman:

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio September 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, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield-McClain and Directors Sobol Jordan, Hyer, Konicek, Cunningham, Staib, Hamilton, Nolan, Axelrod, Willis, Morrison and Acting Directors Whitner, Balraj, Holland, Fallon, and Ricchiuto.

Absent: Mayor White and Directors Guzman, Denihan, Spellman, and Warren.

Pursuant to Ordinance No. 2926-96, the Council Meeting was opened with a prayer offered by Rev. Henry J. Payden, Pastor of Holy Trinity Baptist Church. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 1699-96.

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

##### File No. 1700-96.

From the Department of Public Safety re: Mandatory Drug Fine Fund and Law Enforcement Trust Fund (deposits and expenditures) for the period April 1, 1996 to June 30, 1996. Received.

##### File No. 1701-96.

From the Division of Purchases and Supplies re: Procurement Contract Person. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 1702-96.

Re: Transfer of Ownership Application - 1879010 - Dahoud Co., dba Harvard Deli, 14720 Harvard Avenue. (Ward 1) Received.

##### File No. 1703-96.

Re: New Application - 5426743 - MAHA NK, Inc. dba Detroit Marathon, 7704 Detroit Avenue. (Ward 17). Received.

#### COMMUNICATIONS

##### File No. 1704-96.

September 11, 1996

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

Dear Council President Westbrook:

I am pleased to recommend Judge Lillian Burke for appointment to the City Planning Commission. This appointment is to fulfill an unexpired term and will expire on November 2, 2000.

Thank you for your consideration.

Sincerely,

Michael R. White  
Mayor

Received.

Referred to Committee on Mayor's Appointments.

#### COMMITTEE ON MAYOR'S APPOINTMENTS

The Chair appointed Councilmen Dale Miller as Chairman and Councilmen Craig Willis, Gary Paulenske, Charles L. Patton, Jr. and Michael Polensek to consider the Mayor's appointment.

##### File No. 1009-96-A.

September 16, 1996

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Committee appointed by the Council President on Monday, June 3, 1996, to consider the Mayor's appointment to Cleveland-Cuyahoga Port Authority.

We have before us the Mayor's letter of May 23, 1996, wherein he names his appointment as follows:

**Four Year Term**

**Term Expiring January 28, 2000**

Dan Clark

Your committee hereby recommends that Council approve the Mayor's appointment as stated above.

Dale Miller, Chairman  
Gary Paulenske  
Charles L. Patton, Jr.  
Craig E. Willis  
Michael D. Polensek

Received. Without objection,  
appointment approved. Yeas 19.  
Nays 0.

**File No. 1373-96-A.**

September 16, 1996

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to Community Relations Board.

We have before us the Mayor's letter of June 3, 1996, wherein he names his appointment as follows:

**Term Expiring March 31, 1998**

John Gallo

Your committee hereby recommends that Council approve the Mayor's appointment as stated above.

Dale Miller, Chairman  
Gary Paulenske  
Charles L. Patton, Jr.  
Craig E. Willis  
Michael D. Polensek

Received. Without objection,  
appointment approved. Yeas 19.  
Nays 0.

**File No. 1431-96-A.**

September 16, 1996

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to Community Relations Board.

We have before us the Mayor's letter of July 26, 1996, wherein he names his appointment as follows:

**Term Expiring March 31, 2000**

Emmett Saunders

Your committee hereby recommends that Council approve the Mayor's appointment as stated above.

Dale Miller, Chairman  
Gary Paulenske  
Charles L. Patton, Jr.  
Craig E. Willis  
Michael D. Polensek

Received. Without objection,  
appointment approved. Yeas 19.  
Nays 0.

**File No. 1591-96-A.**

September 16, 1996

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to Police Review Board.

We have before us the Mayor's letter of August 16, 1996, wherein he names his appointment as follows:

**Four Year Term**

**Term Expiring August 8, 2000**

Tverner Collier

Your committee hereby recommends that Council approve the Mayor's appointment as stated above.

Dale Miller, Chairman  
Gary Paulenske  
Charles L. Patton, Jr.  
Craig E. Willis  
Michael D. Polensek

Received. Without objection,  
appointment approved. Yeas 19.  
Nays 0.

**CONDOLENCE RESOLUTION**

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

**Res. No. 1723-96.** Zdenek Prazak.

**CONGRATULATORY RESOLUTIONS**

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

**Res. No. 1724-96.** Streamway Air Girls' AAU Basketball Team.

**Res. No. 1725-96.** Southwest Citizen Area Council Inc.

**Res. No. 1726-96.** Kathryn Burrer Hyer.

**Res. No. 1727-96.** William Berndsen.

**Res. No. 1728-96.** Ronald W. Helmink.

**Res. No. 1729-96.** Peter C. Kole.

**Res. No. 1730-96.** Thomas A. McCabe.

**Res. No. 1731-96.** Vernon E. McKisack.

**Res. No. 1732-96.** Norman E. Schneider.

**Res. No. 1733-96.** Wayne C. Torok.

**Res. No. 1734-96.** Ralph W. Woehrman.

**Res. No. 1735-96.** Janet Yungman-Barkalow.

**Res. No. 1736-96.** Robert "Bump" Taylor.

**RESOLUTIONS OF RECOGNITION**

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

**Res. No. 1737-96.** Herb Wainer.

**Res. No. 1738-96.** Ivan Mervis.

**Res. No. 1739-96.** Centers for Dialysis Care.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**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.**

Whereas, the Director of Parks, Recreation and Properties has requested the sale of City-owned property no longer needed for public use and located at the southeast corner of East 124th Street and St. Clair Avenue; and

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

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

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

**Parcel No. 1**

603 East 124th Street  
PPN: 110-06-010, 011, 012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots Nos. 11, 12, 13 and 14 and all of Sublot No. 15 in the Burrow's and Putt's Subdivision of part of Original East Cleveland Lot No. 364, as recorded in Volume 16, Page 29 of Cuyahoga County Map Records and part of Sublot No. 1 in The G.M. Hicks Glenville Addition of part of Original East Cleveland Lot No. 365, as recorded in Volume 20, Page 23 of Cuyahoga County Map Records and bounded and described as follows:

Beginning at the intersection of the Easterly line of East 124th Street (40 feet wide) and the Southerly line of St. Clair Avenue N.E. (80 feet wide);

Thence due South along said Easterly line of East 124th Street, 79.00 feet to the Southerly line of land conveyed to Sam Hershman, by deed dated June 23, 1964 and recorded in Volume 11157, Page 667 of Cuyahoga County Deed Records, which point is the principal place of beginning;

Thence South 89° 37' 34" East along said Southerly line of land conveyed to Sam Hershman 96.69 feet to the Northerly line of land conveyed to the City of Cleveland, by deed dated January 23, 1959 and recorded in Volume 9473, Page 660 of Cuyahoga County Deed Records;

Thence South 81° 08' 00" East along said Northerly line 49.91 feet to a point;

Thence due South 55.72 feet to a point;

Thence North 89° 37' 34" West 26.60 feet to a point;

Thence due South 76.71 feet to its intersection with the Westerly prolongation of the Northerly line of Sublot No. 5 in said above G.M. Hicks Glenville Addition;

Thence North 89° 54' 34" East along said Westerly prolongation of the Northerly line of Sublot No. 5; 5.51 feet to the Easterly line of said Sublot No. 14;

Thence due South along said Easterly line of Sublot No. 14 and the Easterly line of said Sublot No. 15, 63.25 feet to the Southerly line of said Sublot No. 15;

Thence North 89° 37' 34" West, along said Southerly line of Sublot No. 15, 125.00 feet to the aforesaid Easterly line of East 124th Street;

Thence due North along said Easterly line of East 124th Street 158.01 feet to the principal place of beginning and containing about 26,000 square feet of land.

**Parcel No. 2**  
608 East 125th Street  
PPN: 110-06-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublot No. 5 in G.M. Hicks Glenville Addition, of part of Original East Cleveland Lot No. 365, as recorded in Volume 20, Page 23 of Cuyahoga County Map Records said Sublot having a frontage of 40.00 feet on the Westerly side of East 125th Street (60 feet wide) and extending back between parallel lines of equal depth 126.00 feet and containing 5,040 square feet of land.

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

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

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

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

**Ord. No. 1706-96.**

**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 9101 Blaine Avenue to Evelyn Robinson.**

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

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

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation

of a municipal department; now, therefore,

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-17-088, as more fully described in Section 2 below, to Evelyn Robinson.

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

P.P. No. 107-17-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 25 feet from front to rear of Sublot No. 44 in the Ford and Holden Allotment of part of Original One Hundred Acre Lot No. 392 as shown by the recorded plat in Volume 5 of Maps, Page 4 of Cuyahoga County Records, and being 25 feet front on the Northerly side of Grove Avenue (now known as Blaine Avenue, N.E.) and extending back of equal width 122 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions and easements contained in deed recorded in Miscellaneous Volume 111, Pages 9 and 43, Cuyahoga County Records. Also subject to zoning ordinances, if any.

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

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

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

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

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

**Ord. No. 1707-96.**

**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 Pro-**

**gram and located at 4734 Lee Road to St. Paul United Methodist Church.**

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. 143-02-021, as more fully described in Section 2 below, to St. Paul United Methodist Church.

**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. 143-02-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in H. J. Sheets' Lee Road Subdivision of part of original Warrensville Township Lot No. 91, as shown by the recorded plat in Volume 87 of Maps, Page 35 of Cuyahoga County Records, and being 53 feet front on the Westerly side of Lee Road, S.E. (80 feet wide) and extending back between parallel lines, 165.76 feet deep on the Northerly line, 165.314 feet deep on the Southerly line and 53 feet wide in the rear, as appears by said plat, be the same more or less but subject to all legal highways.

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

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

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

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

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

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

**Ord. No. 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 International Airport and Burke Lakefront Airport.**

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

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

**Section 1.** That the Director of Port Control is hereby authorized to enter into a License Agreement with the United States Department of Commerce granting use of premises and facilities at Cleveland Hopkins International Airport and Burke Lakefront Airport for the installation, operation, maintenance, repair, and replacement of Automated Surface Observing Systems equipment. Said Agreement shall be for a term of fifteen (15) years commencing upon execution by the Director. No rent shall be paid by the Department of Commerce for the term. All structures, fixtures or equipment placed by the Department of Commerce on the premises shall be and remain the exclusive property of the Department of Commerce.

**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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 1709-96.**  
**By Councilman Rokakis (by departmental request).**  
**An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or their designee, for a term not to exceed two years, for the public purpose of leasing space for the offices of the Division of Information Systems Services.**

Whereas, the City of Cleveland requires certain space located on the fourth floor of the Ninth Street Plaza Building for the public purpose of leasing space for the offices of the Division of Information Systems Services; and

Whereas, MJM Management Company, or their designee, has proposed to lease said space to the City of Cleveland; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation

of a municipal department; now, therefore,

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Finance is authorized to lease from MJM Management Company, or their 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.

**Section 2.** That the term of the lease authorized by Section 1 shall not exceed two years.

**Section 3.** That the rent for the lease authorized by Section 1 shall be \$14.50 per square foot.

**Section 4.** That the lease may authorize the City to make improvements to the leased premises under terms to be determined by the parties with the public purpose or purposes of leasing space for the offices of the Division of Information Systems Services.

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

**Section 6.** That the costs of the lease shall be paid from Fund No. 70 SF 140, Request No. 23204.

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

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

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

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

**Ord. No. 1710-96.**  
**By Councilman Rokakis (by departmental request).**

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

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 Executive Director of the Community Relations Board is hereby authorized to apply for and accept a grant in the amount of \$15,000.00, from the Bruening Foundation, to conduct Court-watch-The Balance of Justice Program, for the purposes set forth in the application and according thereto; that the Executive Director of the Community Relations Board is hereby authorized to file all papers and execute all documents neces-

sary 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. 1710-96-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 Community Relations Board, Finance, Law; Committee on Finance.

**Ord. No. 1711-96.**  
**By Councilman Rokakis (by departmental request).**

**An emergency ordinance to amend the title and Section 2 of Ordinance No. 1130-93, passed May 24, 1993; to supplement said ordinance by adding new Section 3; and to renumber existing Section 3 to new Section 4, relating to upgrading the computer system for the Department of Law.**

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 2 of Ordinance No. 1130-93, passed May 24, 1993, are hereby amended to read as follows:

An emergency ordinance authorizing and directing the purchase by contract of new and/or used hardware to extend and upgrade the existing computer system, for the Department of Law; and to employ by contract professional consultants related thereto.

**Section 2.** That the cost of said contract and services hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 06485.

**Section 2.** That the existing title and Section 2 of Ordinance No. 1130-93, passed May 24, 1993, are hereby repealed.

**Section 3.** That Ordinance No. 1130-93, passed May 24, 1993, is hereby supplemented by adding new Section 3 to read as follows:

Section 3. That the Director of Law is hereby authorized and directed to employ by contract professional consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the upgrade to the computer system for the Department of Law.

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

**Section 4.** That existing Section 3 of Ordinance No. 1130-93, passed May 24, 1993, is hereby renumbered to read new "Section 4".

**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.

**FIRST READING  
ORDINANCE REFERRED**

**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)**

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

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

Beginning at the intersection of the northeasterly extension of the northwesterly line of Sublot No. 70 in the James Decker Subdivision as recorded in Volume 20, Page 10 of the Cuyahoga County Map Records and the center line of East 76 Place; thence southeasterly along said center line of East 76 Place to its intersection with a line located one hundred fifty one (151) feet, eight (8) inches northwest of the northwesterly line of Star Avenue, N.E.; thence westerly along said line which is parallel to and one hundred fifty one (151) feet, eight (8) inches northwest of said northwesterly line of Star Avenue, N.E. to its intersection with the southwesterly line of Sublot No. 73 in said James Decker Subdivision; thence northwesterly along said southwesterly line of said Sublot No. 73 and continuing northwesterly along the southwesterly line of Sublot No. 72 in said James Decker Subdivision to its intersection with a line located approximately one hundred eighty one (181) feet southeast of the southeasterly line of Superior Avenue, N.E.; thence southwesterly from said point for a distance of approximately one hundred twenty nine and twenty hundredths (129.20) feet to a point located approximately one hundred seventy five (175) feet southeast of said southeasterly line of Superior Avenue, N.E. (being located at the southwesterly line of Sublot No. 9 in the Morganstern Est. Non Recorded Subdivision); thence northwesterly from said point along said southwesterly line of said Sublot No. 9 to its intersection with a line located approximately one hundred nineteen (119) feet southeast of said southeasterly line of Superior Avenue, N.E.; thence northeasterly along said line which is parallel to and approximately one hundred nineteen (119) feet southeast of said southeasterly line of Superior Avenue, N.E. to its intersection with the southwesterly line of Sublot No. 11 in said Morganstern Est. Non Recorded Subdivision; thence southeasterly along said southwesterly line of said Sublot No. 11 to its intersection with a line located approximately one hundred twenty six (126) feet southeast of

said southeasterly line of Superior Avenue, N.E.; thence northeasterly along said line which is parallel to and approximately one hundred twenty six (126) feet southeast of said southeasterly line of Superior Avenue, N.E. to its intersection with the southwesterly line of said Sublot No. 70; thence northwesterly along said southwesterly line of said Sublot No. 70 to its intersection with said northwesterly line of said Sublot No. 70; thence northeasterly along said northwesterly line of said Sublot No. 70 and along its northeasterly extension to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Business District, 'C' Area District and '2' Height District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1918, Sheet No. 4 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. 1713-96.**

**By Councilmen Westbrook, Polensek and Mayor White.**

**An emergency ordinance to amend Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2823-89, passed March 19, 1990, relating to assault; and to supplement said Codified Ordinances by enacting new Section 621.031 thereof relating to assault by a minor and the imposition of a parental duty.**

Whereas, the incidence of assaults perpetrated by school age children is of great concern to the citizens of Cleveland; and

Whereas, the parents of these children have a duty to properly supervise and control the violent actions of their children; and

Whereas, these parents should be held accountable for their failure to fulfill their duty to our community; 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 Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2823-89, passed March 19, 1990, is hereby amended to read as follows:

**Section 621.03 Assault**

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree if the offense is committed by a caretaker against a

functionally impaired person under his care.

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was an official or employee of the Cleveland City School District or the City of Cleveland and was performing his or her official duties at the time of the offense, the court shall set the offender's fine at \$1,000.00 and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six and seventeen and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at \$1,000.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

**Section 2.** That existing Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2823-89, passed March 19, 1990, is hereby repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 621.031 thereto to read as follows:

**Section 621.031 Assault by a Minor; Parental Duty Imposed**

(a) No child between the ages of six and seventeen, inclusive, shall knowingly cause or attempt to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section; or

(2) Can demonstrate based upon the records of the Cleveland City School District that they have been actively working with officials of the Cleveland City School District regarding the behavior of the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any school official or employee who has knowledge that a child

between the ages of six and seventeen, inclusive, has caused or attempted to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties shall immediately notify the Chief of Police or his designee and request the assistance of the Division of Police. This division (e) shall not apply to any school official or employee who has personal knowledge that the notification required by this division (e) has already been given with respect to a particular assault. The notification required by this division (e) shall be separate from and in addition to any notification regarding prohibited weapons required to be given pursuant to Section 627.082.

(f) Any person who violates division (b) or division (e) of this section is guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

**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. 1714-96.**  
**By Councilmen Britt and Johnson**  
**(by departmental request).**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Steinway Avenue, Yeakel Avenue, East 111 and East 114 Streets to Buckeye Area Development Corp. 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. 126-17-013, 126-17-053, 126-17-050, 128-03-096, 128-03-097, 128-03-108, and 128-03-025, as more fully described in Section 2

below, to Buckeye Area Development Corp. 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. 126-17-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in R. Yeakel's Subdivision of part of Original 100 Acre Lot No. 417 and 425 as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records and being 40 feet front on the Northerly side of Steinway Avenue, S.E., and extending back 121 feet 9 inches on the Easterly line 121 feet 7 inches on the Westerly line and has a rear line of 40 feet, along the Southerly line of an alley (now known as Yeakel Court, S.E.) as appears by said plat, be the same more or less but subject to all legal highways.

P.P. No. 126-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 65 feet of Sublot No. 123 in R. Yeakel's Allotment of a part of Original One Hundred Acre Lots Nos. 417 and 425 in said City; said part of said Sublot No. 123 has a frontage of 40 feet on the Northerly side of Yeakel Avenue, S.E., and extends back of equal width 65 feet deep as per Plat of said Allotment, recorded in Volume 10 of Maps, Page 25 of Cuyahoga County Records.

P.P. No. 126-17-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 120 in R. Yeakel's Subdivision, of part of Original 100 Acre Lot Nos. 417 and 425 as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Yeakel Avenue S.E. and extending back between parallel lines, 116.33 feet deep as appears by said plat be the same more or less but subject to all legal highways, also subject to zoning ordinances.

P.P. No. 128-03-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in Barbara and Albert Stastny's Subdivision of a part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 36 feet front on the Easterly side of East 111 Street, and extending back of equal width 122-1/2 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 128-03-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Barbara and Albert Stastny's Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 32 of Maps, Page 24 of Cuyahoga County Records, said Sublot No. 40 has a frontage of 36 feet on the Easterly side of East 111th Street, (formerly Stastny Street) and extends back between parallel lines 122.50 feet as appears by said plat, be the same more or

less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 128-03-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in Barbara and A. Stastny Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the westerly side of East 111th Street, and extending back of equal width 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 128-03-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in J.H. Behm's and H.A. Stahl's Woodland Heights Subdivision of part of Original 100 Acre Lot No. 419, as shown by the recorded plat, in Volume 34 of Maps, Page 4, of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 114th Street and extending back 173.37 feet on the Northerly line 173.35 feet on the Southerly line and has a rear line of 40 feet, as appears by the said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

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

**Ord. No. 1715-96.**  
**By Councilman Britt (by request).**

**An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to construct, use and maintain a tie-back and shoring**



**system for the Health Sciences Center which will encroach into the public right-of-way of Carnegie Avenue, East 96th and East 100th Streets.**

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195; its successors and assigns, to construct, use and maintain a shoring system which includes tie-backs for the Clinic's Health Sciences Center which will encroach into the public right-of-way of Carnegie Avenue and East 96th Street and Carnegie Avenue S.E. to East 100th Street at the locations more fully described as follows:

**PROPOSED ENCROACHMENT AREA/TIE-BACKS WITHIN CARNEGIE AVENUE S.E.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of Carnegie Avenue S.E., 80 feet in width, being a part of Original One Hundred Acre Lot No. 401, bounded and described as follows:

Beginning on the southerly line of said Carnegie Avenue S.E. at the point distant due East, 5.00 feet as measured along said southerly line of Carnegie Avenue S.E., from the easterly end of cut-out connecting said southerly line of Carnegie Avenue S.E. and the easterly line of East 96th Street, 66 feet in width; COURSE NO. 1: thence due North, at right angles to said southerly line of Carnegie Avenue S.E., 40.00 feet to a point in the centerline thereof; COURSE NO. 2: thence due East along said centerline of Carnegie Avenue S.E., 85.00 feet to a point; COURSE NO. 3: thence due South, at right angles to said centerline of Carnegie Avenue S.E., 40.00 feet to a point in the aforementioned southerly line of Carnegie Avenue S.E.; COURSE NO. 4: thence due West along said Southerly line of Carnegie Avenue S.E., 85.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

**PROPOSED ENCROACHMENT AREA/TIE-BACKS WITHIN EAST 96TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of East 96th Street, 66 feet in width, being a part of Original One Hundred Acre Lot No. 409, bounded and described as follows:

Beginning on the easterly line of said East 96th Street, at the point distant South 1°-51'-33" West, 145.00 feet as measured along said easterly line of East 96th Street, from the southerly and of cut-out connecting said easterly line of East 96th Street and southerly line of Carnegie Avenue S.E.; COURSE NO. 1: thence south 1°-51'-33" West, along said easterly line of East 96th Street,

140.00 feet to a point; COURSE NO. 2: thence North 88°-08'-27" West, at right angles to said easterly line of East 96th Street, 40.00 feet to its intersection with a line drawn parallel with and distant 40.00 feet westerly by rectangular measurement from said easterly line of East 96th Street; COURSE NO. 3: thence North 1°-51'-33" East along said parallel line, 140.00 feet; COURSE NO. 4: thence South 88°-08'-27" East at right angles to said easterly line of East 96th Street, 40.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less.

**PROPOSED ENCROACHMENT AREA/TIE-BACKS WITHIN CARNEGIE AVENUE S.E. AND EAST 100TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of Carnegie Avenue S.E., 80 feet in width, and East 100th Street, 60 feet in width, being a part of Original One Hundred Acre Lot Nos. 401 and 409, bounded and described as follows:

Beginning on the centerline of said Carnegie Avenue S.E., at the point distant due West, 5.00 feet as measured along said centerline of Carnegie Avenue S.E., from its intersection with the centerline of said East 100th Street; COURSE NO. 1: thence South 0°-20'-17" West and parallel with said centerline of East 100th Street, 120.27 feet to a point; COURSE NO. 2: thence North 89°-39'-43" West at right angles to said parallel line, 25.00 feet to a point in the westerly line of East 100th Street; COURSE NO. 3: thence North 0°-20'-17" East along said westerly line of East 100th Street, 60.00 feet to the southerly end of a curved turn-out connecting said westerly line of East 100th Street and the southerly line of the aforementioned Carnegie Avenue S.E.; COURSE NO. 4: thence northwesterly along said curved turn-out, being along the arc of a circle deflecting to the left, 31.53 feet to its point of tangency in the southerly line of Carnegie Avenue S.E., said curved line having a radius of 20.00 feet and a chord which bears North 44°-49'-52" West a distance of 28.37 feet; COURSE NO. 5: thence due West along said southerly line of Carnegie Avenue S.E., 115.00 feet to a point; COURSE NO. 6: thence due North at right angles to said southerly line of Carnegie Avenue S.E., 40.00 feet to a point in the aforementioned centerline of Carnegie Avenue S.E.; COURSE NO. 7: thence due East along said centerline of Carnegie Avenue S.E., 160.36 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

**Section 2.** That said shoring system and tie-back areas will be constructed within the public right-of-way of Carnegie Avenue, East 96th Street and East 100th Streets as aforesaid in Section 1, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

**Section 3.** That the permit herein authorized shall be prepared by the

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

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

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. 1716-96.**

**By Councilman O'Malley.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Leo the Great Church to stretch a banner in front of the church, 4900 Broadview Road, for the period from September 23, 1996 to October 15, 1996, inclusive, publicizing its Octoberfest.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Leo the Great Church to install, maintain and remove a banner in front of the church, 4900 Broadview Road, for the period from September 23, 1996 to October 15, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1717-96.**

**By Councilmen Paulenske and Robinson.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to**

**the Regional Transit Authority to stretch banners on Payne Avenue at East 36th Street and on Union Avenue at Kinsman Road for the period from September 16, 1996 to October 31, 1996, inclusive, publicizing its new Circulator Bus Line in Cleveland's neighborhoods.**

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 Regional Transit Authority to install, maintain and remove banners on Payne Avenue at East 36th Street and on Union Avenue at Kinsman Road for the period from September 16, 1996 to October 31, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1718-96.**

**By Councilman Rokakis.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Broadview Baptist Church to stretch a banner across Broadview Road at Natchez Avenue for the period from September 18, 1996 to October 18, 1996, inclusive, publicizing its 70th Anniversary.**

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 Broadview Baptist Church to install, maintain and remove a banner across Broadview Road at Natchez Avenue for the period from September 18, 1996 to October 18, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type,

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

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

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

The rules were suspended. Yeas 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. 1719-96.**

**By Councilman Melena.**

**An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7704 Detroit Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 5426743, Maha N.K. Inc., dba Detroit Marathon, 7704 Detroit Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does here-

by record its objection to the issuance of a C1 Liquor Permit to Permit No. 5426743, Maha N.K. Inc., dba Detroit Marathon, 7704 Detroit Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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. 1720-96.**

**By Councilman Melena.**

**An emergency resolution objecting to the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to 7507-11 Detroit Avenue, first floor and basement.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 5853053, Merlins Cave Inc., dba Hopes & Dreams, 7507-11 Detroit 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 per-

mit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 5853053, Merlins Cave Inc., dba Hopes & Dreams, 7507-11 Detroit 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. 1721-96.**

**By Councilmen Polensek, Willis, Jackson, Miller, O'Malley, Patmon, Patton, Paulenske, Zone.**

**An emergency resolution urging Governor George Voinovich and the State Highway Patrol to patrol and provide traffic enforcement along the interstate highways that go through the City of Cleveland.**

Whereas, the Cleveland Police Division is presently enforcing speed limits and conducting patrols on interstate highways that go through the City of Cleveland in order to ensure the safety of citizens and the general public; and

Whereas, the Cleveland Police Division must utilize patrol officers to patrol, monitor and enforce the speed limit on those interstate highways that pass through Cleveland at the expense of placing those officers on patrol in Cleveland neighborhoods to enhance the public safety; and

Whereas, the State Highway Patrol monitors and enforces the speed limit on various interstate highways throughout the State of Ohio, and have assigned personnel to patrol these specific areas; and

Whereas, it is most appropriate to expand the patrol area of the State Highway Patrol to include interstate highways I-71, I-77, I-480 and I-90 that pass through Cleveland, and assume responsibility on monitoring and enforcing the speed limit on each interstate; and

Whereas, the assuming of these responsibilities by the State Highway Patrol on the above mentioned interstate highways will enable the Cleveland Police Division to reassign police officers to neighborhood patrol that will keep City streets safe; 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 strongly urges the State Highway Patrol to assume the responsibility of enforcing the speed limit on interstate highways I-71, I-77, I-480 and I-90 that pass through the City of Cleveland and to patrol these specific areas which will enable the Cleveland Police Division to reassign its officers who are presently assigned to such enforcement to neighborhood patrol of Cleveland neighborhoods.

**Section 2.** That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution to Governor George Voinovich and the Office of the State Highway Patrol.

**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. 1722-96.**

**By Councilman Coats.**

**An emergency resolution urging the federal government to provide drug treatment programs and economic development opportunities to black neighborhoods affected by illegal drug trafficking by the CIA during the early 1980s.**

Whereas, this Council is shocked by recent revelations in the newspapers linking the U.S. Central Intelligence Agency (CIA) to the introduction of crack cocaine into black neighborhoods in order to raise funds to support the CIA-backed Nicaraguan Contra army in the early 1980s; and

Whereas, according to these reports, the CIA-backed drug network was responsible for introducing and selling crack cocaine in a number of U.S. cities, including Cleveland; and

Whereas, this purported misuse of governmental power by a federal agency must be thoroughly investigated and remedied; and

Whereas, at a minimum, the federal government must provide funding to combat drugs in the same communities in which it reportedly trafficked in illegal drugs; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that only by taking immediate actions can the federal government hope to remedy the wrongs set forth in the press reports; now, therefore,

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

**Section 1.** That this Council urges the federal government to provide drug treatment programs and economic development opportunities to black neighborhoods affected by reported illegal drug trafficking by the CIA during the early 1980s.

**Section 2.** That the Clerk of Council is hereby directed to transmit

copies of this resolution to President Clinton, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and the members of the U.S. Congressional delegation from Greater Cleveland.

**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.

**SECOND READING  
EMERGENCY ORDINANCES**

**Ord. No. 809-96.**

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

An emergency ordinance to appropriate property located at 2316 East 88th Street for the public purpose of widening Shelbourne Court between East 87th and East 88th Streets.

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

**Ord. No. 966-96.**

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and to enter into contract for the purpose of implementing the program.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community Development, Finance.

**Ord. No. 1037-96.**

**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 State of Ohio, Office of the Governor's Highway Safety Representative for the Selective Traffic Enforcement Program.

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

1. In Section 1, line 3, strike "\$60,374.21" and insert in lieu thereof the following: "**\$60,000.00**".

Amendment agreed to.

**Ord. No. 1192-96.**

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

An emergency ordinance authorizing and directing the purchase by contract of maintenance on radio equipment, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year, with a one year option to renew.

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

1. In the title, lines 7 and 8, strike "with a one year option to renew".  
 2. In Section 1, lines 7 and 8, strike "with one (1) option exercisable by the Director of Public Safety, to renew for an additional one-year term".

Amendments agreed to.

**Ord. No. 1278-96.**

By Mayor White.

An emergency ordinance declaring this Council's desire, intent and commitment to work toward the creation of an International Aerospace Cities Alliance with Kaliningrad, Russia; and authorizing the Mayor to enter into any agreements necessary thereto.

Approved by Director of Law; Recommended by Committee on Finance.

**Ord. No. 1296-96.**

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 repair air tools, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 1297-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one electric towmotor and accessories, for the Division of Water, Department of Public Utilities.

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

**Ord. No. 1298-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide one or more engineers, to provide professional services necessary to inspect and evaluate water towers.

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

**Ord. No. 1302-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to upgrade two remittance processing machines, including appurtenances and maintenance, for the Division of Fiscal Control, Department of Public Utilities.

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

**Ord. No. 1311-96.**

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic signal and sign material and equipment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

Approved by Directors of Public

Safety, Finance, Law; Recommended by Committees on Public Safety, Finance.

**Ord. No. 1312-96.**

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Firearms Training Systems, Inc. for the purchase of an upgrade to the firearms training system, for the Division of Police, Department of Public Safety.

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

**Ord. No. 1319-96.**

By Councilmen Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to construct heavy duty signs, including but not limited to hardware, elements, materials, and installation if necessary, for the City Planning Commission.

Approved by Directors of City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Recommended by Committee on Finance, when amended as follows:

1. In Section 1, at the end, insert a new sentence to read as follows: **"The member of Council in whose ward a sign is proposed to be placed pursuant to the contract authorized by ordinance shall approve the placement of such sign prior to such placement."**

Amendment agreed to.

**Ord. No. 1444-96.**

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the United States Department of Housing and Urban Development for the Homeownership Zone Program.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

**Ord. No. 1445-96.**

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing, or its designee, to provide financial assistance in the form of a Community Development Float Loan to be used as compensating balance deposits in its rehabilitation loan programs.

Approved by Directors of Community Development, Finance, Law; Recommended by Committees on Community and Economic Development, Finance.

**Ord. No. 1456-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of the rental of flasher safety lights, arrow bars and traffic control devices, for the various divisions of the Department of Public Utilities.

Approved by Directors of Public

Utilities, Finance, Law; Recommended by Committees on Public Utilities, Finance.

**Ord. No. 1457-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of service and maintenance of various heating, ventilation and air conditioning equipment, for the Division of Water Pollution Control, Department of Public Utilities.

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

**Ord. No. 1466-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1996 Title III-B Client Find/Supportive Services Program.

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

**SECOND READING EMERGENCY ORDINANCE PASSED**

**Ord. No. 1460-96.**

By Councilmen Paulenske, Jackson and Rokakis.

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Office Restoration, Inc., or its designee, to provide economic development assistance to partially finance the acquisition and installation of machinery and equipment, make tenant improvements and to assist in the relocation to and expansion of their new facility located at 3615 Superior Avenue, Cleveland, Ohio 44114.

Approved by Directors of Economic Development, Finance, Law; Relieved of Committee on Community and Economic Development; Recommended by Committee on Finance, when amended as follows:

1. In the title, lines 12 and 13 and in Section 1, lines 6 and 7, strike "3615 Superior Avenue, Cleveland, Ohio 44114" and insert in lieu thereof **"4400 Commerce Avenue, Cleveland, Ohio 44103"**.

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. 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.

**THIRD READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1162-96.**

By Councilman Coats.

An emergency ordinance to amend Section 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976; and to repeal Section 305.09 thereof, both as amended by Ordinance No. 535-51, passed December 10, 1951; relating to the notice of failure to display building numbering and the penalty therefor.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1222-96.**

By Councilman Westbrook.

An emergency ordinance determining the need to develop programs to combat the proliferation of broken glass and other litter in City neighborhoods and authorizing the President of Council, on behalf of the Council, to accept gifts and grants in conjunction with litter control programs and the implementation of programs developed by the Council to combat litter.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1316-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 158-96, passed March 4, 1996, relating to the purchase by contract of maintenance for a mainframe computer system and associated appurtenances.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1437-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one hydraulic side-dumping trailer with steel bins, for the Division of Waste Collection and Disposal, Department of Public Service.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1438-96.**

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one aluminum gravity dump trailer, for the Division of Waste Collection and Disposal, Department of Public Service.

Read third time. Passed. Yeas 19. Nays 0.

**Ord. No. 1556-96.**

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns, for the Division of Taxation, Department of Finance, for a period not to exceed two years.


Read third time. Passed. Yeas 19. Nays 0.

**MOTION**

By Councilman Coats, seconded by Councilman Polensek and unaniously carried, that the absence of Councilman David McGuirk and Councilman Gary Paulenske be, and is hereby authorized.

**MOTION**

The Council adjourned at 8:45 p.m. to meet on Monday, September 23, 1996 at 7:00 p.m.



Clerk of Council

**THE CALENDAR**

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

**ORDINANCES****Ord. No. 809-96.**

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

An emergency ordinance to appropriate property located at 2316 East 88th Street for the public purpose of widening Shelbourne Court between East 87th and East 88th Streets.

**Ord. No. 966-96.**

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and to enter into contract for the purpose of implementing the program.

**Ord. No. 1037-96.**

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 State of Ohio, Office of the Governor's Highway Safety Representative for the Selective Traffic Enforcement 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 **\$60,000.00**, from the State of Ohio, Office of the Governor's Highway Safety Representative, to conduct the Selective Traffic Enforcement 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. 1037-96-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.

**Ord. No. 1192-96.**

By Councilmen Polensek and Rokakis (by departmental request).

**An emergency ordinance authorizing and directing the purchase by contract of maintenance on radio equipment, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation

of a municipal department; now, therefore,

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

**Section 1.** That the Director of Public Safety is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance on radio equipment, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Emergency Medical Service, Department of Public Safety, and cancellable upon thirty days' written notice by said director.

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 01-60-04-0612, Request No. 20671.

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

**Ord. No. 1278-96.**

By Mayor White.

An emergency ordinance declaring this Council's desire, intent and commitment to work toward the creation of an International Aerospace Cities Alliance with Kaliningrad, Russia; and authorizing the Mayor to enter into any agreements necessary thereto.

**Ord. No. 1296-96.**

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 repair air tools, for the Division of Water, Department of Public Utilities.

**Ord. No. 1297-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one electric towmotor and accessories, for the Division of Water, Department of Public Utilities.

**Ord. No. 1298-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide one or more engineers, to provide professional services necessary to inspect and evaluate water towers.

**Ord. No. 1302-96.**

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to upgrade two remittance processing machines, including appurtenances and maintenance, for the Division of Fiscal Control, Department of Public Utilities.

**Ord. No. 1311-96.**

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic signal and sign material and equip-

ment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

**Ord. No. 1312-96.**

By Councilmen Polensek and Rokakis (by departmental request).  
An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Firearms Training Systems, Inc. for the purchase of an upgrade to the firearms training system, for the Division of Police, Department of Public Safety.

**Ord. No. 1319-96.**

By Councilmen Rybka and Rokakis (by departmental request).  
An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to construct heavy duty signs, including but not limited to hardware, elements, materials, and installation if necessary, for the City Planning Commission.

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

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

**Section 1.** That the Director of the City Planning Commission 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 construct heavy duty signs to be placed in the various Historic Districts, including but not limited to hardware, elements, materials, and installation if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the City Planning Commission. **The member of Council in whose ward a sign is proposed to be placed pursuant to the contract authorized by ordinance shall approve the placement of such sign prior to such placement.**

**Section 2.** That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 20462.

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

**Ord. No. 1444-96.**

By Councilmen Jackson and Rokakis (by departmental request).  
An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the United States Department of Housing and Urban Development for the Homeownership Zone Program.

**Ord. No. 1445-96.**

By Councilmen Jackson and Rokakis (by departmental request).  
An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing, or its designee, to provide financial assistance in the form of a Community Development Float Loan to be used as compensating balance deposits in its rehabilitation loan programs.

**Ord. No. 1456-96.**

By Councilmen Patton and Rokakis (by departmental request).  
An emergency ordinance authorizing and directing the purchase by requirement contract of the rental of flasher safety lights, arrow bars and traffic control devices, for the various divisions of the Department of Public Utilities.

**Ord. No. 1457-96.**

By Councilmen Patton and Rokakis (by departmental request).  
An emergency ordinance authorizing and directing the purchase by requirement contract of service and maintenance of various heating, ventilation and air conditioning equipment, for the Division of Water Pollution Control, Department of Public Utilities.

**Ord. No. 1466-96.**

By Councilman Rokakis (by departmental request).  
An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1996 Title III-B Client Find/Supportive Services Program.

## BOARD OF CONTROL

September 11, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 11, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

**Resolution No. 600-96.**

By Director Hyer.  
Resolved, by the Board of Control of the City of Cleveland that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of August, 1996 in the amount of \$19,237.65, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

**Resolution No. 601-96.**

By Director Konicek.  
Whereas, Section 77 of the Charter of the City of Cleveland, Ohio and Ordinance No. 1227-95, passed June 18, 1996, require the concurrence of the Board of Control for the

establishment of the Office of Radio Communications of the Department of Public Utilities; and

Whereas, Section 129.36 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Director of Public Utilities to issue permits to parties wishing access to the City's radio communications system and to charge a fee for same, which fee shall be fixed by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 77 of the Charter of the City of Cleveland, Ohio and Ordinance No. 1227-95, passed June 18, 1996, the Board of Control hereby concurs in the establishment of the Office of Radio Communications System Management of the Department of Public Utilities.

Be it further resolved that pursuant to the provisions of Section 129.36 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is directed to charge a fee consisting of a one-time activation charge of \$100.00 and an annual access charge of \$50.00 for a permit to each party wishing access to the City's radio communications system.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 602-96.**

By Director Konicek.  
Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 965-93, passed by the Council of the City of Cleveland on July 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 engineering services necessary to design the rehabilitation of the existing fifteen (15) million gallon reservoir at the Crown Waterworks facility 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 May 21, 1996 and amended on August 1, 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 \$790,488.00 and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following subcontractors by Dodson-Stilson, Inc. for the abovementioned professional service is hereby approved:

SUBCONTRACTORS	WORK
Desman Associates	Consulting Services (MBE)
AAA Pipe	Inspection Services (FBE)

K S Associates

Survey &  
Construction  
Inspection  
(FBE)

City Blue  
Printing Co.

Blue Printing  
Services  
(FBE)

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 603-96.**  
By Director Konicek.

Whereas, pursuant to Ordinance No. 2109-90 passed by the Cleveland City Council on November 19, 1990 and Resolution Nos. 51-93 and 52-93, respectively, adopted by this Board of Control on January 27, 1993, the City, through the Director of Public Utilities, entered into agreements with Roth Enterprises, Inc. ("Roth") for the public improvements of constructing South Twinsburg 30" water supply main, phase I, and constructing South Twinsburg 24" water supply main, phase II, respectively, Contract Nos. 45794 and 45817, respectively; and

Whereas, Ohio Farmers Insurance Company ("Ohio Farmers"), as surety, and Roth, as principal, executed a performance bond for each of such contracts, where Ohio Farmers guaranteed performance of the contract as well as payment of any unpaid subcontractors or suppliers; and

Whereas, Ohio Farmers, by its December 5, 1995 letter, claimed the right to all funds retained from Roth under said contracts, by virtue of having paid performance bond claims for Roth under said bonds; and

Whereas, by its letter dated January 3, 1996 Roth directed that the City pay all retainages due from the City under said Contract Nos. 45794 and 45817, respectively, to Ohio Farmers Insurance Company; now, therefore

Be it resolved by the Board of Control of the City of Cleveland that the request and the direction of Roth Enterprises, Inc. for the assignment and payment to Ohio Farmers Insurance Company of all retainage due to Roth under City Contract Nos. 45794 and 45817, respectively, for the public improvements of constructing South Twinsburg 30" water supply main, phase I and constructing South Twinsburg 24" water supply main, phase II, respectively, in the amount of \$84,226.80 is hereby granted.

Be it further resolved that the Director of Public Utilities is hereby authorized to execute any documents necessary and appropriate to effect the assignment granted above. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 604-96.**  
By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 5, 1996 for Cooley Avenue relief sewer

- materials for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 111-93, passed by the Council of the City of Cleveland on February 8, 1993 are hereby rejected.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 605-96.**

By Director Cunningham.  
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance Nos. 1665-95 and 629-96, passed by the Cleveland City Council on October 23, 1995, and June 10, 1996, respectively, the firm of Sypher:Mueller, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Port Control from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Port Control as the firm to be employed by contract for the purpose of conducting an international and domestic cargo study and an international passenger study at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Sypher:Mueller, Inc. based on its proposal dated April 26, 1996, as amended by its letter dated August 21, 1996. The fee for such services shall be an amount not to exceed ninety-nine thousand six hundred fifteen and no/100 dollars (\$99,615.00).

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Sypher:Mueller, Inc. ("Consultant") is hereby approved:

**SUBCONTRACTOR SERVICE**

MKH Consulting  
Market research and analysis  
(FBE - 9%)

AR Whitfield &  
Associates  
Market research  
and analysis  
(MBE - 28%)

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 606-96.**

By Director Denihan.  
Be it resolved, by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name.

Bartkiw, Nickolas, #2505 Model Smith & Wesson 6906, Serial #TCH4005

Candow, William, #1882 Model Smith & Wesson 5943, Serial #TVB0376  
Clarney, Charles, #2508 Model Smith & Wesson 6906, Serial #TCH7753

Cook, Dennis, #2014 Model Smith & Wesson 6906, Serial #TCU4381  
Erne, James, Sgt. #9361 Model Smith & Wesson 5943, Serial #TVB0444

Gates, Bernard, #965 Model Smith & Wesson 5943, Serial #TVB0205  
Higgins, Daniel, #9417 Model Smith & Wesson 5943, Serial #TYR6149

Jeziar, Dennis, #458 Model Smith & Wesson 5943, Serial #TVB0363  
Knuckles, Thomas, #2412 Model Smith & Wesson 5943, Serial #TYR6141

Kornatowski, David, #1347 Model Smith & Wesson 6906, Serial #TCN4988  
Lawler, Francis E. Lieut. Model Smith & Wesson 5943, Serial #TVH5967

Marzec, Michael, #280 Model Smith & Wesson 6906, Serial #TCV6216  
O'Donnell, Edward, #1936 Model Smith & Wesson 5943, Serial #TVB0322

Reese, Samuel, #1212 Model Smith & Wesson 6906, Serial #TCV3184  
Sefcik, Boyce B. #2509 Model Smith & Wesson 6906, Serial #TCH4062

Smelko, James, #1946 Model Smith & Wesson 5943, Serial #TFK5136  
Sutton, Johnny, #1676 Model Smith & Wesson 5943, Serial #TFP6552

Tagg, Raymond, #2161 Model Smith & Wesson 5943, Serial #TVH5921  
Torok, Joseph, #1526 Model Smith & Wesson 5943, Serial #TVB0279

Villwock, Robert, Capt. Model Smith & Wesson 5943, Serial #TVH4816  
Warner, Roy Sgt. #9520 Model Smith & Wesson 6906, Serial #TCU2981

Zychowski, Larry, #2175 Model Smith & Wesson 5943, Serial #TVH5887

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.  
Nays: None.  
Absent: Mayor White.

**Resolution No. 607-96.**

By Director Spellman.  
Whereas, on February 28, 1996, this Board adopted Resolution No. 117-96 directing the Commissioner of Purchases and Supplies, pursuant to the authority of Ordinance No. 1469-94, passed by the Council of the City of Cleveland on March 6, 1995, to sell certain City-owned property described therein and known as Permanent Parcel No. 102-34-024, no longer needed for public use (the "Property"), to Budget Office Furniture for the consideration of Seventy-seven Thousand Dollars (\$77,000), which amount was determined to be not less than the fair market value; and

Whereas, prior to transfer of title, the Property was damaged by fire, which damage is found to have reduced the fair market value of the Property by Twenty-four Thousand, Five Hundred Dollars (\$24,500); now, therefore

Be it resolved, by the Board of Control of the City of Cleveland that Resolution No. 117-96 is hereby

amended by reducing the consideration to be paid for the Property from Seventy-seven Thousand Dollars (\$77,000) to Fifty-two Thousand, Five Hundred Dollars (\$52,500), which reduced amount is hereby determined to be not less than the fair market value, considering recent fire damage.

Be it further resolved that all other provisions of Resolution No. 117-96 not expressly amended herein shall remain in full force and effect.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 608-96.**

By Director Spellman.

Whereas, pursuant to Ordinance No. 1166-91 as amended by Ordinance No. 1107-92, passed by the Cleveland City Council on June 17, 1991 and June 8, 1992, respectively, and Resolution Nos. 180-91, 693-91, 502-92, 38-94, 579-95 and 657-95 adopted by this Board on March 27, 1991, August 21, 1991, June 10, 1992, January 26, 1994, August 2, 1995 and August 23, 1995, respectively, the Director of Parks, Recreation and Properties entered into an agreement with URS Consultants ("Consultant") for landscape architectural/civil engineering services for the Highland Park Cemetery Expansion Master Plan, Contract No. 43567, and first, second, third, fourth and fifth modifications thereto; and

Whereas, the City has determined a need for additional landscape architectural and engineering services for a stormwater drainage study required by the Village of Highland Hills and to design the Phase I maintenance building and prepare construction documents for Phase I acreage of approximately 20-30 acres at the Highland Park Cemetery; and

Whereas, the consultant has proposed by its letter dated June 25, 1996, as supplemented by letter dated August 9, 1996, to perform such additional services; and

Whereas, the City finds the consultant's proposal acceptable and desires to modify City Contract No. 43567 on the basis of such proposal to provide for the performance of and payment for such additional services; now, therefore,

Be it resolved that the Director of Parks, Recreation and Properties is hereby authorized to enter into a sixth modification to Contract No. 43567 with LRS Consultants, in accordance with the proposal dated June 25, 1996, as supplemented by letter dated August 9, 1996, for additional services necessary to complete the Highland Park Cemetery project and to increase the fees for such services by one hundred ninety-seven thousand, one hundred fifty-two and no/100 dollars (\$197,152.00) and reimbursable expenses by nine thousand and no/100 dollars (\$9,000.00). The total new contract amount will be four hundred fifty-eight thousand, one hundred four and no/100 dollars (\$458,104.00).

Be it further resolved that all other provisions of Contract No. 43567 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Directors Sobol Jordan,

Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 609-96.**

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. 121-18-154 located at 2181 East 100 Street in Ward 6; 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, Jared K. Tyus and Andrea L. Tyus, 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 6 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 Jared K. Tyus and Andrea L. Tyus for the sale and development of Permanent Parcel No. 121-18-154 located at 2181 East 100 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 610-96.**

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. 132-12-089 located at 5805 Hosmer Avenue in Ward 12; and

Whereas, Section 183.021 of the

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

Whereas, Paul E. and Ruth S. Price, 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 12 has consented to the proposed sale;

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

3. The proposed 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 Paul E. and Ruth S. Price for the sale and development of Permanent Parcel No. 132-12-089 located at 5805 Hosmer Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 611-96.**

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. 004-03-027 located at 2020 Follet 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, Jeffrey M. Chura, 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 Jeffrey M. Chura for the sale and development of Permanent Parcel No. 004-03-027 located at 2020 Follet Ct., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.  
Absent: Mayor White.

**Resolution No. 612-96.**

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. 007-07-007 located at 2187 West 38 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, Willard and Patricia Frye, 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 Willard and Patricia Frye for the sale and development of Permanent Parcel No. 007-07-007 located at 2187 West 38 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

Be it further resolved the consideration for said parcel shall be

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.  
Absent: Mayor White.

**Resolution No. 613-96.**

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. 006-04-122 located at 2089 West 80 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, Waldo C. and Dorma O. Boggs, 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 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 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 Waldo C. and Dorma O. Boggs for the sale and development of Permanent Parcel No. 006-04-122 located at 2089 West 80 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.  
Absent: Mayor White.

**Resolution No. 614-96.**

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. 006-22-086 located at 2175 West 45 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, Clyde S. and Susan D. Wilson, 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 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 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 Clyde S. and Susan D. Wilson for the sale and development of Permanent Parcel No. 006-22-086 located at 2175 West 45 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.  
Absent: Mayor White.

**Resolution No. 615-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 106-08-076 under said Land Reutilization Program; and

Whereas, Ordinance No. 1176-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Marvin D. and Carol L. Evans have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1176-96 passed August 14, 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 Marvin D. and Carol L. Evans for the sale and development of Per-

manent Parcel No. 106-08-076 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 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 the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 616-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 118-07-034 under said Land Reutilization Program; and

Whereas, Ordinance No. 1174-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Mattie Mae and Taze Adams have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1174-96 passed August 14, 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 Mattie Mae and Taze Adams for the sale and development of Permanent Parcel No. 118-07-034 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 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 the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 617-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 119-11-034 under said Land Reutilization Program; and

Whereas, Ordinance No. 1179-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Felton and Jackie Pitts

have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1179-96 passed August 14, 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 Felton and Jackie Pitts for the sale and development of Permanent Parcel No. 119-11-034 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 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 the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 618-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 107-09-013 under said Land Reutilization Program; and

Whereas, Ordinance No. 1180-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, John Ervin and Mary Byrd have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1180-96 passed August 14, 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 John Ervin and Mary Byrd for the sale and development of Permanent Parcel No. 107-09-013 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 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 the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 619-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 107-06-096 and 107-06-097 under said Land Reutilization Program; and

Whereas, Ordinance No. 1181-96 passed August 14, 1996 authorized the sale of said parcels subject to the direction of the Board of Control; and

Whereas, Fred L. Taylor has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1181-96 passed August 14, 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 Fred L. Taylor for the sale and development of Permanent Parcel Nos. 107-06-096 and 107-06-097 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 620-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 104-16-113 under said Land Reutilization Program; and

Whereas, Ordinance No. 1178-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Henry and Bertha Crowell have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1178-96 passed August 14, 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 Henry and Bertha Crowell for the sale and development of Permanent Parcel No. 104-16-113 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 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 the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 621-96.**

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 provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 102-29-031 under said Land Reutilization Program; and

Whereas, Ordinance No. 1305-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Gar W. Gee 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. 1305-96 passed August 14, 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 Gar W. Gee for the sale and development of Permanent Parcel No. 102-29-031 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 parcel shall be \$100,000, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 622-96.**

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 106-10-122 under said Land Reutilization Program; and

Whereas, Ordinance No. 1177-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Frank Kemp 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. 1177-96 passed August 14, 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 Frank Kemp for the sale and development of Permanent Parcel No. 106-10-122 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 parcel shall be \$400,000, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting

Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 623-96.**

By Director Warren.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to authority of Ordinance No. 56-94 passed by the City Council of the City of Cleveland June 13, 1994, the firm of Metcalf & Eddy of Ohio, Inc., nominated by the Director of Economic Development from a list of qualified consultants available for such employment as determined after a full and complete canvass by the Director of Economic Development, is hereby selected for the purpose of providing environmental studies at the Collinwood Yard Site to evaluate the site for contamination and to determine the method and costs of cleanup.

Be it further resolved that the Director of Economic Development is hereby authorized to enter into a contract with Metcalf & Eddy of Ohio, Inc. based upon the company's proposal of May 31, 1996, which contract shall provide that the compensation paid Metcalf & Eddy of Ohio, Inc. shall not exceed \$250,000, shall be paid by the Director of Economic Development and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: Mayor White.

**Resolution No. 624-96.**

By Director Spellman.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 304-96 passed by the Council of the City of Cleveland on March 8, 1996, the firm of Bradan Productions is hereby selected upon the nomination of the Director of Parks, Recreation & Properties from a list of qualified firms available for such employment and determined after a full and complete canvass by the Director of Parks, Recreation & Properties as the consultant to be employed by contract for the purpose of supplementing the regularly employed staff of several departments of the City in order to provide certain professional marketing and sales services necessary for the marketing and sale of memorabilia and reusable items as salvage materials of Cleveland Municipal Stadium.

Be it further resolved that the Director of Parks, Recreation & Properties hereby is authorized to enter into a written contract for such services with Bradan Productions based upon its proposal dated April 1, 1996, its "Letter of Agreement" dated August 29, 1996, and its letter dated September 29, 1996, which contract shall be prepared by the Director of Law and shall include such additional provisions as she deems necessary to benefit and protect the public interest.

Be it further resolved that the fees for services to be performed under the contract authorized hereby shall not exceed Ten percent

(10%) of sponsorship fees raised for "The Final Play!" and Ten percent (10%) of all gross sales from the sale and auction of goods and memorabilia from Cleveland Municipal Stadium.

Be it further resolved that the employment of Showcase Auctioneers as a sub-consultant to Bradan Productions is hereby approved.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Directors Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

JEFFREY B. MARKS,  
Secretary

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

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS****MONDAY, SEPTEMBER 30, 1996****9:30 A.M.**

Calendar No. 96-148: 4100 W. 150 St. National City Corp. owner, c/o Kathy Alapi, to install an addition to the existing accessory off-street parking lot at the rear of the 1085' x 1082' irregular shaped parcel located in a General Industry District at 4100 W. 150 St.; said proposed parking lot not being in conformance with the landscaping provisions of Section 352.10 of the Codified Ordinances.

Calendar No. 96-165: 2952 E. 65 St. Michael Sivillo, owner, to erect a 12' x 24' carport addition to the front of the 22' 6" x 32' 6" one and 1/2 story frame one family dwelling on a 40' x 84' lot located in a Two Family District at 2952 E. 65 St.; said addition to be located 5' from the street line instead of back of the 10' specific setback building line

contrary to Sections 357.07 and 357.13 of the Codified Ordinances.

Calendar No. 96-166: 4686 Pearl Rd., S.W.

4700 Pearl Rd. Ltd. Partnership, owner, c/o Victor Kassouf, and ZieCar Inc., tenant, c/o Guido Cariati, to use as an auto repair garage a 30' x 74' portion of the one story masonry nonconforming garage building on north part of the 115' x 128' irregular shaped corner lot located in a Local Retail District on the southwest corner of Stickney Ave. and Pearl Rd. at 4686 Pearl Rd.; said repair garage use being contrary to the local retail use limitations of Section 343.01 and said proposed use being located within 100' of a Residence District contrary to Section 345.03 and said use being subject to the substitution provisions of Section 359.01 of the Codified Ordinances.

Calendar No. 96-168: 6210 Fleet Ave., S.E.

Julie White, owner, and Ralph Romeo, prospective purchaser, to convert to a dwelling unit the first floor storeroom of the 24' x 64' one and two story frame store and suites building on a 40' x 140' lot located in a Local Retail District at 6210 Fleet Ave.; the west sideyard being 1.5' instead of 8' wide as required by Section 357.09 of the Codified Ordinances.

Calendar No. 96-174: 2710 Walton Ave., S.W.

Georg Abukamov, owner, and Volunteers of America, prospective purchaser, c/o Dennis Kresak, to raze a 40' x 60' two story frame portion on front and add a 42' x 21' two story addition to the front and convert to a dormitory the 100' x 80' masonry one story and basement nonconforming social hall on the 100' x 180' lot located in a C-Multi-Family District at 2710 Walton Ave.; said use to be located within 15' of the premises to the west and north contrary to the distance requirements of Section 337.08 and the gross floor area to be approximately 77% instead of the 50% maximum of Section 355.04 and said proposed dormitory to have a 10' rear yard and 0' sideyards instead of the 20' and 8' requirements of Sections 357.08 and 357.09 of the Codified Ordinances.

ANTHONY COSTANZO,  
Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 16, 1996

At the Meeting of the Board of Zoning Appeals, on, Tuesday, September 9, 1996, the following appeals were heard by the Board, and decided on Monday, September 30, 1996.

The following appeals were **Granted:**

Calendar No. 96-140: 1226-28 W. 6th Street

Bradley Associates Ltd., owner, c/o Richard Hammitt, and AT&T Wireless Services, tenant, c/o Gannon Sutter to install 12 panel antennas.

Calendar No. 96-150: 939 E. 185th Street

Fotomat Corp., owner and Quickchange Operating Co., Ltd., prospective purchaser, c/o Tim LaGanke, to construct a 16' x 28' 8" one story "oil change" building and site improvements. (Conditional Grant)

Calendar No. 96-151: 6308 Fleet Ave., S.E.

Joanna Mitroff, owner, and Kaimierz Chruscik, tenant, to convert to a grocery store with accessory food processing.

Calendar No. 96-157: 17300 Harvard Ave., S.E.

City of Cleveland, Division of Recreation, owner, c/o Michael Cox, To erect a 40' x 40' one story addition.

The following appeal was **Refused:**

Calendar No. 96-153: 3328 W. 58th St.

Ronald J. Root, owner, and David G. Jaworski, prospective purchaser, to appeal under authority of Section 329.01 and Section 329.02, from the refusal to approve the lot split.

The following appeals were **Post-poned:**

Calendar No. 96-158: 10207 Madison Ave., N.W. to September 30, 1996

Calendar No. 96-161: 18503 Golf View Dr., S.W. to September 30, 1996

ANTHONY COSTANZO,  
Secretary

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

NO MEETING

### PUBLIC NOTICE

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

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

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

### NOTICE OF PUBLIC HEARING

NONE

### CITY OF CLEVELAND BIDS

For All Departments

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

**Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to**

**the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.**

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

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

WEDNESDAY, OCTOBER 2, 1996

**Drug House Board Up**, for the Department of Community Development, as authorized by Ordinance No. 622-96, passed by the Council of the City of Cleveland, May 20, 1996.

September 11 and September 18, 1996

THURSDAY, OCTOBER 3, 1996

**Phase II A-Renovations Roof Repair-12302 Kirby Avenue**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 535-94, passed by the Council of the City of Cleveland, June 6, 1994.

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

September 11 and September 18, 1996

THURSDAY, OCTOBER 10, 1996

**Lake Road Exterior Maintenance**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 424-96, passed by the Council of the City of Cleveland, May 6, 1996.

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, SEPTEMBER 25, 1996, 10:00 A.M. AT THE OFFICES OF CLEVELAND PUBLIC POWER, 1300 LAKE-SIDE AVENUE.**

September 11 and September 18, 1996

WEDNESDAY, OCTOBER 2, 1996

**De-Icer Collection Services**, for the Various Divisions of the Department of Port Control, as autho-

rized by Ordinance No. 1029-96, passed by the Council of the City of Cleveland, June 10, 1996.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 1996 AT 10:00 A.M. IN THE ENGINEERING CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

September 18 and September 25, 1996

**THURSDAY, OCTOBER 3, 1996**

**Cooley Avenue Area Relief Sewer - Materials**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 111-93, passed by the Council of the City of Cleveland, February 8, 1993.

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.

\*\*THIS IS A MINORITY SET ASIDE BID.

**Various Sewer Maintenance Appurtenances (Castings)**, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

September 18 and September 25, 1996

**FRIDAY, OCTOBER 4, 1996**

**One (1) 4x4, Medium Duty Passenger Vehicle**, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 8, 1995.

September 18 and September 25, 1996

**WEDNESDAY, OCTOBER 9, 1996**

**Computer Hardware and Software**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1163-96, passed by the Council of the City of Cleveland, July 17, 1996.

September 18 and September 25, 1996

**THURSDAY, OCTOBER 10, 1996**

**D.A.R.E Instructional Items**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1446-95, passed by the Council of the City of Cleveland, November 27, 1996.

**9mm Pistols**, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Eddy Road Rehabilitation**, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 905-93, passed by the Council of the City of Cleveland, June 14, 1993.

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.

September 18 and September 25, 1996

**FRIDAY, OCTOBER 11, 1996**

**One (1) Tar Kettle**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 918-96, passed by the Council of the City of Cleveland, June 18, 1996.

**One (1) Tar Kettle**, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 764-96, passed by the Council of the City of Cleveland, June 12, 1996.

September 18 and September 25, 1996

**WEDNESDAY, OCTOBER 16, 1996**

**Cleveland Municipal Lakefront Stadium Demolition**, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland, March 8, 1996.

BID DOCUMENTS MAY BE PURCHASED FOR ONE HUNDRED FIFTY DOLLARS (\$150.00) (CERTIFIED OR CASHIER'S CHECK ONLY). A PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 1, 1996, 10:00 A.M. AT THE SITE: CLEVELAND MUNICIPAL STADIUM, GATE A, 1085 WEST 3RD STREET, CLEVELAND, OHIO 44114.

September 18 and September 25, 1996

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1637-96.**  
**By Councilman Britt.**  
**An emergency resolution to amend Section 1 of Res. No. 1493-96 objecting to the renewal of a Liquor Permit at 8502 Quincy Avenue.**

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 Section 1 of Res. No. 1493-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 2455445, owned by Quincy Savmor, 8502 Quincy Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1493-96, adopted August 14, 1996, be and the same is hereby repealed.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1638-96.**

**By Councilman Britt.**

**An emergency resolution to amend Section 1 of Res. No. 1494-96 objecting to the renewal of a Liquor Permit at 8624 Cedar Avenue.**

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 Section 1 of Res. No. 1494-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 3657326, owned by All American Food Market, 8624 Cedar Avenue, Cleveland, Ohio 44104, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1494-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1639-96.**

**By Councilman Miller.**

**An emergency resolution to amend Section 1 of Res. No. 1501-96 objecting to the renewal of a Liquor Permit at 13840 Bellaire Road.**

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 Section 1 of Res. No. 1501-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 7707800, owned by Sam's Bellaire Mini Mart Inc., dba Sam's Mini Mart, 13840 Bellaire Road, Cleveland, Ohio 44135, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1501-96, adopted August 14, 1996, be and the same is hereby repealed.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1640-96.**  
**By Councilman Miller.**  
**An emergency resolution to amend Section 1 of Res. No. 1502-96 objecting to the renewal of a Liquor Permit at 16120 Brookpark Road.**

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 Section 1 of Res. No. 1502-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 6703214, owned by Parkbrook Inc., 16120 Brookpark Road, Cleveland, Ohio 44135, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1502-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1641-96.**  
**By Councilman O'Malley.**  
**An emergency resolution to amend Section 1 of Res. No. 1518-96 objecting to the renewal of a Liquor Permit at 6125 Denison Avenue.**

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 Section 1 of Res. No. 1518-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 0699142, owned by Big O Inc., 6125 Denison Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1518-96, adopted August 14, 1996, be and the same is hereby repealed.

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

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1642-96.**  
**By Councilman O'Malley.**  
**An emergency resolution to amend the Title and Section 1 of Res. No. 1522-96 objecting to the renewal of a Liquor Permit at 4484-88 State Road.**

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

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

**Section 1.** That the Title and Section 1 of Res. No. 1522-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"An Emergency Resolution objecting to the renewal of a Liquor Permit at 4484-88 State Road."

Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 2589593-0001, owned by Evelyn E. Kinsey Inc., DBA Paradise Inn, 4484-88 State Road, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That the Title and Section 1 of Res. No. 1522-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1643-96.**  
**By Councilman O'Malley.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4533 State Road, and repealing Res. No. 1504-96, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4533 State Road by Res. No. 1504-96, adopted August 14, 1996; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4533 State Road be and the same is hereby withdrawn and Res. No. 1504-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1644-96.**  
**By Councilman Paulenske.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2X Liquor Permit to 3291 East 49th Street.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 62196230005, Husam R. Muhammad, dba Sunshine Market, 3291 East 49th Street, Cleveland, Ohio 44127, to Permit No. 4636771, Kimberly Inc., dba F & H Market, 3291 East 49th Street, 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 C2 and C2X Liquor Permit from Permit No. 62196230005, Husam R. Muhammad, dba Sunshine Market, 3291 East 49th Street, Cleveland, Ohio 44127, to Permit No. 4636771, Kimberly Inc., dba F & H Market, 3291 East 49th Street, Cleveland, Ohio 44127, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1645-96.**

**By Councilman Paulenske.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 5238 St. Clair Avenue.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 8789616, Tom & Tang Company, 5238 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44103, to Permit No. 9693968, Wing San Inc., dba Golden House Restaurant, 5238 St. Clair Avenue, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 8789616, Tom & Tang Company, 5238 St. Clair Avenue, first floor and basement, Cleveland, Ohio 44103, to Permit No. 9693968, Wing San Inc., dba Golden House Restaurant, 5238 St. Clair Avenue, Cleveland, Ohio 44103, and requests the Director of Liquor Control to set a hearing for

said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1646-96.**

**By Councilman Polensek.**

**An emergency resolution to amend Section 1 of Res. No. 1512-96 objecting to the renewal of a Liquor Permit at 15610 Lakeshore Blvd.**

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 Section 1 of Res. No. 1512-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 7152011, owned by Sunoco Food Mart, 15610 Lakeshore Blvd., Cleveland, Ohio 44110, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1512-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1647-96.**

**By Councilman Rokakis.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 and D6 Liquor Permit to 5200 Memphis Avenue, and repealing Res. No. 1367-96, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 5200 Memphis Avenue by Res. No. 1367-96, adopted July 17, 1996; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a D5 and D6 Liquor Permit to 5200 Memphis Avenue be and the same is hereby withdrawn and Res. No. 1367-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1648-96.**

**By Councilman Rybka.**

**An emergency resolution to amend Section 1 of Res. No. 1531-96 objecting to the renewal of a Liquor Permit at 6557 Broadway Avenue.**

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 Section 1 of Res. No. 1531-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 8200744, owned by Key Beverage, 6557 Broadway Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1531-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1649-96.**

**By Councilman Westbrook.**

**An emergency resolution to amend Section 1 of Res. No. 1544-96 objecting to the renewal of a Liquor Permit at 8601 Detroit Avenue.**

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 Section 1 of Res. No. 1544-96, adopted August 14, 1996, be and the same is hereby amended to read as follows:

"Section 1. That Council does hereby record its objection to the renewal of a Liquor Permit, Permit No. 2682528, owned by Feras Corp. and Salwa Sou Sou, 8601 Detroit Avenue, Cleveland, Ohio 44102, and requests

the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 of the Revised Code."

**Section 2.** That Section 1 of Res. No. 1544-96, adopted August 14, 1996, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1650-96.**  
**By Councilman White.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10808 Dove 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 C2 and C2X Liquor Permit from Permit No. 64143750010, Nile Star Inc., dba Sav Way Mini Market II, 10808 Dove Avenue, first floor and basement, Cleveland, Ohio 44105, to Permit No. 2287731, Dove Co., dba Sav Way Mini Market II, 10808 Dove Avenue, first floor and basement, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No.

64143750010, Nile Star Inc., dba Sav Way Mini Market II, 10808 Dove Avenue, first floor and basement, Cleveland, Ohio 44105, to Permit No. 2287731, Dove Co., dba Sav Way Mini Market II, 10808 Dove Avenue, first floor and basement, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1651-96.**  
**By Councilman White.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 12401 Corlett Avenue, first floor, and repealing Res. No. 1063-96, objecting to said transfer of ownership.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 12401 Corlett Avenue, first floor, by Res. No. 1063-96, adopted June 3, 1996; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 12401 Corlett Avenue, first floor, be and the same is hereby withdrawn and Res. No. 1063-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Res. No. 1652-96.**  
**By Councilman Willis.**

**An emergency resolution to repeal Res. No. 1547-96 objecting to the renewal of a Liquor Permit at 422 Eddy Road.**

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 Res. No. 1547-96, adopted August 14, 1996, objecting to the renewal of a liquor permit at 422 Eddy Road, be and the same is hereby repealed.

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

Adopted September 9, 1996.  
Effective September 17, 1996.

**Ord. No. 1627-96.**

**By Councilmen Britt, 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 2211, 2182 East 81 Street and 2175, 2214 East 80 Street to Fairfax Renaissance Development Corp.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-28-097, 119-28-109, 119-28-142, and 119-28-153, as more fully described in Section 2 below, to Fairfax Renaissance Development Corp.

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

P.P. No. 119-28-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 108 in The Curtiss Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407 as shown by the recorded plat of said Subdivision in Volume 32 of Maps, Page 22 of Cuyahoga County Records. Said Sublot No. 108 has a frontage of 40 feet on the easterly side of East 81st Street, formerly 81st Street S.E., and extends back between parallel lines 101 50/100 feet, as appears by said plat.

Also subject to Zoning Ordinances, if any.

P.P. No. 119-28-109

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



Ohio, and known as being Sublot No. 92 in the Curtiss-Ambler Realty Company's Subdivision of part of Original 100 Acre Lot No. 407 as shown by this recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 81st Street and extends back between parallel lines 101.5 feet deep as appears by said plat, be the same more or less but subject to all legal highways.

Also subject to Zoning Ordinances; if any.

P.P. No. 119-28-142

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 51 in the Curtiss-Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 80th Street and extending back of equal width 101.50 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 119-28-153

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 36 in the Curtiss-Ambler Realty Company's Subdivision of part of Original One Hundred Acre Lot No. 407, as shown by the recorded plat in Volume 32 of Maps, Page 22 of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 80th Street, and extending back of equal width 102 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1628-96.**

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

**An emergency ordinance to repeal Ordinance Nos. 873-96 and 874-96, passed June 10, 1996, relating to the levy of special assessments for the repair or improvement of underground vaults encroaching on the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street, except for the south side of Prospect Avenue between East 4th Street and East 6th Street, and on Huron Road from approximately 100 feet east of East 6th Street extending east to approximately 200 feet east of East 9th Street and on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in the City of Cleveland.**

Whereas, in Ordinance No. 874-96, passed June 10, 1996, the Council of the City levied special assessments for the repair or improvement of underground vaults encroaching upon the public right-of-way on Prospect Avenue from Ontario Street extending east to East 9th Street and on Huron Road from East 6th Street extending east to approximately 200 feet east of East 9th Street in the City of Cleveland; and

Whereas, in Ordinance No. 873-96, passed June 10, 1996, the Council of the City levied special assessments for the repair or improvement of underground vaults encroaching upon the public right-of-way on Prospect Avenue from East 9th Street extending east to East 55th Street, and on East 4th Street from Euclid Avenue extending south to Prospect Avenue in the City of Cleveland;

Whereas, the actual cost of the special assessments has not been finally ascertained; 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 Ordinance No. 874-96, passed June 10, 1996 and Ordinance No. 873-96, passed June 10, 1996, are hereby repealed.

**Section 2.** That the Clerk of Council is hereby directed to file a certified copy of this ordinance with the Auditor of Cuyahoga County within twenty (20) days of the date of its passage.

**Section 3.** That the Commissioner of Assessments and Licenses is hereby directed to notify the affected property owners forthwith of the passage of this ordinance.

**Section 4.** That the Commissioner of Assessments and Licenses is directed to prepare revised assessments and file them in the Office of the Clerk of Council with all deliberate speed but in no event later than one year from the date of passage of this ordinance.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1629-96.**

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

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 1012-96, passed June 18, 1996, relating to a contract with Castle Precision Industries, 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 the title and Section 1 of Ordinance No. 1012-96, June 18, 1996, are hereby amended to read, respectively, as follows:

Authorizing the Director of Economic Development to enter into a contract with Castle Precision Industries, or its designee, to provide economic development assistance to partially finance the acquisition of land and building and the purchase of machinery and equipment to produce aircraft landing gear, located at 12401 Taft Avenue, Cleveland, Ohio.

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with Castle Precision Industries, or its designee, to provide economic development assistance to partially finance the acquisition of land and building and the purchase of machinery and equipment to produce aircraft landing gear, located at 12401 Taft Avenue, Cleveland, Ohio.

**Section 2.** That the existing title and Section 1 of Ordinance No. 1012-96, June 18, 1996, are hereby repealed.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1630-96.**

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

**An emergency ordinance determining the method of making the public improvement of constructing Phase II of the Spring Road Relief Sewer project, 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 constructing Phase II of the Spring Road Relief Sewer project, 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. 23004.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1631-96.  
By Councilmen Melena and Westbrook.**

**An emergency ordinance consenting and approving the issuance of a permit for the Cleveland AIDS Walk on September 29, 1996, sponsored by the Health Issues Task Force of Cleveland.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of the Cleveland AIDS Walk Race, sponsored by the Health Issues Task Force of Cleveland, on September 29, 1996, beginning at Edgewater Park, through Edgewater Park to Edgewater Drive, west on Edgewater Drive to the Cleveland-Lakewood border, outside the City limits into the City of Lakewood, return back into Cleveland at West 117th Street and Clifton, east on Clifton to West Blvd., West Blvd. back into Edgewater Park and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1632-96.  
By Councilman Paulenske.  
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Cleveland State University's Department of Student Life to stretch a**

**banner across Euclid Avenue, between East 21st and East 22nd Streets, for the period from September 16, 1996 to September 28, 1996, inclusive, publicizing the Opening of the School Year to New and Returning Students.**

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 Cleveland State University's Department of Student Life to install, maintain and remove a banner across Euclid Avenue, between East 21st and East 22nd Streets, (pole numbers B-65-21 and BO-21-14) for the period from September 16, 1996 to September 28, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1634-96.  
By Councilmen Paulenske and Smith.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to United Way Services to stretch banners on Euclid Ave. at E. 12th Street, in front of 419 Euclid Ave., on Carnegie Ave. at E. 9th Street by I-77/I-71, on Superior Ave. at W. Roadway, and on Lorain Ave. east of W. 26th Street for the period from October 1, 1996 to November 1, 1996, inclusive, publicizing its Fund-Raising Campaign.**

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 United Way Services to install, maintain and remove banners on Euclid Ave. at E. 12th Street (pole numbers B62-4 and B63-4), in front of 419 Euclid Ave. (pole numbers B59-8 and B58-8), on Carnegie Ave. at E. 9th Street

by I-77/I-71 (pole numbers B7-71 and B7-74), on Superior Ave. at W. Roadway (pole numbers B15-1 and B13-16), and on Lorain Ave. east of W. 26th Street for the period from October 1, 1996 to November 1, 1996, inclusive. Said banners shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

Passed September 9, 1996.

Effective September 17, 1996.

**Ord. No. 1635-96.  
By Councilman Smith.  
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Ignatius High School to stretch small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from September 15, 1996 to October 15, 1996, inclusive, publicizing its Reunion and Cleveland's Bicentennial.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to St. Ignatius High School to install, maintain and remove small flags on various light poles on Lorain Avenue, between W. 28th and W. 30th Streets, for the period from September 15, 1996 to October 15, 1996, inclusive. Said small flags 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 small flags will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said small flags and said small flags shall be removed promptly upon the expiration of said permit.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed September 9, 1996.  
Effective September 17, 1996.

**Ord. No. 1636-96.**

**By Councilman White.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Cornerstone Missionary Baptist Church to stretch a banner in front of the church, 8915 Miles Park, for the period from September 10, 1996 to October 10, 1996, inclusive, publicizing its Revival.**

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 Cornerstone Missionary Baptist Church to install, maintain and remove a banner in front of the church, 8915 Miles Park, for the period from September 10, 1996 to October 10, 1996, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be

hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed September 9, 1996.  
Effective September 17, 1996.

**COUNCIL COMMITTEE MEETINGS**

**Thursday, September 12, 1996**

**City Planning Committee (joint with Public Parks, Property and Recreation Committee): 10:00 A.M.** — Present: Rybka, Chrm.; Britt, V-Chrm.; O'Malley, White, Zone. Excused: Paulenske, Rokakis.

**Public Parks, Property and Recreation Committee (joint with City Planning Committee): 10:00 A.M.** — Present: Johnson, Chrm.; Rybka, V-Chrm.; Miller, Patton, Robinson, White. Excused: Paulenske.

**Monday, September 16, 1996**

**Public Health Committee: 9:30 A.M.** — Present: Robinson, Chrm.;

Miller, V-Chrm.; Britt, Melena, O'Malley, Zone. Excused: Jackson.

**Employment, Affirmative Action and Training Committee: 11:00 A.M.**

— Present: Patmon, Chrm.; Smith, V-Chrm.; Jackson, Lewis, Melena, Polensek, Robinson.

**Finance Committee: 2:00 P.M.**

— Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

**Tuesday, September 17, 1996**

**Legislation Committee: 1:30 P.M.**

— Present: McGuirk, Chrm.; Willis, V-Chrm.; Britt, Johnson, Patton, Rokakis, Rybka.

**Wednesday, September 18, 1996**

**Aviation and Transportation Committee: 10:00 A.M.**

— Present: Miller, Chrm.; Paulenske, V-Chrm.; Patmon, Rokakis, White, Willis. Excused: McGuirk.

**City Planning Committee (joint with Public Parks, Property and Recreation Committee): 10:00 A.M.**

— Present: Rybka, Chrm.; Britt, V-Chrm.; O'Malley, Paulenske, White, Zone. Excused: Rokakis.

**Public Parks, Property and Recreation Committee (joint with City Planning Committee): 10:00 A.M.**

— Present: Johnson, Chrm.; Rybka, V-Chrm.; Miller, Patton, Paulenske, White. Excused: Robinson.

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