

The City Record

Official Publication of the City of Cleveland

October the Fifteenth, Nineteen Hundred and Ninety-Seven

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, _____, Councilman Jay Westbrook.

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

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

CLEVELAND LANDMARKS COMMISSION - Room 519, _____, Director; R. Schanfarber, Chairman; Paul Volpe, Vice Chairman; Robert Keiser, Secretary; Judge Lillian Burke, James Gibans, Hunter Morrison, Kenneth 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

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WEDNESDAY, OCTOBER 15, 1997

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CITY COUNCIL

MONDAY, OCTOBER 13, 1997

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio October 13, 1997.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Directors Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, Holland, Willis, Nelson, Morrison and Acting Director Milton.

Absent: Mayor White and Director Sobol-Jordan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Father Bede Kotlinski, OSB, St. Andrew Abbey - Benedictine High School. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1909-97.

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

File No. 1910-97.

From the National City Bank re: Investment of Transaction Statement, July 1, 1997 through September 30, 1997. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1912-97.

Re: New Application - 1446589 - Chrismar Food Arts LTD, 10427 Clifton Blvd. 1st floor and basement. (Ward 18). Received.

File No. 1913-97.

Re: New Application - 0113654 - Alexandria 14339 Inc. dba St. Clair Deli & Beverage, 14339 St. Clair Avenue. (Ward 10). Received.

File No. 1914-97.

Re: New Application - 74015604788 - Rite Aid of Ohio Inc. dba Rite Aid Pharmacy 4788, 7109 Harvard Avenue. (Ward 12). Received.

File No. 1915-97.

Re: Transfer of Ownership - 4806337 - Kostas L.L.C. dba Kostas, 2179-81 West 11th Street first floor and basement. (Ward 13). Received.

File No. 1916-97.

Re: Transfer of Ownership - 1571888 - Club Brazilia S.A. Corporation dba Club Brazilia S.A., 2020 Center Street, Mezzanine and Patio. (Ward 14). Received.

File No. 1917-97.

Re: Transfer of Ownership - 1615385 - Clora Coleman dba Burrells Beverage, 14805 St. Clair Avenue. (Ward 10). Received.

File No. 1918-97.

Re: Transfer of Ownership - 6548639 - 10509 Ashbury Inc. dba First Choice Beverage, 10509 Ashbury Avenue. (Ward 9). Received.

File No. 1919-97.

Re: Transfer of Ownership - 4288011 - J.H.C. & E.M.C. Tavern Inc. dba Fritz's Tavern, 991 East 185th Street, first floor and basement. (Ward 11). Received.

File No. 1920-97.

Re: Transfer of Ownership - 6695506 - Paradise Productions Inc. dba Pipes Inn, 10212 Madison Avenue. (Ward 18). Received.

File No. 1921-97.

Re: Transfer of Ownership - 39948770005 - Hot Stock Inc. dba Lira, 55 Public Square Suite 1. (Ward 13). Received.

File No. 1922-97.

Re: Transfer of Ownership - 0311113 - Attallah Food Market Inc., 3459 West 54th Street, first floor and basement. (Ward 17). Received.

File No. 1923-97.

Re: Transfer of Ownership - 5285620 - Looneys Pub & Eatery Inc. dba Looneys Pub & Eatery, 4061 East 71st Street. (Ward 12). Received.

File No. 1924-97.

Re: Transfer of Ownership and Location - 1446589 - Chrismar Food Arts LTD, 10427 Clifton Blvd. First floor and basement. (Ward 18). Received.

File No. 1925-97.

Re: Transfer of Location - 59500940001 - Miles & Lee Market Inc. dba Damons Deli, 4336-40 Lee Road. (Ward 1). Received.

File No. 1926-97.
Re: Transfer of Location - 03455980001 - Azzam Brothers Inc., 5603 Fleet Avenue. (Ward 12). Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 1927-97.
From the Department of Parks, Recreation and Properties re: Contract No. 48430 for John F. Kennedy Roof Repairs. Received.

OATH OF OFFICE

File No. 1928-97.
Oath of office for Gregory G. Huth, Assistant Director for the Department of Economic Development. Received.

File No. 1929-97.
Oath of office for Linda M. Hudecek, for Assistant Director for the Department of Community Development. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1911-97—John Ryder.
Res. No. 1951-97—Sister Eloise V. Harvey.

Res. No. 1952-97—Daisy Lee (Gaffney) Craggett.

Res. No. 1953-97—Noreen C. Lewis.

CONGRATULATORY RESOLUTIONS

The rules were suspended and the following Resolutions were adopted with objection:

Res. No. 1954-97—St. Matthew United Methodist Church.

Res. No. 1955-97—John Mulhall.

Res. No. 1956-97—American Heritage Rivers Initiative.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1930-97.

By Councilman Smith.

An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Procop's Church to encroach into the public right-of-way of portions of West 41st Street, Newark Avenue and Trent Avenue with church identification banners to be hanged on C.P.P. and C.E.I. utility poles (by separate permits) for the period of September, 1997 to September, 1998.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to St. Procop's Church, 3181 West 41st Street, Cleveland, Ohio 44102; its successors and assigns, for the construction, use and maintenance of approximately (10) ten church identification banners, to be hanged on Cleveland Public Power (C.P.P.) and Cleveland Electric Illuminating Company (C.E.I.) utility poles (by separate permits), for the period of September, 1997 to September, 1998, which banners will encroach into the

public right-of-way on portions of West 41st Street, Newark Avenue and Trent Avenue, and are more fully described as follows:

**ST. PROCOP'S CHURCH BANNERS/
W. 41ST ST., TRENT AVE.,
NEWARK AVE.**

**LOCATION POLE
OF POLE: NUMBER: OWNER:**

West 41st Street #38088 C.P.P.
N.E. Corner of
Newark Ave.

West 41st Street #38036 C.P.P.
N.W. Corner of
Newark Ave.

West 41st Street No
S.E. Corner of Trent Ave. Number C.E.I.

3182 West 41st #CPT B1196
Street SPP45 170 C.P.P.

West 41st Street #37927 C.P.P.
S.W. Corner of
Trent Ave.

Section 2. That said banners will be hanged within the public right-of-way of portions of the streets as aforesaid, and said banners will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

Section 3. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to attach or affix any objects to poles described in Section 1 of this ordinance.

Section 4. 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 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 1931-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice, Office of Community Oriented Policing Services for the COPS - Leadership Development Training Program; and to enter into contract for training services necessary to implement the 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 \$104,140, from the U.S. Department of Justice, Office of Com-

munity Oriented Policing Services ("COPS"), to conduct the COPS - Leadership Development Training 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. 1931-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety is authorized to enter into contract to provide training services as needed to implement the COPS - Leadership Development Training Program as described in the application contained in the file.

Section 4. That the cost of the contract authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 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.

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

Ord. No. 1932-97.

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

An emergency ordinance establishing a Community Reinvestment Area in the area of 5114 Herman Avenue, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain finding and determinations in connection therewith.

Whereas, Section 3735.65 et seq., of the Ohio Revised Code authorizes municipalities to designate Community Reinvestment Areas where certain criteria have been met; and

Whereas, the area located at 5114 Herman Avenue is an area in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

Whereas, the City desires to encourage new housing construction and the repair of existing housing facilities to eliminate blight and prevent the recurrence of blight by granting tax exemptions; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Area will encourage development in the area located at 5114 Herman Avenue and will, furthermore, eliminate blight and prevent the recurrence thereof in the Area; now, therefore,

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

Section 1. That based upon information and data presented to this Council and the information contained in Council File No. 1776-A-90-

A, it is hereby found and determined that the area located at 5114 Herman Avenue (Permanent Parcel No. 003-10-008) is a blighted and deteriorated area in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

Section 2. That the area hereinabove described is hereby designated a Community Reinvestment Area pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code.

Section 3. That the renovation of an apartment building in the Community Reinvestment Area is hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owner of such real property in the Community Reinvestment Area described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of ten (10) years for 100% of the assessed taxes for the construction activities described above.

Section 4. That the Commissioner of Neighborhood Development for the City of Cleveland shall serve as the Housing Officer, as defined by Section 3735.65 *et seq.* of the Ohio Revised Code, for the Community Reinvestment Area described hereinabove and shall administer all activities carried out pursuant to Section 3735.65 *et seq.* of the Ohio Revised Code and this ordinance. That this exemption from real property taxation is contingent upon all applicable requirements of Section 3735.65 *et seq.* of the Ohio Revised Code and this ordinance having been met.

Section 5. That to the extent that the findings and the exemptions from real property taxation set forth hereinabove conflict with any provisions of ordinances passed by this Council prior to the passage of this ordinance, the provisions of this ordinance shall prevail commencing upon the effective date of this ordinance.

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. 1933-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contrast of labor and materials necessary to repair, maintain and service MSA breathing apparatus, gas testers and explosive meters, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to repair, maintain and service MSA breathing apparatus gas testers and explosive meters in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20615)

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

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

Ord. No. 1934-97.
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 562-97, passed June 16, 1997, relating to the public improvement of installing permanent runway and taxiway lighting at Cleveland Hopkins International Airport.

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

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

Section 1. That Section 3 of Ordinance No. 562-97, passed June 16, 1997, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104 and 60 SF 106, Request No. 22578.

Section 2. That existing Section 3 of Ordinance No. 562-97, passed June 16, 1997, is hereby repealed.

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

from and after the earliest period allowed by law.

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

Ord. No. 1935-97.
By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair water mains and appurtenances, for the Division of Water, Department of Public Utilities.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23410)

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

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

Ord. No. 1936-97.
By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Utilities to make alterations and modifications in Contract No. 49485, for the Public Square sewer replacement project with Terrace Construction Co. for the Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make the following alterations and modifications in Contract No. 49485 for the Public Square sewer replacement project with Terrace Construction Co., for the Department of Public Utilities:

SUBSIDIARY ADDITIONS

1. Removal of pipe encased with asbestos containing material	\$6,442.88
2. Protection of fiber cable during excavating and sheeting	2,794.97
3. Perform test hole to determine the location of where the sewers on Superior Avenue and the West Roadway connected	5,426.22
4. Removal and reconstruction of 16" steam line and expansion manhole	+ 3,053.79
Subsidiary Additions	\$17,717.86
Subsidiary Additions	\$17,717.86
Less amount remaining in contract	- 1,239.65
TOTAL SUBSIDIARY ADDITIONS	\$15,238.54
Original Contract Amount	\$421,432.00
Total Subsidiary Additions	+ 15,238.54
REVISED CONTRACT AMOUNT	\$436,670.54

which alteration has been recommended in writing by the said Director of Public Utilities, countersigned by the Mayor, and consented to by the surety on said contract, which price to be paid therefor has been agreed upon in writing and signed by the Director of Public Utilities and the Contractor. This alteration will cause an increase in the amount of the original contract in the amount of \$15,238.54, to be paid from Fund Nos. 53 SF 095 and 53 SF 017.

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

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

Ord. No. 1937-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of distribution water mains, 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 cleaning and cement mortar lining of distribution water mains, for the Division of Water, 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. 52 SF 001, Request No. 23411.

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

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

Ord. No. 1938-97.

By Councilman Skrha.

An emergency ordinance to vacate a portion of East 3rd Street (formerly Hickox Street) hereinafter described.

Whereas, on the 2nd day of June, 1997, the Council of the City of Cleveland adopted Resolution No. 439-97 declaring its intention to vacate a portion of East 3rd Street (formerly Hickox Street) hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 439-97 has been served upon the owners of all the property abutting East 3rd Street (formerly Hickox Street) affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 9th day of October 1997, the Board of Revision of Assessments approved the vacation of East 3rd Street (formerly Hickox Street), hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating East 3rd Street (formerly Hickox Street), hereinafter described and that it will not be detrimental to the general interest and ought to be made; 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 all that portion of East 3rd Street (formerly Hickox Street), between the Southerly line of Euclid Avenue and the Northerly line of Prospect Avenue, lying within the periphery of a circle and being Westerly of a line 16.50 feet Westerly of

the Easterly line of said East 3rd Street as established by Ordinance passed by the Council of the City of Cleveland on March 13, 1838.

Section 2. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of East 3rd Street (formerly Hickox Street), herein provided by sending him a copy of this Ordinance.

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

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

Ord. No. 1939-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 2042-96, passed December 16, 1996, relating to labor and materials needed to remove and install carpeting in the courtrooms, judges' chambers and offices.

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 1 of Ordinance No. 2042-96, passed December 16, 1996, is hereby amended to read as follows:

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court 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 needed to remove and install carpeting in the courtrooms, judges' chambers and offices, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Finance, on behalf of the Cleveland Municipal Court.

Section 2. That existing Section 1 of Ordinance No. 2042-96, passed December 16, 1996, is hereby repealed.

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

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

Ord. No. 1940-97.

By Councilman Melena.

An emergency ordinance designating the Hanna-Figueroa House as a Cleveland Landmark.

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of the Hanna-Figueroa House as a landmark; and

Whereas, the owner of the Hanna-Figueroa House has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Hanna-Figueroa House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That the Hanna-Figueroa House, whose street address in the City of Cleveland is 5506 Franklin Boulevard, N.W., also known as Cuyahoga County Auditor's Permanent Parcel Number 002-15-030 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 City Planning Commission, Law; Committee on City Planning.

Ord. No. 1948-97.

By Councilman Coats.

An emergency ordinance to amend Section 347.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 876-97, passed June 16, 1997, relating to adult entertainment.

Whereas, Council File No. 876-A-97 contains copies of various studies conducted by several cities on the effect of adult entertainment uses on the neighborhoods and areas in which those uses are located; and

Whereas, during its deliberations in connection with Ordinance No. 876-97, passed by this Council on June 16, 1997, this Council found that the evidence presented to Council and the conclusions found in the studies contained in Council File No. 876-A-97 are relevant to the City of Cleveland's experience with adult entertainment uses; and

Whereas, this Council has found that adult entertainment uses have definite negative secondary effects on the areas surrounding their locations; and

Whereas, the City of Cleveland desires to include "Adult Motel" in the adult entertainment uses regulated by Chapter 347 of the Codified Ordinances of Cleveland, Ohio, 1976, because of the negative effects such as increased crime rates, decreased property values, and the deterioration of the quality of urban life these uses have on the areas surrounding their locations; and

Whereas, this Council has determined that Adult Motels, as hereinafter defined, are in fact Adult Entertainment uses as defined in Section 347.07 of the Codified Ordinances; and

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

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

Section 1. That Sections 347.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 876-97, is further amended to read as follows:

Section 347.07 Adult Entertainment

(a) Purpose. Based upon evidence and findings of negative secondary effects of adult entertainment uses presented in hearings before the Council and in studies from other communities, including the cities of Indianapolis and New York, the Council finds that adult entertainment uses in Cleveland cause negative secondary effects and has created this section to regulate adult entertainment uses to promote the health, safety, morals and general welfare of the citizens of Cleveland by establishing, reasonable and, uniform regulations to prevent concentration of adult entertainment uses and location near specified other uses. The provisions of this section have neither the purpose nor effect of imposing a limitation or restriction on the content of any communicative materials, including adult entertainment materials. Similarly, it is not the intent, or effect of this section to restrict or deny access by adults to adult entertainment materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult entertainment to their intended market. Additionally, it is not the intent or effect of this section to condone or legitimize the distribution of obscene material.

(b) Definitions. As used in this Zoning Code:

(1) "Specified sexual activities" means any of the following:

A. the fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

B. sex acts, actual or simulated, including masturbation, intercourse, oral copulation or sodomy;

C. excretory functions as part of or in connection with any of the activities set forth in A and B above.

(2) "Specified anatomical areas" means:

A. Less than completely and opaquely covered: (1) human genitals, (2) pubic region, (3) buttocks, or (4) female breast below a point immediately above the top of the areola; or

B. Human male genitals in a discernably turgid state, even if completely and opaquely covered.

(3) "Adult Bookstore or Adult Video Store" means an establishment, which, as one of its principal purposes, offers for sale or rental for any form of consideration any one or more of the following:

A. Books, magazines, newspapers, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, video reproductions, slides, laser discs, compact discs or other visual representations, which are distinguished or

characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas;" or

B. Instruments, devices, or other paraphernalia, except prophylactic products, designed or marketed for use in connection with "specified sexual activities."

An establishment may have other principal business purposes that do not involve the offering for sale or rental material depicting or describing "specified sexual activities" or "specified anatomical areas" and still be categorized as an adult bookstore or adult video store. Such other business purpose will not serve to exempt an establishment from being categorized as an adult bookstore or adult video store so long as one of its principal business purposes is the offering for sale or rental for consideration the above specified materials.

(4) "Adult Motion Picture Theater" means a commercial establishment, regardless of capacity, where films, motion pictures, video cassettes, slides or similar photographic reproductions are regularly shown which are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas." This definition of adult motion picture theater does not include the definitions of adult video arcade and adult cabaret, which are separate uses.

(5) "Adult Video Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained wherein still or motion picture machines, projectors, video, compact or laser disc players or other image-producing devices are operated or maintained to show images to five or fewer persons per enclosed area or booth at any one time, and where the images so displayed are distinguished or characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas."

(6) "Adult Cabaret" means a commercial establishment, including a nightclub, bar, restaurant or similar establishment, which regularly features persons who expose specified anatomical areas, or dancers, strippers or similar live entertainers in performances which are distinguished or characterized by the exposure of "special anatomical areas" or by the depiction or description of "specified sexual activities," or films, motion pictures, video cassettes, slides, or other photographic reproductions which are distinguished or characterized by the depiction or description of "specified anatomical areas" or "specified sexual activities." This definition of adult cabaret does not include the definitions of adult live entertainment arcade or adult theater, which are separate uses.

(7) "Adult Theater" means a theater, concert hall, auditorium, or similar commercial establishment which regularly features persons who expose "specified anatomical areas" or live performances which are distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities." This definition of adult cabaret does not include the definitions of adult live entertainment arcade or adult theater, which is a separate use.

(8) "Adult Live Entertainment Arcade" means any place to which the public is permitted or invited wherein one or more enclosed or screened areas or booths are maintained for viewing by five or fewer persons at any one time live entertainment such as a dance routine, strip performance or other similar entertainment, which live entertainment is distinguished or characterized by the exposure of "specified anatomical areas" or by the depiction or description of "specified sexual activities."

(9) "Adult Motel" means a hotel, motel or similar commercial establishment which:

(a) offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of "specified sexual activities" or "specified anatomical areas"; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(b) offers a sleeping room for rent for a period of time that is less than ten (10) hours; or

(c) allows a tenant or occupant of a sleeping room to subrent the room for a period of time that is less than ten (10) hours; or

(d) offers or allows a discount or refund which is less than half the normal daily rate.

(c) Location. Uses defined in divisions (b)(3) Adult Bookstore, or Adult Video Store, (b)(4) Adult Motion Picture Theater, (b)(5) Adult Video Arcade, (b)(6) Adult Cabaret, (b)(7) Adult Theater and (b)(8) Adult Live Entertainment Arcade, (b)(9) Adult Motel of this section are designated "adult entertainment" uses. Where permitted in a use district, adult entertainment uses are subject to the following location restrictions.

(1) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a residence district.

(2) No two adult entertainment uses shall be located in the same premises or on the same lot. An adult entertainment use may never be an accessory use as that term is used in this Zoning Code.

(3) No adult entertainment use shall be established on a lot or lots within 1,000 feet of another lot or lots containing an existing adult entertainment use, or of a lot or lots for which a valid and current permit or certificate of occupancy is issued for an adult entertainment use.

(4) No adult entertainment use shall be established on a lot or lots within 1,000 feet of a pool or billiard hall or a video or pinball arcade.

(5) No adult entertainment use shall be located on a lot or lots within 1,000 feet of a premises, which may be one or more lots, having as its principal use: a church, synagogue or mosque; special education, preschool, kindergarten, elementary, junior high or high school; education or training facility for mentally or physically disabled persons; public or nonprofit community center in which there are regular programs for minors; public library; public park; public recreation center; playground; hospital; clinic; infirmary; nursing or convalescent home; home for the aged; rest home; orphanage or day care center.

(d) Permit Applications. The City shall approve or disapprove the portion of the completed application requiring review under division (c) within thirty (30) calendar days of the submission.

(e) Signs and Exterior Display. No adult entertainment use shall be conducted in any manner that permits the observation of any material depicting, describing or relating to "specified sexual activities" or "specified anatomical areas" by display, decorations, sign, show window or other opening from any public view.

(f) Disseminating and Displaying Material Harmful to Juveniles. All adult entertainment uses shall comply with applicable state and local laws regarding the dissemination and display of material harmful to juveniles.

Section 2. That existing Sections 347.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 876-97, passed June 16, 1997, is repealed.

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

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

Ord. No. 1949-97.

By Councilman Coats.

An emergency ordinance to amend Section 215.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 511-76, passed June 14, 1976, relating to transient residential buildings.

Whereas, "transient residential buildings", as defined in Section 215.01 of the Codified Ordinances of Cleveland, Ohio, 1976, include hourly rate hotels, motels, and motor hotels; and

Whereas, the relationship between transient residential buildings and unsanitary conditions and unhealthy activities is very strong and clearly requires licensing requirements in order to safeguard the health and well-being of the citizens of Cleveland, to improve the sanitary conditions in certain public places and to provide for an improvement in the prevention of communicable diseases; 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 215.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 511-76, passed June 14, 1976, is hereby amended to read as follows:

Section 215.05 License Issuance

The Commissioner of Assessments and Licenses shall grant to the applicant therefor, an operating license, which license shall clearly specify the name and address of the person to whom it is issued, and in addition, if such person is other than the owner, the name and address of such owner, the location of such transient residential build-

ing, the maximum number of guests permitted therein at any one time, **that rooms must be rented for a minimum of ten (10) hours**, the date of expiration of such license and such other information as the Commissioner shall prescribe.

Section 2. That existing Section 215.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 511-76, passed June 14, 1976, is hereby repealed.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1947-97.

By Councilman Rybka.

An ordinance to change the Use and Area Districts of lands from Aetna Road, S.E., south to the 15' unnamed alley between East 71 Street and East 73 Place. (Map Change No. 1963, Sheet No. 6)

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

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

Beginning at the intersection of the center line of East 71 Street and the center line of Aetna Road, S.E.; thence southeasterly along said center line of Aetna Road, S.E. to the center line of East 73 Place, S.E.; thence southerly along said center line of East 73 Place, S.E. to its intersection with the northwesterly line of Sublot No. 43 in the E. Wright Subdivision as recorded in Volume 42, Page 9-1/2 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 43 to its intersection with the southwesterly line of a fifteen (15) foot unnamed alley; thence northwesterly along said southwesterly line of said fifteen (15) foot unnamed alley and along its northwesterly extension to the center line of East 71 Street; thence northeasterly along said center line of East 71 Street to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a General Retail Use District, and a 'C' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1963, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

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

Ord. No. 1941-97.

By Councilman Smith.

An emergency ordinance to vacate a portion of Iliad Court S.W. and West 22nd Place hereinafter described.

Whereas, on the 25th day of September 1997 the Council of the City of Cleveland adopted Resolution No. 1258-95 declaring its intention to vacate a portion of Iliad Ct. S.W. and West 22nd Place hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1258-95 has been served upon the owners of all the property abutting Iliad Ct. S.W. and West 22nd Place, affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 9th day of October 1997, the Board of Revision of Assessments approved the vacation of Iliad Ct. S.W. and West 22nd Place, hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Iliad Ct. S.W., and West 22nd Place hereinafter described and that it will not be detrimental to the general interest and ought to be made; 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 all that portion of Iliad Ct. S.W., (12 feet wide), extending Southerly and Southwesterly from the Southerly line of Eglindale Avenue S.W. (50 feet wide); to that portion of Iliad Court S.W. Vacated by the Council of the City of Cleveland by Ordinance Number 1122-87, Passed on June 16, 1987 AND a portion of West 22nd Place (12 feet wide) extending Northerly from the Northerly line of Titus Avenue S.W. (50 feet wide) to the Southerly line of Eglindale Avenue S.W. (50 feet wide).

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment. The description of easement is as follows:

That portion of Iliad Court S.W. (12 feet wide), extending Southerly and Southwesterly from the Southerly line of Eglindale Avenue S.W. (50 feet wide) to that portion of Iliad Court S.W. Vacated by the Council of the City of Cleveland by Ordinance Number 1122-87, Passed on June 16, 1987 AND a portion of West 22nd Place (12 feet wide) extending Northerly from the Northerly line of Titus Avenue S.W. (50 feet wide) to the Southerly line of Eglindale Avenue S.W. (50 feet wide).

That no structures shall be hereafter erected on the premises described in this easement except those constructed in accordance with the approval of, and in compliance with, plans approved by the Commissioner of the Division of Light and Power, of the City of Cleveland.

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that

portion of Iliad Court S.W., and a portion of West 22nd Place, herein provided by sending him a copy of this Ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure, and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and its 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. 1942-97.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 8502 Quincy Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 7664218, Safa Inc. DBA Brothers, 6938 Kinsman Rd. 1st Fl., Cleveland, Ohio 44104, to Permit No. 3635650, Harry John Inc., 8502 Quincy Ave., Cleveland, Ohio 44106; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 7664218, Safa Inc. DBA

Brothers, 6938 Kinsman Rd. 1st Fl., Cleveland, Ohio 44104, to Permit No. 3635650, Harry John Inc., 8502 Quincy Ave., Cleveland, Ohio 44106; 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. 1943-97.

By Councilman Skrha.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3074 W. 14th St.

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. 41876800010, J & O Inc., DEAGas City Food Mart, 3074 W. 14th St., Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 41876800010, J & O Inc., DBAGas City Food Mart, 3074 W. 14th St., Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1944-97.

By Councilman Rybka.

An emergency resolution objecting to the issuance of ownership of a C1 Liquor Permit to 5401 Fleet Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of ownership of a C1 Liquor Permit to Permit No. 8769750, Diane Joy Tamburro, DBADJSVariety & Tackle, 5401 Fleet Avenue, Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of C1 Liquor Permit, to Permit No. 8769750, Diane Joy Tamburro, DBADJSVariety & Tackle, 5401 Fleet Avenue, Cleveland, Ohio 44105, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 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. 1945-97.

By Councilman Coats.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 14805 St. Clair Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 11272080010, Ronald M. Burrell, DBA Burrells Beverage, 14805 St. Clair Ave., Cleveland, Ohio 44110, to Permit No. 1615385, Clara Coleman, DBA Burrells Beverage, 14805 St. Clair Ave., Cleveland, Ohio 44110; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

of the public peace, property, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 11272080010, Ronald M. Burrell, DBA Burrells Beverage, 14805 St. Clair Ave., Cleveland, Ohio 44110, to Permit No. 1615385, Clara Coleman, DBA Burrells Beverage, 14805 St. Clair Ave., Cleveland, Ohio 44110; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1946-97.

By Councilman Coats.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 14339 St. Clair 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. 0113654, Alexandria 14339 Inc., DBA St. Clair Deli & Beverage, 14339 St. Clair Avenue, Cleveland, Ohio 44110; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 0113654, Alexandria 14339 Inc., DEBA St. Clair Deli & Beverage, 14339 St. Clair Avenue, Cleveland, Ohio 44110; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1950-97.

By Councilmen Smith, Jackson, Lewis, Moran, Polensek, Dolan, Skrha, Robinson, Zone, Britt, Gordon, Sweeney, Melena and Rybka.

An emergency resolution calling on Auditor of State James Petro to perform an Independent Special Audit on improper transfers of City funds.

Whereas, approximately \$617,000.00 of City of Cleveland taxpayers funds were improperly given to Black on Black Crime, Inc. and the City has not fully recovered all of said taxpayers funds; and

Whereas, on at least two separate occasions, City of Cleveland taxpayer funds totaling \$66,000.00 were improperly transferred to Ohio City Near West Development Corporation; and

Whereas, approximately \$35,000.00 of additional City of Cleveland taxpayer funds were improperly transferred to Detroit-Shoreway Corp.; and

Whereas, approximately \$14,500.00 of additional taxpayer funds were improperly transferred to Union-Miles Development Corporation; and

Whereas, it has not been fully determined whether or not these amounts represent the only taxpayer funds that have been improperly transferred by the Department of Finance of the City of Cleveland; and

Whereas, pursuant to Section 118.02(A) of the Ohio Revised Code, the Ohio legislature has declared it

to be the "public policy and public purpose of the state to require fiscal integrity of municipal corporations so that they may provide for the health, safety, and welfare of their citizens, pay when due principal and interest on their debt obligations, meet financial obligations to their employees, vendors, and suppliers and provide for proper financial accounting procedures, budgeting, and taxing practice. The failure of a municipal corporation to so act is hereby determined to affect adversely the health, safety, and welfare not of the people of the municipal corporation but also of other people of the State";

Now, therefore, be it resolved by the Council of the City of Cleveland:

Section 1. That this Council does hereby record its concern over the improper transfer of taxpayers funds and does hereby call upon the Auditor of the State of Ohio, James M. Petro, to perform an independent audit and/or an independent investigation of the Department of Finance of the City of Cleveland, including the procedures followed by the Division of Accounts within thirty (30) days from the passage of this resolution.

Section 2. That the Clerk of Council be and she hereby is directed to transmit a certified copy of this resolution to the Auditor of the State of Ohio, James M. Petro, at 88 East Broad Street, Columbus, Ohio 43215.

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. 1278-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase fee simple interest in certain property at Cleveland Hopkins International Airport, for the Department of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 1280-97.

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

An emergency ordinance determining the method of making the public improvement of installing a ravine outfall sewer, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 1287-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase fee simple interest in certain property at NASA-Lewis Research Center, for the Department of Port Control.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Recommended by Committees on Aviation and Transportation, City Planning, Finance; when amended as follows:

1. Insert a new Section 4 to read as follows:

"Section 4. That the consideration to be paid for acquisition of such property shall not exceed \$1,040,000.00 without legislative authority."

2. Renumber existing Sections 4 and 5, respectively, to new "Section 5" and "Section 6".

Amendments agreed to.

Ord. No. 1296-97.

By Councilman Britt (By request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way for the construction of two (2) bridges, above and across East 96th Street and East 100th Street.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Recommended by Committees on Public Service, City Planning, Finance.

Ord. No. 1323-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 1833-96, passed December 2, 1996, relating to the design, development and implementation of a Geographic Information System.

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

1. In Section 1, at the end, and as part of amended Section 4 of Ordinance No. 1833-96, after the words "Request No. 21924.", insert the following new sentences:

"The cost of the services authorized by this ordinance shall not exceed \$710,000.00. The services authorized by this ordinance shall be in accordance with the document contained in file no. _____, labeled, 'Citywide GIS Modification to Legislation Funding Breakdown'. The design of the Geographical Information System shall include the needs of this Council. The Director of Finance shall report to this Council at least quarterly on the progress of the project."

Amendment agreed to.

Ord. No. 1646-97.

By Councilmen Robinson and Westbrook (by departmental request).

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

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

Ord. No. 1647-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of animal trap-

pings and pest control services, for the Division of Environment, Department of Public Health, for a period not to exceed two years.

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

Ord. No. 1744-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of computer hardware, software and supplies, office furniture, equipment, data processing services, employee training, and building equipment and maintenance for various divisions of City government; and authorizing said director to employ one or more computer consultants and data processors to provide professional services, in conjunction with the Year 2000 project.

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

1. In Section 1, lines 8 and 9, delete "in the estimated sum of \$6,000,000.00" and insert in lieu thereof, "in the sum of not to exceed \$6,000,000.00".

2. In Section 1, at the end, insert the following new sentences:

"The Year 2000 project authorized by this ordinance shall be conducted in accordance with the document contained in file no. 1744-97-A labeled, 'Briefing for Finance Committee, Year 2000 Project, October 13, 1997.' The Director shall report to this Council at least quarterly on the progress of the project, with the first such report due on November 15, 1997."

Amendments agreed to.

SECOND READING ORDINANCES

Ord. No. 942-97.

By Councilman Smith.

An ordinance to change the Use District of lands between Auburn Avenue, S.W. and Barber Avenue, S.W., east of W. 25 Street and west of Scranton Road. (Map Change No. 1919, Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

Ord. No. 1223-97.

By Councilman Smith.

An ordinance to change the Use and Area Districts of lands on the westerly side of West 26 Street between Hancock Avenue, S.W. and Monroe Avenue, S.W. (Map Change No. 1948, Sheet No. 1)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

Ord. No. 1329-97.

By Councilman Rybka.

An ordinance to change the Use District of lands on the northwesterly side of Warner Road, S.E. between Maryland Avenue, S.E. and Grand Division. (Map Change No. 1950, Sheet No. 6).

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

Ord. No. 1331-97.

By Councilman Rybka.

An ordinance to change the Use District of lands on the northwesterly side of Warner Road, S.E. from Maryland Avenue, S.E. to approxi-

mately 151' north of Beman Avenue, S.E. (Map Change No. 1951, Sheet No. 6).

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

Ord. No. 1332-97.

By Councilman Westbrook.

An ordinance to change the Use, Area and Height Districts of lands on the east side of W. 96 Street, north of Madison Avenue, N.W. and south of the Railroad tracks. (Map Change No. 1952, Sheet No. 1)

Approved by Directors of City Planning Commission, Law; Recommended by Committee on City Planning.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1777-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair or replace fencing at various ball diamonds, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Relieved of Committee on Public Parks, Property, and Recreation; Recommended by Committee on Finance.

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1871-97.

By Councilman Westbrook (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the year 1998, as required by State law, Chapter 5705 of the Revised Code.

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

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 1471-97.

By Councilman Westbrook (by departmental request)

An emergency ordinance authorizing and directing the purchase by requirement contract of computing related hardware equipment, for the various divisions of City government.

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

Ord. No. 1474-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Sections 4, 8, 30, 32, 40 and 41 of Ordinance No. 436-97, passed April 14, 1997, relating to compensation for various classifications.

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

Ord. No. 1636-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance to enter into a requirement

contract without competitive bidding with East Ohio Gas Company for the purchase of natural gas transportation services, and authorizing and directing the purchase by requirement contract of natural gas, for the various divisions of City Government.

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

Ord. No. 1741-97.

By Councilmen Patmon and Westbrook (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the City, County and Waste Paper Drivers Union, Local 244 - Seasonal Employees.

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

Ord. No. 1743-97.

By Councilman Westbrook (by departmental request).

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

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

MOTION

The Councilman Coats, seconded by Councilman Polensek and unanimously carried that the absence of Councilmen Kenneth L. Johnson and Robert J. White be and are hereby authorized.

MOTION

The Council adjourned at 8:15 p.m. to meet on Monday, October 20, 1997, 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. 942-97.

By Councilman Smith.

An ordinance to change the Use District of lands between Auburn Avenue, S.W. and Barber Avenue, S.W., east of W. 25 Street and west of Scranton Road. (Map Change No. 1919, Sheet No. 1).

Ord. No. 1223-97.

By Councilman Smith.

An ordinance to change the Use and Area Districts of lands on the westerly side of West 26 Street between Hancock Avenue, S.W. and Monroe Avenue, S.W. (Map Change No. 1948, Sheet No. 1)

Ord. No. 1278-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase fee simple interest in certain property at Cleveland Hopkins International Airport, for the Department of Port Control.

Ord. No. 1280-97.

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

An emergency ordinance determining the method of making the public improvement of installing a ravine outfall sewer, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

Ord. No. 1287-97.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase fee simple interest in certain property at NASA-Lewis Research Center, for the Department of Port Control.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to purchase from the United States fee simple interest in the following described property at NASA Lewis Research Center:

PRELIMINARY DESCRIPTION
FOR LAND
TO BE ACQUIRED FROM
THE UNITED STATES OF
AMERICA
BY THE CITY OF CLEVELAND

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Middleburgh Township, Lot No. 1, Section 22 and Lot No. 2, Section 21 and more fully described as follows:

Beginning at Airport Monument No. 4 on the centerline of existing Runway 5L-23R bearing South 50° 02' 00" West;

Thence South 50° 02' 00" West, along the prolongation of the centerline of said Runway 5L-23R, about 1,734.10 feet;

Thence North 39° 58' 00" West, about 879.39 feet measured perpendicular to the centerline of said Runway 5L-23R, to an iron pin at the Southwest corner of lands conveyed to the United States of America by deed recorded in Volume 5155, Pg. 715 of Cuyahoga County Record of Deeds and the Northwest corner of lands conveyed to the City of Cleveland as shown by a Map of Survey of Cleveland Hopkins International Airport recorded in Volume 246, Pg. 71 to 75 of Cuyahoga County Record of Plats, said point also being the Westerly line of said Original Middleburgh Township Lot No. 1, Section No. 22, and the principal place of beginning of a parcel herein described;

Thence North 01° 48' 24" East, along said Westerly line of Lot No. 1, Section No. 22 about 563.97 feet to a point, said point being about 1,300.00 feet measured perpendicular to the centerline of said Runway 5L-23R;

Thence North 50° 02' 00" East, parallel with the centerline of said Runway 5L-23R about 1,307.99 feet to a point on the Southerly line of Cedar Point Road (vacated);

Thence Southeasterly along the Southerly line of said Cedar Point Road (vacated), about 80.45 feet

along the arc of a curve deflecting to the right and having a radius of 1,117.22 feet and a chord of 80.43 feet which bears South 30° 23' 47" East; Thence South 28° 20' 00" East, along the Southerly line of said Cedar Point Road (vacated) about 136.51 feet to an iron pin;

Thence continuing Southeasterly along the Southerly line of said Cedar Point Road (vacated) about 449.54 feet along the arc of a curve deflecting to the left and having a radius of 1,176.28 feet and a chord of 446.81 feet which bears South 39° 16' 58" East to an iron pin;

Thence South 01° 21' 18" West along a common line between the United States of America and the City of Cleveland about 900.81 feet;

Thence North 88° 40' 32" West along a common line between the United States of America and the City of Cleveland about 1,387.69 feet to the principal place of beginning and containing 32.854 Acres of land, more or less, as written by G & T Associates, Inc. in May 1997 from record information and using the Cleveland Regional Geodetic Survey (C.R.G.S.) as a basis of bearing in response to a request by the City of Cleveland, Department of Port Control.

Section 2. That the Director of Port Control is hereby authorized to execute on behalf of the City of Cleveland all necessary documents to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of such property.

Section 3. That the consideration to be paid for such property shall not exceed \$990,000.00.

Section 4. That the consideration to be paid for acquisition of such property shall not exceed \$1,040,000.00 without legislative authority.

Section 5. That all costs of acquisition of land shall be paid from Fund Nos. 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 22596 and 22597.

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.

Ord. No. 1296-97.

By Councilman Britt (By request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way for the construction of two (2) bridges, above and across East 96th Street and East 100th Street.

Ord. No. 1323-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance to amend Section 4 of Ordinance No. 1833-96, passed December 2, 1996, relating to the design, development and implementation of a Geographic Information System.

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

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

Section 1. That Section 4 of Ordinance No. 1833-96, passed December 2, 1996, is hereby amended to read as follows:

Section 4. That the costs for such services herein authorized shall be paid from Fund Nos. 20 SF 334, 20 SF 322, 20 SF 312, 52 SF 217, 52 SF 219, 54 SF 001, 58 SF 211, 60 SF 106, and funds legally available and appropriated for the use of the various user Departments and Divisions to pay such costs, Request No. 21924. **The cost of the services authorized by this ordinance shall not exceed \$710,000.00. The services authorized by this ordinance shall be in accordance with the document contained in file no. _____, labeled, 'Citywide GIS Modification to Legislation Funding Breakdown'. The design of the Geographical Information System shall include the needs of this Council. The Director of Finance shall report to this Council at least quarterly on the progress of the project.**

Section 2. That existing Section 4 of Ordinance No. 1833-96, passed December 2, 1996, is hereby repealed.

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

Ord. No. 1329-97.

By Councilman Rybka.

An ordinance to change the Use District of lands on the northwesterly side of Warner Road, S.E. between Maryland Avenue, S.E. and Grand Division. (Map Change No. 1950, Sheet No. 6).

Ord. No. 1331-97.

By Councilman Rybka.

An ordinance to change the Use District of lands on the northwesterly side of Warner Road, S.E. from Maryland Avenue, S.E. to approximately 151' north of Beman Avenue, S.E. (Map Change No. 1951, Sheet No. 6).

Ord. No. 1332-97.

By Councilman Westbrook.

An ordinance to change the Use, Area and Height Districts of lands on the east side of W. 96 Street, north of Madison Avenue, N.W. and south of the Railroad tracks. (Map Change No. 1952, Sheet No. 1)

Ord. No. 1646-97.

By Councilmen Robinson and Westbrook (by departmental request).

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

Ord. No. 1647-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of animal trap-

pings and pest control services, for the Division of Environment, Department of Public Health, for a period not to exceed two years.

Ord. No. 1744-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of computer hardware, software and supplies, office furniture, equipment, data processing services, employee training, and building equipment and maintenance for various divisions of City government; and authorizing said director to employ one or more computer consultants and data processors to provide professional services, in conjunction with the Year 2000 project.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of computer hardware, software and supplies, office furniture, equipment, data processing services, employee training, and building equipment, including parts and maintenance, in conjunction with the Year 2000 computer compliance project, **in the sum of not to exceed \$6,000,000.00**, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government, City Council and Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year. **The Year 2000 project authorized by this ordinance shall be conducted in accordance with the document contained in file no. 1744-97-A labeled, 'Briefing for Finance Committee, Year 2000 Project, October 13, 1997.' The Director shall report to this Council at least quarterly on the progress of the project, with the first such report due on November 15, 1997.**

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 23236)

Section 3. That the Director of Finance is hereby authorized and directed to employ by contract one or more computer and/or data processing consultants or one or more firms of computer and/or data processing 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 assist the City of Cleveland, City Council and Cleveland Municipal Court in implementing the Year 2000 computer compliance project.

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

Section 4. That the costs for such services herein contemplated shall be paid from Fund Nos. 52 SF 001, 54 SF 001, 57 SF 001, 58 SF 001, 81 SF 001, 60 SF 001, 10 SF 165, 10 SF 006 and 50 SF 001, Request No. 23236.

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.

BOARD OF CONTROL

October 8, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 8, 1997, at 11:30 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Director Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 827-97.

By Director Carmody.

Whereas, by Resolution No. 472-97, adopted June 25, 1997, pursuant to the authority of Ordinance No. 258-96, passed by City Council June 18, 1996, this Board of Control approved the bid of Westside Mobile Power Wash as the lowest and best bid for the purchase of fleet washing; and

Whereas, in said Resolution No. 472-97, the bidder's name was incorrectly stated as Westside Power Wash; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 472-97, affirming and approving the bid of Westside Power Wash for fleet washing, for the various divisions of City government, Department of Finance, is hereby amended by changing the bidders' name to read Westside Mobile Power Wash.

Be it further resolved that all other provisions of said resolution not expressly amended hereby shall remain in full force and effect.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 828-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perk Co., Inc., contractor for constructing and repairing catch basins in various locations throughout the City, pursuant to Board of Control Resolution No. 56-97, adopted January 29, 1997, is hereby approved:

Subcontractor

Work

Delta Plumbing, Inc.
dba Fox Construction

catch basin manhole
construction

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 829-97.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the bid of Grinnell Fire Protection Systems, Inc. for an estimated quantity of Labor and materials to maintain and repair various keycard Systems and CCTV equipment (Item Nos. 1, 2, 3 (including 35% discount off price list for new components), and item No. 4 (including 60% off price list for repaired components)), for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of two (2) years beginning with the date of execution of a contract received on the 13th day of August, 1997, pursuant to the authority of Ordinance No. 2148-96, passed April 14, 1997 on the basis of the estimated quantity would amount to One Hundred Fifteen Thousand Seven Hundred Sixteen and no/100 Dollars, (\$15,716.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Port Control is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 13389

which shall be certified against such contract in the sum of Twenty-Three Thousand and no/100 Dollars (\$23,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 830-97.

By Director Cunningham.

Resolved, by the Board of Control of the City of Cleveland that the bid of Alitalia Contractor's Inc., dba Creative Concrete Construction Co. for the public improvement of installing and replacing curbing, aprons, ramps for the handicapped and other concrete work (Items 1 through 28) for the various divisions of the Department of Port Control, received on 8th day of May, 1997, pursuant to the authority of Ordinance No. 339-97, passed April 14, 1997, upon a unit basis for the improvement to be performed as ordered during the period of two (2) years at the unit prices set forth in the said bid, which on the basis of the estimated work to be done would amount to Eighty-Five Thousand Nine Hundred Seventy-Seven and 10/100 Dollars (\$85,977.10), is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into requirement contract for said improvement, which contract shall provide for the initial performance of the following work hereunder:

Requisition No. 13401

which shall be certified against such contract in the sum of Seventeen Thousand and no/100 Dollars (\$17,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Alitalia Contractor's Inc., dba Creative Concrete Construction Co. for installing and replacing curbing, aprons, ramps for the handicapped and other concrete work for the various divisions of the Department of Port Control is hereby approved:

SUBCONTRACTOR SERVICE & SUPPLIES

Clarkstone Contracting Co.
1492 Westdale Rd.
South Euclid, Ohio 44121
Excavating & Trucking

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 831-97.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Raney Tires, Inc. for an estimated quantity of tire repair road service (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on September 12, 1997, pursuant to the authority of Ordinance No. 542-97, passed June 2, 1997, which on the basis of the estimated quantity would amount to approximately One Hundred Forty Nine

Thousand Two Hundred Twenty and no/100 Dollars, (\$149,220.00), (Net 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105862 which shall be certified against such contract in the sum of Twenty Thousand and no/100 Dollars (\$20,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Raney Tires, Inc. for tire repair road service (all items), is hereby approved:

Interstate Express Tire Services
(MBE) \$126,837.00 85%

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 832-97.

By Director Denihan.

Resolved by the Board of Control of the City of Cleveland, that all bids received on September 4, 1997 for computer display station and printer (all items), for the Department of Public Safety, pursuant to the authority of Ordinance No. 2458-92, passed by the Council of the City of Cleveland on January 25, 1993, are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 833-97.

By Director Spellman.

Resolved, by the Board of Control of the City of Cleveland that the bid of JTO Inc. for an estimated quantity of Urban Forest Maintenance Services (All Items) for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, for the period of one (1) year beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 554-97, passed May 5, 1997, which on the basis of the estimated quantity would amount to Fifty-Five Thousand and 00/100ths Dollars, (\$55,000.00), (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 089161 and 089162 which shall be certified against such contract in the sum of Forty Thousand and 00/100ths Dollars (\$40,000.00) and Fifteen Thousand and 00/100ths Dollars (\$15,000.00).

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

Be it further resolved that the employment of the following subcontractor of JTO, Inc. for the abovementioned requirement contract be and the same hereby is approved:

SUBCONTRACTOR WORK

ABK Landscape & Tree Service Inc.
dba: Brown's Tree Service
19701 South Miles Road
Warrensville, Ohio 44128
Tree Trimming, Pruning,
and Tree Removal

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 834-97.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by DEMCO, Inc., contractor for the new Cleveland Browns Stadium demolition and artificial reef project under City Contract No. 50417 entered into pursuant to Ordinance No. 304-96, passed March 8, 1996, and Board of Control Resolution No. 744-96, adopted October 18, 1996, hereby is approved:

Durocher Dock & Dredge Inc.
Independence Excavating Inc.
Fox Construction Inc.
Dockmaster Marine Inc.
Adirondack Traditions Inc.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 835-97.

By Director Spellman.

Whereas, pursuant to the authority of Ordinance No. 1843-96, passed February 24, 1997, by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized by and at the direction of the Board of Control to sell certain City-owned property, no longer needed for public use, described therein and located along Herron Row at Kingsbury and sometimes referred to as Kingsbury Park, Permanent Parcel Number 127-18-085 "Block B", to Mt. Pleasant Now Development Corporation, or its designee; and

Whereas, said Ordinance No. 1843-96 provided that the consideration to be paid for the property shall be at a price not less than the fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 1843-96, passed by the Council of the City of Cleveland on February 24, 1997, the Commissioner of Purchases and Supplies is hereby directed to sell certain City-owned property, no longer needed for public use, described therein and located along Herron Row at Kingsbury and sometimes referred to as Kingsbury Park, Permanent Parcel Number 127-18-085 "Block B", to Mt. Pleasant Now Development Corporation, or its designee. The consideration to be paid for said property is hereby fixed at Five Hundred Dollars (\$500.00), which amount is determined to be not less than the fair market value.

Be it further resolved that the Mayor of the City of Cleveland is hereby requested to execute and deliver the official deed of the City of Cleveland conveying said property.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 836-97.

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. 107-16-057 and 107-16-058, westerly half, under said Land Reutilization Program; and

Whereas, Ordinance No. 1787-97 passed September 22, 1997 authorized the sale of said parcels subject to the direction of Board of Control; and

Whereas, Michael and Tamarah Bates have 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. 1787-97 passed September 22, 1997 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 Michael and Tamarah Bates for the sale and development of Permanent Parcel Nos. 107-16-057 and 107-16-058, westerly half, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 837-97.

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. 118-12-012 under said Land Reutilization Program; and

Whereas, Ordinance No. 717-97 passed June 16, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Rochelle Roth 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. 717-97 passed June 16, 1997 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 Rochelle Roth for the sale and development of Permanent Parcel No. 118-12-012, 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 \$31.00, 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: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 838-97.

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. 115-02-016, 115-02-025, 115-16-002, 115-06-099, 115-06-106, 115-07-082, and 115-10-047 under said Land Reutilization Program; and

Whereas, Ordinance No. 1479-97 passed August 13, 1997 authorized the sale of said parcels subject to the direction of Board of Control; and

Whereas, Collinwood Community Services Center or designee 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. 1479-97 passed August 13, 1997 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Collinwood Community Services Center or designee for the sale and development of Permanent Parcel Nos. 115-02-016, 115-02-025, 115-06-002, 115-06-099, 115-06-106, 115-07-082, and 115-10-047, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 839-97.

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. 142-27-053, 142-27-054 and 142-27-055 under said Land Reutilization Program; and

Whereas, Ordinance No. 1314-97 passed September 22, 1997 authorized the sale of said parcels subject to the direction of Board of Control; and

Whereas, Amistad Development Corp. 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. 1314-97 passed September 22, 1997 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 Amistad Development Corp. for the sale and development of Permanent Parcel Nos. 142-27-053, 142-27-054 and 142-27-055, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$100.00 each, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 840-97.

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. 115-14-032 located at 1089 Galewood Drive, N.E. in Ward 10; 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, Kaulee Miller, 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 10 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 Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance 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 Kailee Miller for the sale and development of Permanent Parcel No. 115-14-032 located at 1089 Galewood Drive, N.E., in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 841-97.

By Director Cunningham.

Whereas, pursuant to Ordinance No. 2182-95, passed by the Cleveland City Council on January 29, 1996, this Board of Control by its Resolution No. 330-96, adopted May 22, 1996, affirmed and approved Trafftech, Inc. as the lowest responsible bidder, and the Director of Port Control subsequently entered into a requirement contract with Trafftech, Inc. for labor and materials for painting roadways, runways, and other paved areas at Cleveland Hopkins International Airport and Burke Lakefront Airport for the Department of Port Control (Contract No. 49910); and

Whereas, Trafftech, Inc. has failed to fulfill its obligations under the terms and conditions of Contract No. 49910 in that its performance has not complied with the contract requirements and has been deemed unacceptable by the City; and

Whereas, the City has declared Trafftech, Inc. in default of said Contract and notified its performance bond surety of the default; and

Whereas, Aero-Mark, Inc. has indicated by its October 7, 1997, letter that it is willing to furnish the labor and materials necessary to complete the work under said Contract No. 49910; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that in light of the default of Trafftech, Inc. under City Contract No. 49910, the Director of Port Control is hereby authorized to enter into a requirement contract with Aero-Mark, Inc. for the labor and materials necessary to complete the painting of roadways, runways, and other paved areas (Contract Items Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, and 16) at Cleveland Hopkins International Airport and Burke Lakefront Airport, for the Department of Port Control which on the basis of estimated quantities would amount to approximately five hundred seventy-

seven thousand two hundred twenty-seven and no/100 dollars (\$577,227.00).

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 842-97.

By Director Cunningham.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Anthony Allega Cement Contractor, Inc. for the public improvement of installation of runway and taxiway lighting systems for the Division of Cleveland Hopkins International Airport, Department of Port Control received on September 25, 1997, pursuant to the authority of Ordinance No. 562-97 passed June 16, 1997, upon a unit basis for the improvement in the aggregate amount of two million two hundred thirty-eight thousand three hundred twenty-two and 43/100 (\$2,238,322.43) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Port Control is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Anthony Allega Cement Contractor, Inc. for the installation of runway and taxiway lighting systems for Cleveland Hopkins International Airport, Department of Port Control is hereby approved:

Cuyahoga Supply & Tool, Inc.
5340 Perkins Rd.
Bedford Heights, Ohio 44121
(FBE)
(\$205,000.00/9%)
Fabric, concrete paving material

Granger Trucking, Inc.
8001 Old Granger Road
Garfield Heights, Ohio 44125
(MBE)
(\$410,000.00/18%)
Trucking and material

North Electric, Inc.
23209 Miles Road
Bedford Heights, Ohio 44128
(MBE)
(\$172,960.00/8%)
Electrical work

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 843-97.

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. 108-22-035 under said Land Reutilization Program; and

Whereas, Ordinance No. 2531-93, passed December 13, 1993, as amended by Ordinance No. 935-95 passed June 12, 1995 authorized the sale of said parcel for a consideration

established by the Board of Control at not less than the Fair Market Value; and

Whereas, Kathryn R. Tyler Neighborhood Center, Inc. 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. 2531-93, passed December 13, 1993, as amended by Ordinance No. 935-95, passed June 12, 1995 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 Kathryn R. Tyler Neighborhood Center, Inc. for the sale and development of Permanent Parcel No. 108-22-035, as described in said Ordinances in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 844-97.

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. 108-22-034 under said Land Reutilization Program; and

Whereas, Ordinance No. 1941-96 passed June 16, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Katherine R. Tyler Neighborhood Center, Inc. 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. 1941-96 passed June 16, 1997 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 Katherine R. Tyler Neighborhood Center, Inc. for the sale and development of Permanent Parcel No. 108-22-034, 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 \$100.00, 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: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Terry, Directors Spellman, Hamilton, Acting Director Patterson, Directors Warren and Lynch.

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, OCTOBER 27, 1997

9:30 A.M.

Calendar No. 97-223: 3102 Oak Park Avenue, S.W.

George & Donna Buch, owners, appeal to enclose the 25' x 7'8" open front porch of the 25' x 28' two-story frame one family dwelling house on a 40' x 126' lot located in a One Family District at 3102 Oak Park Ave.; said enclosure being contrary to the setback and enclosure limitations regulated by Sections 357.06 and 357.13(b)(4) of the Codified Ordinances.

Calendar No. 97-225: 1047 East 68th Street

Rini L. Grant, owner, appeals to erect a 20' x 20' one-story masonry private garage on the rear of a 40' x 70' lot located in a Two-Family District and occupied on the front by a two story one family dwelling house at 1047 E. 68th St.; said garage to be approximately 6' from the adjoining dwelling house to the south at 1051 E. 68th St. instead of 10' therefrom as required by Section 337.23(a) and said garage to be in excess of 40% of the required rear yard as limited by Section 337.23(a) of the Codified Ordinances.

Calendar No. 97-226: 1201 East 185th Street

Douglas Zeman, owner, appeals to erect a 7' x 19' 10" x 27'4" high doublefaced freestanding business sign on a double pole in front of the service station building on an irregular shaped acreage parcel located in a Semi-Industry and General Industry District at 1201 E. 185th St.; said sign area (approximately 139 square feet) to exceed the 100

square foot limit regulated by Section 350.14(e)(1) and the 25' maximum height limited by Section 350.14(b) of the Codified Ordinances.

Calendar No. 97-227: 3350-3358 West 50th Street

Bradford and Linda Davidson, appeal, under Section 329.01(e) and Section 329.02(d) from the refusal to approve a lot consolidation and lot split for the 125' x 105' irregular shaped corner parcel located in a General Retail and Two-Family District on the northwest corner of W. 50th St. and Storer Ave. and known as 3350-3358 W. 50th St.; said refusal being by the Commissioner of Engineering and Construction and the Director of City Planning under authority of Section 355.04 of the Codified Ordinances.

HUNTER MORRISON,
Acting Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 13, 1997

At the Meeting of the Board of Zoning Appeals on, Monday, October 6, 1997, the following appeals were heard by the Board, and, on Monday, October 13, 1997 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 97-214: 1601 East 30th Street
Asia Plaza Company Inc., owner, c/o Steve Hom, appealed, to construct a 24-parking lot. (conditional grant)

The following appeals were **Dismissed:**

Calendar No. 97-199: 17215 Throckley Avenue, S.E.

Calendar No. 97-204: 573 East 114th Street.

The following appeals were **Postponed:**

Calendar No. 97-213: 4474 South Hills Drive, S.W. to October 27, 1997.

Calendar No. 97-215: 573 East 140th Street to October 27, 1997.

HUNTER MORRISON,
Acting 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**Notice of Public Hearing By the Council Committee On City Planning**

Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, October 20, 1997
1:00 P.M.

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, October 20, 1997, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1330-97.

By Councilman Skrha.
An ordinance to change the Use and Area Districts of lands on the westerly side of East 55 Street between Sweeney Avenue, S.E. (vacated) and Track Road, S.E. (Map Change No. 1949, Sheet No. 5).

Ord. No. 1476-97.

By Councilman Rybka (by departmental request).

An ordinance to revise the Building Zone Maps of the City of Cleveland by repealing the Setback Building lines on the northeasterly side of Broadway between East 78 Street and Jones Road. (Map Change No. 1955, Sheet No. 6).

Ord. No. 1477-97.

By Councilman Rybka.
An ordinance to change the Use, Area and Height Districts of lands between Harvard Avenue, S.E. and Polonia Avenue, S.E. approximately 272.37' west of East 71 Street and 188.68' east of East 68 Street. (Map Change No. 1954, Sheet No. 6).

All interested persons are urged to be present or to be represented at the above time and place.

EDWARD W. RYBKA,
Chairman
Committee on City Planning

October 8, 1997 and October 15, 1997

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 minor

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

THURSDAY, OCTOBER 23, 1997

Park Maintenance Service Facilities (Re-Bid), for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1284-96, passed by the Council of the City of Cleveland.

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

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 16, 1997, 10:00 A.M. IN ROOM 517, DIVISION OF ARCHITECTURE, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE.

Phase IV, Maplewood Tunnel and Springdale Improvements, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland, June 2, 1997.

PLANS AND SPECIFICATIONS MAY BE OBTAINED IN ROOM 128, CITY HALL, DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 16, 1997, 9:30 A.M. AT THE SHERATON HOTEL, CLEVELAND HOPKINS AIRPORT.

Phase V, Ready Return Building Envelope for the Consolidated Rental Car Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland, June 2, 1997.

PLANS AND SPECIFICATIONS MAY BE OBTAINED IN ROOM 128, CITY HALL, DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 16, 1997, 10:30 A.M. AT THE SHERATON HOTEL, CLEVELAND HOPKINS AIRPORT.

October 8, 1997 and October 15, 1997

WEDNESDAY, OCTOBER 29, 1997

Rental of Flashers, Safety Lights, Arrow Bars and Traffic Control Devices, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1456-96, passed by the Council of the City of Cleveland, September 23, 1996.

October 8, 1997 and October 15, 1997

THURSDAY, OCTOBER 30, 1997

Electrical Parts and Equipment Necessary to Maintain, Repair and Modify Airfield Parking and Terminal Light System (Phase I), for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1273-97, passed by the Council of the City of Cleveland.

Plumbing Materials Necessary to Repair and Maintain Plumbing Systems, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1021-97, passed by the Council of the City of Cleveland, June 16, 1997.

October 8, 1997 and October 15, 1997

FRIDAY, OCTOBER 31, 1997

Thirteen (13) Rear-Load Refuse Packers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

One (1) Rescue Squad, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

October 8, 1997 and October 15, 1997

FRIDAY, NOVEMBER 7, 1997

New Tires, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1151-97, passed by the Council of the City of Cleveland, August 13, 1997.

October 8, 1997 and October 15, 1997

WEDNESDAY, NOVEMBER 12, 1997

New Cleveland Browns NFL Football Stadium — Bid Packages:

6A—Curtain Wall, Aluminum Systems and Louvers

6B—Masonry and Stone

6C—Architectural Pre-Cast Concrete

6D—Metal Fabrication

6E—Elevators and Escalators

6F—Roofing System

6G—Combination of the above

6H—Complete Package of all of the above, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

BID DOCUMENTS CAN BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, CITY HALL, FOR THE NON-REFUNDABLE COST OF \$250.00. ONLY CERTIFIED OR CASHIER'S CHECKS WILL BE ACCEPTED.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 29, 1997, 10:00 A.M. IN ROOM 230-B OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 8, 1997 and October 15, 1997

THURSDAY, NOVEMBER 6, 1997

High Voltage Switching Equipment - Capacitor Banks, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

Work Uniforms, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 350-96, passed by the Council of the City of Cleveland, April 1, 1996.

Labor and Materials to Repair Tree Lawns, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 809-97, passed by the Council of the City of Cleveland, June 9, 1997.

October 15, 1997 and October 22, 1997

FRIDAY, NOVEMBER 7, 1997

Labor and Materials to Repair or Replace Fire Hydrants, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1324-97, passed by the Council of the City of Cleveland, August 13, 1997.

October 15, 1997 and October 22, 1997

WEDNESDAY, NOVEMBER 12, 1997

Furnishings and Related Appurtenances for the Renovation of the Carl B. Stokes Public Utilities Building, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 1254-92 and 2096-92, passed by the Council of the City of Cleveland, June 15, 1992 and December 14, 1992, respectively.

A DEPOSIT OF ONE-HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 24, 1997, 10:00 A.M. IN THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM A, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

October 15, 1997 and October 22, 1997

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1873-97.

By Councilman Lewis.

An emergency resolution urging the Secretary of HUD to delay the implementation of the housing policy that will eliminate Section 8 benefits to landlords owning buildings that provide housing for Section 8 recipients until replacement housing units can be found.

Whereas, the Department of Housing and Urban Development is in the process of initiating a policy that will eliminate Section 8 benefits to landlords owning buildings that provide housing for Section 8

recipients and providing such with a certificate voucher to seek housing on their own, and;

Whereas, the Hough neighborhood contains a large number of buildings where landlords receive benefits for providing housing for Section 8 recipients and such policy will result in many of these buildings to become vacant adversely affecting the Ward 7 Hough community and;

Whereas, Section 8 recipients will be forced to find landlords willing to accept certificate vouchers in order to find suitable housing, and;

Whereas, this policy by HUD will create a housing hardship on welfare recipients since many landlords will refuse to accept certificate vouchers because of their concerns over delay of payment thus worsening the housing plight for the disadvantaged and

Whereas, there have been no efforts made in addressing the problems that Section 8 recipients will encounter in trying to find suitable available housing in the City of Cleveland by the Department of Housing and Urban Development, now, therefore,

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

Section 1. That this Council urges the Secretary of HUD to delay the implementation of this policy until replacement housing units and facilities can be found for Section 8 recipients who will be displaced under this program.

Section 2. That the Clerk of Council be and she hereby be directed to transmit a certified copy of this resolution to the Secretary of the Department of Housing and Urban Development.

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 October 6, 1997.
Effective October 14, 1997

Res. No. 1876-97.
By Councilman Skrha.
An emergency resolution withdrawing objection to the issuance of a D5B Liquor Permit to Gateway City Center, and repealing Res. No. 1350-97 objecting to said issuance.

Whereas, this Council objected to the issuance of a D5B Liquor Permit to Gateway City Center Inc., by Res. No. 1350-97, adopted July 16, 1997; and

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

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

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

Section 1. That objection to the issuance of a D5B Liquor Permit to Gateway City Center, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

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

Adopted October 6, 1997.
Effective October 14, 1997

Res. No. 1877-97.
By Councilman Westbrook.
An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 9720-24 Lorain Ave. 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and Liquor Permit from Permit No. 85627780005, Steve Gombas Corp., 9720-24 Lorain Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 6418022, 9722 Lorain Ave. Inc., 9720-24 Lorain Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 85627780005, Steve Gombas Corp., 9720-24 Lorain Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44102, to Permit No. 6418022, 9722 Lorain Ave. Inc., 9720-24 Lorain Ave. 1st Fl. & Bsmt., 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.

Adopted October 6, 1997.
Effective October 14, 1997

Ord. No. 1303-97.
By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of computers and computer and photographic equipment, for the Department of Community Development.

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

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

Section 1. That the Director of Community Development is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed thirty seven (37) computers, one (1) mobile storage unit, not to exceed two (2) film processors, one photo enlarger, and one (1) water control system, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Department of Community Development.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 10 SF 006, Request No. 23091.

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 October 6, 1997.
Effective October 14, 1997

Ord. No. 1874-97.
By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Schaffer Partners to stretch banners next to 6545 Carnegie Avenue and two poles across the street from 6545 Carnegie Avenue for the period from October 10, 1997 to October 24, 1997, inclusive, publicizing their White Elephant Sale.

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 Schaffer Partners to install, maintain and remove banners next to 6545 Carnegie Avenue and two poles across the street from 6545 Carnegie Avenue (pole nos. 72021, 45216, 27780), for the period from October 10, 1997 to October 24, 1997, inclu-

sive. 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 October 6, 1997.
Effective October 14, 1997

**Ord. No. 1875-97.
By Councilman Westbrook.
An emergency ordinance designating Denison Avenue United Church of Christ as a Cleveland Landmark.**

Whereas, the Cleveland Landmarks Commission (the "Commission") pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, has proposed the designation of Denison Avenue United Church of Christ as a landmark; and

Whereas, the owner of Denison Avenue United Church of Christ has been properly notified of the proposed designation and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of Denison Avenue United Church of Christ as a landmark and has set forth certain findings of fact constituting the basis for its decision, and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now therefore

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

Section 1. That Denison Avenue United Church of Christ, whose street address in the City of Cleveland is 9900-06 Denison Avenue, S.W., also known as Cuyahoga County Auditor's permanent parcel number 017-01-050 and the land embracing the site thereof, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, be and it hereby is designated a landmark pursuant to Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 October 6, 1997.
Effective October 14, 1997

COUNCIL COMMITTEE MEETINGS

Monday, October 13, 1997

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

Tuesday, October 14, 1997

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

Wednesday, October 15, 1997

Aviation & Transportation Committee: 9:00 A.M. — Present: Smith, Chairman; Sweeney, Vice Chairman; Dolan, Patmon, Skrha, Willis, White.

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