

The City Record

Official Publication of the City of Cleveland

January the Tenth, Nineteen Hundred and Ninety-Six

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	Earle E. Turner	3752 East 127th Street	44105
3	Odella V. Robinson	3448 East 123rd Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	William W. Patmon	867 East Boulevard	44108
9	Craig E. Willis	11906 Beulah Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 30th Street	44111
20	Dale Miller	13726 Elsetta Avenue	44135
21	David McGuiRK	17101 Amber Drive	44111

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

MAYOR-Michael R. White
Lavonne Sheffield-Turner, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
Linda Willis, Director, Office of Equal Opportunity

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

DEPT. OF FINANCE - Kathryn Burrer Hyer, Director, Room 104; Carlean Alford, Manager, Internal Audit
DIVISIONS - Accounts - A. Schneider, Commissioner, Room 19
City Treasury - Mary Christine Jackman, Treasurer, Room 122
Assessments and Licenses - John Hunt, Commissioner, Room 122
Purchases and Supplies - William A. Moon, Commissioner, Convention Center, Clubroom B
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, Acting Controller, Room 18
Information Systems Services - Martin Carmody, Acting Commissioner, 1404 E. 9th St.

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

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

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

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

DEPT. OF PUBLIC SAFETY - William M. Denihan, Director, 1825 Lakeside Avenue.
DIVISIONS - Police - John J. Collins, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - William E. Lee, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - David Ritz, Commissioner, 2001 Payne Ave.
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 2001 Payne Ave.

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

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

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

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

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

DEPT. OF AGING - Rm. 122, Susan Axelrod, Director

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

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson, President; James J. Marniella, Vice President; Donna K. Nelson, Secretary; Timothy J. Cosgrove, Member.

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

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

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

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

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

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

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

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

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

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

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.; Ben S. Eulenberg, Martin J. Kilbane, Jozef Valencik, Martin Gallagher, Laszlo V. Kemes, Secretary.

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

CLEVELAND MUNICIPAL COURT JUSTICE CENTER-1200 ONTARIO CENTRAL SCHEDULING DEPARTMENT

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	13C
Judge Ronald B. Adrine	15A
Judge Salvatore R. Calandra	13A
Judge Colleen C. Cooney	14C
Judge C. Ellen Connally	15A
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

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

The City Record



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WEDNESDAY, JANUARY 10, 1996

No. 4283

CITY COUNCIL

MONDAY, JANUARY 8, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio January 8, 1996.

The regular meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Britt, Coats, Jackson, Lewis, McGuirk, Miller, O'Malley, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Turner, Westbrook, Willis.

Also present were Mayor White and Directors Konicek, Cunningham, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Axelrod, Thomas, Morrison and Acting Directors Horvath, Carmody and Holland.

Absent: Directors Sobol Jordan, Hyer and Denihan.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Father Richard Rasch, Pastor of Our Lady of Mt. Carmel Church. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1-96.

From Cleveland Municipal Court re: The appointment of Gregory F. Clifford to the position of Clerk of Cleveland Municipal Court on December 14, 1995. Received.

File No. 2-96.

From the Division of Police re: Community Empowerment Policing Implementation Plan. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 3-96.

Re: New Application - 5492799 - Naretta Mann dba Community Bev-

erage, 10213 Aetna Rd. (Ward 2). Received.

File No. 4-96.

Re: Transfer of Location Application - 54324860005 - Wael I. Mahmoud, 7819-21 Cedar Avenue. (Ward 6). Received.

File No. 5-96.

Re: Transfer of Ownership Application - 0004631 - A. L. Corp., 11108 Primrose Avenue. (Ward 9). Received.

File No. 6-96.

Re: Transfer of Ownership Application - 6484183 - OMQ, Inc., 837 East 185th Street, first floor. (Ward 11). Received.

File No. 7-96.

Re: Transfer of Ownership Application - 7643267 - SSZ Enterprises, Inc., dba 7 Eleven Food Store #56642, 870 East 185th Street. (Ward 11). Received.

File No. 8-96.

Re: Transfer of Ownership Application - 4199709 - James and Grace Jackson, 3071 East 65th Street, first floor and basement. (Ward 12). Received.

File No. 9-96.

Re: Transfer of Ownership Application - 6755337 - Deborah A. Patton, 7001 Union Avenue. (Ward 12). Received.

File No. 10-96.

Re: Transfer of Ownership Application - 8657742 - Sharon J. Stucko dba Stucko's Grocery & Confectionary, 3080 Sawtell Road. (Ward 13). Received.

File No. 11-96.

Re: Transfer of Ownership Application - 65127500015 - Ogden Entertainment Services, Inc., 601 Erieside Avenue. (Ward 13). Received.

File No. 12-96.

Re: Transfer of Ownership Application - 6551003 - 1228 West 6th Street, Inc., 1228 West 6th Street. (Ward 13). Received.

File No. 13-96.

Re: New Application - 6551003 - 1228 West 6th Street, Inc., 1228 West 6th Street. (Ward 13). Received.

File No. 14-96.

Re: Transfer of Location Application - 412167600051 - Anaam Yursi Ighneim dba West 14th Street Market, 2635 West 14th Street. (Ward 13). Received.

File No. 15-96.

Re: Transfer of Ownership Application - 2848907 - 4323 Clark Avenue, Inc., dba Al's Market, 4323 Clark Avenue, first floor E/S. (Ward 14). Received.

File No. 16-96.

Re: Transfer of Ownership Application - 00045080005 - A. Jay, Inc., 3382 West 44th Street. (Ward 15). Received.

File No. 17-96.

Re: Transfer of Ownership Application - 6483918 - O & R Food Market, Inc., 4050 West 140th Street. (Ward 20). Received.

**STATEMENT OF WORK
ACCEPTED**

File No. 18-96.

From the Department of Parks, Recreation and Properties re: Contract No. 48328 for Humphrey/Grove-wood Park Site Improvements. Received.

COMMUNICATIONS

File No. 19-96.

January 3, 1996

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

Dear Council President Westbrook:
I am pleased to recommend Ms. Louise Harris for appointment to the Cleveland Municipal Housing Authority. This appointment is for a three year term and will expire on October 24, 1998.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Without objection, Mayor's appointment accepted.

File No. 20-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. Larry Liou for appointment to the Community Relations Board as an industry representative. This appointment is effective immediately upon approval by Council and will expire on March 31, 1996.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 21-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. James D. Gibans for appointment to the Landmarks Commission. This appointment is for a two year term

and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 22-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. Ted Sande for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 23-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. Richard C. Schanfarber for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 24-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. Randall B. Shorr for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 25-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Ms. Shirley A. Thompson for appoint-

ment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 26-96.

December 19, 1995

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

Dear Council President Westbrook:
I am pleased to recommend Mr. Paul J. Volpe for appointment to the Landmarks Commission. This appointment is for a two year term and will expire on December 31, 1997.

Thank you for your consideration.

Sincerely,
Michael R. White
Mayor

Received.
Referred to Committee on City Planning.

File No. 27-96.

December 19, 1995

Jay Westbrook, President
Cleveland City Council
Room 220, City Hall
Cleveland, Ohio 44114

Dear Jay,
I will be assuming my duties as Judge of Municipal Housing Court on January 1, 1996, 12:00 Noon, and wish to offer my resignation as of that date and time. My election to that post was made possible mainly through the efforts of the Council and particularly you. I appreciate the support you have given me, not only for this election, but as your Council Presidency and your friendship over the years.

Due to my resignation, I would like to offer the name of Timothy J. Melena as my successor. Tim Melena, I believe, is a good choice that will be accepted by you and the Democratic caucus of the Council.

Tim currently is Assistant Director of Law for the City of Cleveland and has held that position from 1991 through the present. As a member of the Municipal Law Section, he has advised City Council and the Administration on all aspects of legislative process. He has researched and drafted legislation for the Council and Administration and has served as legal counsel to a number of City Council Committees. He has also been legal counsel to the Public Service Department. Many of my colleagues know him for his coordination of the liquor prosecution. He has personally prosecuted over 300 liquor objections on behalf of the Council and has drafted 200 pieces of legislation for the City Council. He has also supervised and trained other Assistant Directors of Law in liquor prosecution. He has maintained a regular docket of tort litigation and has served as lead counsel for the City of Cleveland. He has represented the Civil Service Com-

mission on residency requirements and has also been involved in labor litigation.

As you can see, Tim has the ideal qualifications to be a legislator.

As members of the Council, we know that being a legislator often is not enough. Tim has worked within his own community and is familiar with neighborhood issues to perform the important ombudsman role for the residents of the 17th Ward to City Hall. Tim has organized a block club on his street, West Clinton; has helped initiate the Morning 5 a.m. C.B. Patrol; is a Trustee of the Detroit Shoreway Community Development Organization and a member of Our Lady of Mt. Carmel Church.

Tim has the competency, demeanor and integrity to serve as the Councilman of the 17th Ward, and I ask for your support for his appointment.

Sincerely yours,
Raymond L. Pianka
Councilman, Ward 17

Received.

File No. 28-96.

December 18, 1995

Honorable Jay W. Westbrook
President of Council
Room 216, City Hall
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I hereby notify you, the Council President, and Clerk of Council Artha Woods, that my resignation from Council will become effective Tuesday, January 2, 1996, at 12:00 Noon.

I will be sworn in as a member of the Ohio House of Representatives to represent the 17th District on January 3, 1996.

I leave my post with some regret, as I have been greatly honored to serve as Councilman of the 19th Ward these last ten years.

I look forward to my new responsibilities as a member of the Ohio General Assembly, and pledge to continue to work for the betterment of our community.

Sincerely yours,
Dan Brady
Councilman, Ward 19

Received.

**ELECTION TO FILL
VACANCY IN WARD 17**

The Clerk of Council read a letter of resignation from Councilman Raymond L. Pianka of Ward 17. The President of Council accepted the resignation and declared a vacancy in Ward 17. Councilwoman Fannie M. Lewis nominated Mr. Timothy J. Melena to serve as Councilman from Ward 17. Councilman James Rokakis seconded the nomination. Council Majority Leader Roosevelt Coats moved that the nominations be closed. Without objection, the nominations were closed.

Thereupon the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilman of Ward 17. Upon completion of the roll call, the Clerk announced that Mr. Timothy J. Me-

lena received 18 votes. Those who voted for Mr. Melena were: Councilmen Britt, Coats, Jackson, Lewis, McGuirk, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Turner, Westbrook, Willis.

The Chair declared Mr. Timothy J. Melena, having received the unanimous vote of all the members elected to Council to be the duly elected Councilman of Ward 17. The President of Council requested Councilwoman Fannie M. Lewis and Councilman James Rokakis and Mr. Donald R. Melena to escort the duly elected member of Council to the podium to have the oath of office administered by his father, Mr. Donald R. Melena.

File No. 51-96.

OATH OF OFFICE

State of Ohio)
County of Cuyahoga) ss.

I, TIMOTHY J. MELENA do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of CITY COUNCILMAN, WARD 17 of the City of Cleveland, State of Ohio, during my continuance in said office.

TIMOTHY J. MELENA

Sworn to before me and subscribed in my presence this 8th day of January, 1996.

DONALD R. MELENA
Notary Public
Attorney at Law

Received.

**ELECTION TO FILL
VACANCY IN WARD 19**

The Clerk of Council read a letter of resignation from Councilman Dan Brady of Ward 19. The President of Council accepted the resignation and declared a vacancy in Ward 19. Councilman Dale Miller nominated Mr. Joseph J. Zone to serve as Councilman from Ward 19. Councilman Earle B. Turner seconded the nomination. Council Majority Whip Michael D. Polensek moved that the nominations be closed. Without objection, the nominations were closed.

Thereupon the President of Council instructed the members of Council to state the name of the candidate when responding to the roll call, and requested the Clerk to call the roll upon the election of the Councilman of Ward 19. Upon completion of the roll call, the Clerk announced that Mr. Joseph J. Zone received 19 votes. Those who voted for Mr. Zone were: Councilmen Britt, Coats, Jackson, Lewis, McGuirk, Melena, Miller, O'Malley, Patmon, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Turner, Westbrook, Willis.

The Chair declared Mr. Joseph J. Zone, having received the unanimous vote of all the members elected to Council to be the duly elected Councilman of Ward 19. The President of Council requested Councilman Dale Miller, Councilman David McGuirk, Councilman Gary J. Paul-

enske, Councilman Earle B. Turner, Judge Raymond L. Pianka to escort the duly elected member of Council and Mrs. Joan Zone to the podium to have the oath of office administered by Judge Raymond L. Pianka.

File No. 52-96.

OATH OF OFFICE

State of Ohio)
County of Cuyahoga) ss.

I, JOSEPH J. ZONE do solemnly swear that I will support the Constitution of the United States, the Constitution of the State of Ohio, and the Charter of the City of Cleveland, and that I will faithfully, honestly, and impartially discharge the duties of the office of CITY COUNCILMAN, WARD 19 of the City of Cleveland, State of Ohio, during my continuance in said office.

JOSEPH J. ZONE

Sworn to before me and subscribed in my presence this 8th day of January, 1996.

DONALD R. MELENA
Notary Public
Attorney at Law

Received.

CONDOLENCE RESOLUTIONS

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

- Res. No. 53-96.** Betty Ann (Rogers) Hawthorne.
- Res. No. 54-96.** Hattie Clark.
- Res. No. 55-96.** Mrs. Dilsie L. Ervin.
- Res. No. 56-96.** Joseph G. Rufus.
- Res. No. 57-96.** Rubie J. McCullough.
- Res. No. 58-96.** William Hill.
- Res. No. 59-96.** Dwaine McCoy.
- Res. No. 60-96.** Isaac Chappell.

CONGRATULATORY RESOLUTIONS

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

- Res. No. 61-96.** Officer Richard Stefancic.
- Res. No. 62-96.** Tom McCaffrey.
- Res. No. 63-96.** Robert F. Redmond.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 29-96.
By Councilmen Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of various pool chemicals, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties 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 various pool chemicals 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 Recreation, Department of Parks, Recreation and Properties. 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 21386)

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

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

Ord. No. 30-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of uniformed security guards at various outdoor pools and recreation centers, for the Division of Recreation, Department of Parks, Recreation and Properties, for the period not to exceed nine months.

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

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

Section 1. That the Director of Parks, Recreation and Properties is 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 nine months for the necessary items for uniformed security guards at various outdoor pools and recreation centers 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 Recreation, Department of Parks, Recreation and Properties. 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 nine months may be taken if deemed desirable by the Commissioner of

Purchases and Supplies until provision is made for the requirements for the entire period.

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 21387)

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

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

Ord. No. 31-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of exterminating services, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties 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 exterminating services for indoor and outdoor recreation facilities and golf course facilities 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 Recreation, Department of Parks, Recreation and Properties. 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 21390)

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

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

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

Ord. No. 32-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of shirts for full-time and seasonal recreation employees, for the Division of Recreation, Department of Parks, Recreation and Properties.

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

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

Section 1. That the Director of Parks, Recreation and Properties 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 shirts for full-time and seasonal recreation employees 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 Recreation, Department of Parks, Recreation and Properties. 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 21391)

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

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

Ord. No. 33-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Education for the

1996 Summer Food Program; authorizing and directing the purchase by requirement contract of breakfasts and lunches for said Program and for food to be served at Camp George L. Forbes as part of said Program and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with ten non-profit organizations for the implementation of said 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 Parks, Recreation and Properties is hereby authorized and directed to apply for and accept a grant in the amount of \$175,000.00, from the Ohio Department of Education, to conduct the 1996 Summer Food Program for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties 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. 33-96-A, made a part hereof as if fully rewritten herein is hereby approved in all respects.

Section 3. That the Director of Parks, Recreation and Properties 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 three months (June, July and August, 1996) for the breakfast and lunch program to be served at not to exceed seventeen City recreation centers and ten non-profit agencies, to be purchased by the Commis-

sioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. 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.

Section 4. 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 21389)

Section 5. That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of the Department of Parks, Recreation and Properties is hereby authorized to make written contracts with the following agencies for implementation of the 1996 Summer Food Program:

- Cleveland United Methodist
- East Glenville Methodist Church
- East Side Community Center
- Flats Rowing Association
- Greater Love Baptist Church
- Longwood Community Center
- Second Calvary
- St. Paul A.M.E.
- Union Tabernacle
- West Technical High School

Section 6. That the cost of said contract hereby authorized shall be paid from the hereinabove accepted grant, Request No. 21389.

Section 7. That the Director of Parks, Recreation and Properties 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 various natural foods, food products,

beverages, condiments and paper products as set forth in detail on file in the Office of the Division of Purchases and Supplies and attached to Request No. 21388, to be served as part of the meal program at George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contracts or by separate contract for each or any combination of said items as the Board of Control shall determine.

Section 8. 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 21388)

Section 9. That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contracts authorized by Section 3 and 8 of this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

Section 10. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 34-96.

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

An emergency ordinance authorizing and directing the Director of Port Control to make alterations and modifications in Contract No. 47146 for removal of underground storage tank and the installation of an aboveground storage tank at Cleveland Hopkins International Airport, with McCabe Corporation, 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 the Director of Port Control is hereby authorized and directed to make the following alterations and modifications in Contract No. 47146 with McCabe Corporation for the removal of underground storage tank and the installation of an aboveground storage tank at Cleveland Hopkins International Airport, for the Department of Port Control:

Item No.	Description	Amount (\$)
ADDITIONS:		
1.	Removal of water in the UST excavation by means of a vac-truck: Add: 7,420 Gal. @ \$1.50 Gal. =	11,130.00
2.	Additional excavation at the Central Receiving UST site: Add: 2 hrs. @ \$338.30 p.h. =	676.60
3.	Transportation of excavated soil at CHIA: Add: 6.5 shifts @ \$400 per shift =	2,600.00
4.	Residual cleaning of UST interiors: Add: 80.46 hrs. @ \$49.60 p.h. =	3,991.00

Item No.	Description	Amount (\$)
5.	Transportation of UST's & return to CHIA due to the scrapyards non-acceptance of lining in UST's: Add: 18 hrs. @ \$58.33 p.h. =	1,050.00
6.	Disposal of UST solids: Add: 716.67 lbs. @ \$3.00 p. lb. =	2,150.00
7.	Removal of water in the UST excavation to the sanitary sewer: Add: 24,599.88 gal. @ \$0.50 gal. =	12,299.94
8.	Storage of UST (5 Points) excavation waters within vac-truck & latter discharge into sanitary sewer: Add: 65.82 hrs. @ \$37.92 p.h. =	2,495.89
9.	All Engineering, labor, equipment, materials, to relocate stairs, install guardrails, etc. in the Moat area: Add: 335.22 hrs. @ \$53.51 p.h. =	17,937.62
10.	Order for stone backfill for Central Receiving, Moat Area and the two 5 Points UST excavations: Add: 260 Tons @ \$20.00 Ton =	5,200.00
11.	Utility reconnections at the Central Receiving UST site: Add: 7 hrs. @ \$43.60 p.h. =	305.20
12.	Upgrade of McGrade Corporation Health & Safety Plan to Address 5 Points septic tank site: Add: 8 hrs. @ \$144.44 p.h. =	1,155.52
13.	Transportation & disposal of petroleum contaminated soil from the Moat Area & Central Receiving to landfill: Add: 133 Tons @ \$49.23 Ton =	6,547.59
14.	Waste Characterization of the two 5 Points UST stockpiled soils: Add: 2 samples @ \$1,488.10 each =	2,976.20
15.	Concrete removal beyond the contract amount: Add: 31.61 C.Y. @ \$47.50 C.Y. =	1,501.48
16.	Closure Option #1 for soil loading and transportations of soil to the Westside Storage building site: Add: 16 hrs. @ \$125.00 p.h. =	2,000.00
17.	Installation of an electrical feed between TJ-5K Flights and the CEI line directly west of the building. The cost includes all labor, material, and equipment. Add: 153 hrs. @ \$43.98 p.h. =	4,729.00
18.	Transport and disposal at landfill of petroleum contaminated soil from the Five Points garage UST sites: Add: 191.55 Tons @ \$49.23 Ton =	9,430.00
19.	Provide and install five guard posts at CEI transformer located at 5K Flights. Add: 5 Posts @ \$197.75 per post =	988.75

CREDITS: NONE

NEW ITEMS: NONE

Original Contract Amount	\$268,428.00
Original Contingency	<u> -0- </u>
Total Original Certified Amount	\$268,428.00
Total Original Contract Amount	\$268,428.00
Additions this Subsidiary	<u>+89,164.79</u>
REVISED CONTRACT AMOUNT	\$357,592.79

which alteration has been recommended in writing by the said Director of Port Control, 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 Port Control and the Contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$89,164.79, payable from Fund No. 60 SF 106.

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

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

Ord. No. 35-96.

**By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by contract of one payment processor envelope extractor machine, for the Division of Fiscal Control, Department of Public Utilities.**

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

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

Section 1. That the Director of Public Utilities is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one payment processor envelope extractor machine, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fiscal Control, Department of Public Utilities.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 50 SF 001, Request No. 20930.

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. 36-96.

**By Councilmen Patton and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair treelawns, 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 needed to repair treelawns, 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 20927)

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. 37-96.

**By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair and maintain overhead doors at various locations, 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 needed to repair and maintain overhead doors at various locations 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 two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20610)

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. 38-96.

**By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Environmental Protection Agency for the 1995-1997 Toxic Control Substance Program.**

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the estimated amount of \$134,000.00, and such other funds as may become available during the grant period, from the United States Environmental Protection Agency, to conduct the 1995-1997 Toxic Substance Control Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and to 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. 38-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 39-96.

**By Councilman Rokakis (by departmental request).
An emergency ordinance to make additional appropriation of Two million seven hundred twenty seven thousand eight hundred thirty one dollars (\$2,727,831) of the General Fund, and Six hundred sixty one thousand one hundred dollars (\$661,100) of the Internal Service Fund.**

Whereas, there remains an unappropriated balance in the various funds, the sum of Three million three hundred eighty eight thousand nine hundred thirty one dollars (\$3,388,931) which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources received from the Budget Commission of Cuyahoga County for the year 1995, dated April 3, 1995, previously unappropriated as follows:

GENERAL FUND	\$2,727,831
INTERNAL SERVICE FUND	<u>661,100</u>
TOTAL ALL FUNDS	<u>\$3,388,931</u>

GENERAL FUND

NON DEPARTMENTAL

TRANSFERS TO OTHER FUNDS		\$2,727,831
II. Other Expenses	\$2,727,831	<u> </u>
TOTAL GENERAL FUND	\$2,727,831	\$2,727,831

INTERNAL SERVICE FUNDS

INFORMATION SYSTEMS SERVICES- TELEPHONE EXCHANGE		\$450,000
II. Other Expenses	\$450,000	
DIVISION OF MOTOR VEHICLE MAINTENANCE		200,000
II. Other Expenses	200,000	
CITY STOREROOM AND CENTRAL WAREHOUSE		11,100
I. Personnel and Related Expenses	1,100	
II. Other Expenses	<u>10,000</u>	<u> </u>
TOTAL INTERNAL SERVICE FUNDS	\$661,100	\$661,100
TOTAL ALL FUNDS	<u>\$3,388,931</u>	<u>\$3,388,931</u>

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

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

Ord. No. 40-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to transfer the sum of Seven million one hundred forty one thousand four hundred fourteen dollars (\$7,141,414) within the various divisions of the General Fund, Two hundred forty thousand dollars (\$240,000) within the Internal Service Funds, and Three hundred ninety two thousand dollars (\$392,000) within the Enterprise Funds.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

Section 1. That the sum of Seven million seven hundred seventy three thousand four hundred fourteen dollars (\$7,773,414) be same and hereby transferred as follows:

	FROM	TO
GENERAL GOVERNMENT		
LEGISLATIVE BRANCH		
CLERK AND CLERK OF COUNCIL		
I. Personnel and Related Expenses	\$50,318	
II. Other Expenses	44,109	
GENERAL FUND		
MUNICIPAL COURT		
MUNICIPAL COURT-JUDICIAL DIVISION		
I. Personnel and Related Expenses	\$282,200	
II. Other Expenses	245,200	

	FROM	TO
MUNICIPAL COURT-HOUSING DIVISION		
I. Personnel and Related Expenses	\$29,343	
II. Other Expenses	12,092	
MUNICIPAL COURT-CLERK'S DIVISION		
I. Personnel and Related Expenses	\$134,580	
II. Other Expenses	13,306	
TOTAL MUNICIPAL COURT	<u>\$716,721</u>	
DEPARTMENT OF PUBLIC SAFETY		
PUBLIC SAFETY ADMINISTRATION		
I. Personnel and Related Expenses	\$225,200	
II. Other Expenses	105,661	
DIVISION OF POLICE		
I. Personnel and Related Expenses	\$1,119,215	
II. Other Expenses	381,370	
DIVISION OF FIRE		
I. Personnel and Related Expenses	956,125	
II. Other Expenses	1,544	
DIVISION OF EMERGENCY MEDICAL SERVICES		
I. Personnel and Related Expenses	85,100	
II. Other Expenses		25,260
DIVISION OF TRAFFIC ENGINEERING		
I. Personnel and Related Expenses	71,750	
II. Other Expenses	33,411	
DIVISION OF DOG POUND		
I. Personnel and Related Expenses	20,458	
II. Other Expenses	8,777	
TOTAL DEPARTMENT OF PUBLIC SAFETY	<u>\$3,008,611</u>	<u>25,260</u>
COMMUNITY RELATIONS BOARD		
COMMUNITY RELATIONS BOARD		
I. Personnel and Related Expenses	\$9,100	
II. Other Expenses		\$2,700
DEPARTMENT OF PUBLIC SERVICE		
PUBLIC SERVICE ADMINISTRATION		
I. Personnel and Related Expenses	\$1,250	
II. Other Expenses	5,642	
DIVISION OF ARCHITECTURE		
I. Personnel and Related Expenses	18,315	
II. Other Expenses	31,999	
DIVISION OF WASTE COLLECTION & DISPOSAL		
I. Personnel and Related Expenses	111,060	
II. Other Expenses	47,245	
DIVISION OF ENGINEERING AND CONSTRUCTION		
I. Personnel and Related Expenses	64,755	
II. Other Expenses	56,836	
TOTAL DEPARTMENT OF PUBLIC SERVICE	<u>\$337,102</u>	
DEPARTMENT OF PARKS, RECREATION AND PROPERTIES		
PARKS, RECREATION AND PROPERTIES ADMINISTRATION		
I. Personnel and Related Expenses	\$21,126	
II. Other Expenses	17,608	
DIVISION OF RESEARCH, PLANNING & DEVELOPMENT		
I. Personnel and Related Expenses	5,200	
II. Other Expenses	5,415	

	FROM	TO
DIVISION OF RECREATION		
I. Personnel and Related Expenses	386,460	
II. Other Expenses		\$44,992
DIVISION OF PARKING FACILITIES		
I. Personnel and Related Expenses	26,088	
II. Other Expenses	12,977	
DIVISION OF PROPERTY MANAGEMENT		
I. Personnel and Related Expenses	277,000	
II. Other Expenses	60,783	
DIVISION OF PARK MAINTENANCE & PROPERTIES		
I. Personnel and Related Expenses	882,475	
II. Other Expenses		129,730
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	\$1,695,132	\$174,722
URBAN PLANNING AND DEVELOPMENT		
DEPARTMENT OF COMMUNITY DEVELOPMENT		
DIVISION OF ADMINISTRATIVE SERVICES		
I. Personnel and Related Expenses		\$485
DIVISION OF NEIGHBORHOOD SERVICES		
I. Personnel and Related Expenses		15
DIVISION OF NEIGHBORHOOD DEVELOPMENT		
I. Personnel and Related Expenses	\$39,160	
DIVISION OF BUILDING & HOUSING		
I. Personnel and Related Expenses	172,425	
II. Other Expenses	271,700	
DIRECTOR'S OFFICE		
I. Personnel and Related Expenses		9,500
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT	\$483,285	\$10,000
REGULATORY BOARDS & COMMISSIONS		
LANDMARKS COMMISSION		
II. Other Expenses	\$4,938	
BOARD OF BUILDING STANDARDS & APPEALS		
I. Personnel and Related Expenses	37,808	
II. Other Expenses	9,228	
BOARD OF ZONING APPEALS		
I. Personnel and Related Expenses	1,845	
II. Other Expenses	6,305	
BOARD OF EXAMINERS OF PLUMBERS AND ELECTRICIANS		
I. Personnel and Related Expenses	5,700	
TOTAL REGULATORY BOARDS	\$65,824	
CITY PLANNING COMMISSION		
I. Personnel and Related Expenses		\$35,000
II. Other Expenses		425
DEPARTMENT OF ECONOMIC DEVELOPMENT		
ECONOMIC DEVELOPMENT ADMINISTRATION		
I. Personnel and Related Expenses	\$28,345	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT	\$28,345	
OFFICE OF EQUAL OPPORTUNITY		
OFFICE OF EQUAL OPPORTUNITY		
I. Personnel and Related Expenses	\$4,678	
II. Other Expenses	30,122	
TOTAL URBAN PLANNING AND DEVELOPMENT	\$612,254	\$45,425

	FROM	TO
DEPARTMENT OF PUBLIC HEALTH		
PUBLIC HEALTH ADMINISTRATION		
I. Personnel and Related Expenses	\$19,233	
II. Other Expenses	6,040	
DIVISION OF WELFARE INSTITUTIONS		
I. Personnel and Related Expenses	93,365	
II. Other Expenses	48,397	
PUBLIC HEALTH		
I. Personnel and Related Expenses	5,796	
II. Other Expenses	86,285	
DIVISION OF THE ENVIRONMENT		
I. Personnel and Related Expenses	72,000	
II. Other Expenses	15,000	
TOTAL DEPARTMENT OF PUBLIC HEALTH	\$346,116	
DEPARTMENT OF AGING		
DEPARTMENT OF AGING		
I. Personnel and Related Expenses	\$6,801	
II. Other Expenses	3,505	
TOTAL DEPARTMENT OF AGING	\$10,306	
SUPPORT FUNCTIONS		
FINANCIAL AND LEGAL ADMINISTRATION		
DEPARTMENT OF FINANCE		
FINANCE ADMINISTRATION		
I. Personnel and Related Expenses	\$3,127	
II. Other Expenses	13,284	
DIVISION OF ACCOUNTS		
I. Personnel and Related Expenses	10,400	
II. Other Expenses		\$3,114
DIVISION OF ASSESSMENTS & LICENSES		
I. Personnel and Related Expenses	25,081	
II. Other Expenses	23,840	
DIVISION OF TREASURY		
I. Personnel and Related Expenses	4,745	
II. Other Expenses		2,525
DIVISION OF PURCHASES & SUPPLIES		
I. Personnel and Related Expenses	18,167	
II. Other Expenses	4,906	
BUREAU OF INTERNAL AUDIT		
I. Personnel and Related Expenses	10,420	
II. Other Expenses	1,487	
DIVISION OF FINANCIAL REPORTING AND CONTROL		
I. Personnel and Related Expenses	17,690	
II. Other Expenses	3,709	
TOTAL DEPARTMENT OF FINANCE	\$136,856	\$5,639
OFFICE OF BUDGET & MANAGEMENT-		
BUDGET ADMIN.		
I. Personnel and Related Expenses	\$18,700	
II. Other Expenses	8,105	
DEPARTMENT OF LAW		
I. Personnel and Related Expenses	\$57,919	
II. Other Expenses		\$596,409
TOTAL FINANCIAL AND LEGAL ADMINISTRATION	\$221,580	\$602,048

	FROM	TO
PERSONNEL ADMINISTRATION		
OFFICE OF PERSONNEL		
I. Personnel and Related Expenses	\$1,911	
II. Other Expenses	23,504	
CIVIL SERVICE COMMISSION		
I. Personnel and Related Expenses	\$34,650	
II. Other Expenses		\$3,290
TOTAL PERSONNEL ADMINISTRATION	<u>\$60,065</u>	<u>\$3,290</u>
NON DEPARTMENTAL		
COUNTY AUDITOR DEDUCTIONS		
II. Other Expenses	\$30,000	
TRANSFERS TO OTHER FUNDS		
II. Other Expenses		\$6,195,969
OTHER ADMINISTRATIVE		
II. Other Expenses		92,000
TOTAL NON DEPARTMENTAL	<u>\$30,000</u>	<u>\$6,287,969</u>
TOTAL SUPPORT FUNCTIONS	<u>\$311,645</u>	<u>\$6,893,307</u>
TOTAL GENERAL FUND	<u>\$7,141,414</u>	<u>\$7,141,414</u>
INTERNAL SERVICE FUNDS		
DIVISION OF MOTOR VEHICLE MAINTENANCE		
I. Personnel and Related Expenses	\$240,000	
II. Other Expenses		\$240,000
TOTAL INTERNAL SERVICE FUND	<u>\$240,000</u>	<u>\$240,000</u>
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
DIVISION OF WATER POLLUTION CONTROL		
I. Personnel and Related Expenses	200,000	
II. Other Expenses		200,000
TOTAL DEPARTMENT OF PUBLIC UTILITIES	<u>\$200,000</u>	<u>\$200,000</u>
DEPARTMENT OF PARKS, RECREATION, AND PROPERTIES		
GOLF COURSE FUND		
I. Personnel and Related Expenses	\$120,000	
II. Other Expenses		\$120,000
DIVISION OF CONVENTION CENTER & STADIUM-CONVENTION CENTER		
I. Personnel and Related Expenses	\$72,000	
II. Other Expenses		\$72,000
TOTAL DEPARTMENT OF PARKS, RECREATION & PROPERTIES	<u>\$192,000</u>	<u>\$192,000</u>
TOTAL ENTERPRISE FUNDS	<u>\$392,000</u>	<u>\$392,000</u>
TOTAL GENERAL AND OTHER FUND	<u>\$7,773,414</u>	<u>\$7,773,414</u>

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 41-96.

By Councilman Miller.

An ordinance to change the Use and Area Districts of lands east of Rocky River Drive from north of I-480 to south of Midvale Ave., S.W. (Map Change No. 1896, Sheet No. 13)

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublots Numbers 1 thru 37, 51 thru 87, Blocks A and B and part of Sublot Number 38 in The Kroehle Co's Westport Subdivision of part of Original Rockport Township Section No. 3 as shown by the recorded plat in Volume 111 of Maps, Page 39 of Cuyahoga County Records, all of Sublot Numbers 1 thru 51 in The Westport Subdivision No. 2 of part of Original Rockport Township Section No. 3 as shown by the recorded plat in Volume 161 of Maps, Page 25 of Cuyahoga County Records, all of parcels S and T and part of parcels Q and P in the Airport Survey as shown by the recorded plat in Volume 246 of Maps, Pages 71 thru 75, all of Sally Avenue S.W., 50 feet wide, part of Westport Avenue S.W., 54 feet wide, part of West 180th Street, 50 feet wide, part of West 181st Street, 50 feet wide, part of the Berea Freeway, State Highway No. 713, (so called), various widths, part of the connector street leading from said Westport Avenue S.W. to Midvale Avenue S.W. all proposed to be vacated and other land in Original Rockport Township Section No. 3, together forming a parcel of land bounded and described as follows:

Beginning in the southeasterly line of Rocky River Drive S.W., of various widths, at the northwesterly corner of Parcel 1A of land conveyed to Phillip Enterprises, Inc. by deed dated April 12, 1994 and recorded in Volume 94-04805, Page 16 of Cuyahoga County Records; thence in a general northeasterly direction along said southeasterly line of Rocky River Drive S.W., the following courses and distance:

Course No. 1: thence North 25° 16' 14" East, 77.54 feet to a point of curvature therein;

Course No. 2: thence along the arc of a circle deflecting to the right, having a radius of 1132.92 feet whose chord bears North 27° 57' 47" East, 106.44 feet and an arc distance of 106.48 feet to a point of reverse curvature therein;

Course No. 3: thence along the arc of a circle deflecting to the left, having a radius of 1132.92 feet whose chord bears North 27° 57' 47" East, 106.44 feet and an arc distance of 106.48 feet to a point of tangency therein;

Course No. 4: thence North 25° 16' 14" East, 92.44 feet to an angle point therein;

Course No. 5: thence South 88° 52' 44" East, 5.48 feet to an angle point therein;

Course No. 6: thence North 25° 16' 14" East continuing along said southeasterly line of Rocky River Drive S.W., and its northeasterly prolongation, 333.18 feet to its point of intersection with the southerly line of The Provident Land Co's

Riverview Subdivision No. 2 as shown by the recorded plat in Volume 95 of Maps, Page 38 of Cuyahoga County Records;

Course No. 7: thence South 88° 59' 16" East along said southerly line and along the northerly line of said The Kroehle Co's Westport Subdivision, 1831.65 feet to its point of intersection with westerly limited access line of Interstate 71; thence southerly, southwesterly and westerly along said Limited Access Line and the limited access line of the Airport Freeway, so called, the following courses and distances;

Course No. 8: thence South 18° 40' 48" West, 52.48 feet to an angle point therein;

Course No. 9: thence South 1° 03' 45" West, 130.62 feet to an angle point therein;

Course No. 10: thence North 88° 56' 15" West (said line also being the southerly line of said Westport Avenue S.W.), 44.98 feet to an angle point therein;

Course No. 11: thence South 1° 03' 45" West, 126.80 feet to an angle point therein;

Course No. 12: thence North 88° 52' 44" West, 19.16 feet to an angle point therein;

Course No. 13: thence South 42° 42' 54" West, 300.85 feet to an angle point therein;

Course No. 14: thence South 62° 07' 16" West, 154.70 feet to an angle point therein;

Course No. 15: thence South 68° 11' 37" West, 361.18 feet to an angle point therein;

Course No. 16: thence South 71° 41' 17" West, 113.43 feet to an angle point therein;

Course No. 17: thence South 74° 44' 11" West, 952.72 feet to its point of intersection with the easterly line of said State Highway No. 713;

Course No. 18: thence northerly along the curved easterly line of said State Highway No. 713, being the arc of a circle deflecting to the right, having a radius of 261.48 feet whose chord bears North 3° 18' 42" East, 63.61 feet and an arc distance of 63.77 feet to a point of tangency therein;

Course No. 19: thence North 10° 17' 52" East continuing along said easterly line of State Highway No. 713, 205.10 feet to the northeasterly corner of a parcel of land conveyed to Phillip Enterprises, Inc. by deed dated March 10, 1994 and recorded in Volume 94-02335, Page 48 of Cuyahoga County Records;

Course No. 20: thence North 88° 52' 21" West along the northerly line of land so conveyed to Phillip Enterprises, Inc., 177.27 feet to its point of intersection with the westerly line of said State Highway No. 713, said point also being a southeasterly corner of land so conveyed to Phillip Enterprises, Inc. as first aforesaid;

Course No. 21: thence North 10° 17' 52" East along said westerly line of State Highway 713, 98.00 feet to the northeasterly corner of land so conveyed to Phillip Enterprises, Inc.;

Course No. 22: Thence North 79° 43' 37" West along the northerly line of land so conveyed to Phillip Enterprises, Inc., 247.38 feet to the southeasterly line of Rocky River Drive S.W. and the place of beginning, containing within said boundaries 1,479,334 square feet (33.9608 Acres) of land, this legal description has been compiled from record-

ed documents and not an actual field survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, bearings used herein are based on the aforesaid Airport Survey and are used to indicate angles only, be the same more or less, but subject to all legal highways, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District and a 'C' Area District, and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1896, Sheet No. 13, 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, Finance, Law; Committee on City Planning.

**FIRST READING EMERGENCY
RESOLUTION REFERRED**

Res. No. 42-96.

By Councilmen Lewis, Coats and Patmon.

An emergency resolution urging the Mayor, the Council leadership and the appropriate members of the Administration to meet with representatives of the Nation of Islam to establish better communication.

Whereas, the Nation of Islam has asserted in two legal proceedings that the City of Cleveland has used the law to hinder the ability of the Nation of Islam to practice its beliefs within our City; and

Whereas, the Administration believes that it is fairly administering the law as it applies to the Nation of Islam; and

Whereas, the concerns of the Nation of Islam should be discussed across the table and not in a courtroom; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that all reasonable steps should be taken to establish better communication between the City and the Nation of Islam; now, therefore,

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

Section 1. That this Council urges the Mayor, the Council leadership and the appropriate members of the Administration to meet with representatives of the Nation of Islam to establish better communication, and an alternative for the distribution of their paper.

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

Referred to Director of Law; Committee on Community and Economic Development.

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

Ord. No. 43-96.

By Councilmen Westbrook and Coats.

An emergency ordinance authorizing and directing the submission to the electors of the City of Cleveland of a proposal to amend Section 108 of the Charter of the City of Cleveland, relating to the authorization of contracts.

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that it must be certified to the election authorities immediately in order for the question to appear at the special election to be held on March 19, 1996, and providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That this Council hereby authorizes and directs the submission to the electors of the City of Cleveland at the special election to be held at the usual places of voting of said City on Tuesday, March 19, 1996, of a proposal to amend Section 108 of the Charter of the City of Cleveland to read as follows:

§ 108 Authorization of Contracts

(a) All contracts involving any expenditure in excess of ten thousand dollars (\$10,000.00) shall first be authorized and directed by ordinance of Council. When so authorized and directed, the director of the department involved shall make a written contract with the lowest and best bidder, after advertisement once a week for two consecutive weeks in the City Record and after competitive bidding.

(b) When authorized by ordinance passed by the Council and in accordance with the general laws of the State of Ohio, competitive bidding and advertisement are not required for the City to participate in contracts of the State of Ohio or any of its political subdivisions for the purchase of supplies, services, materials and equipment.

(c) There shall be no splitting of orders to avoid the effect of this section, and any contract made contrary to or in evasion of the provisions of this section shall be illegal and void.

Section 2. That the foregoing proposed amendment, upon receiving at least a majority of the votes cast thereon at the March 19, 1996, special election, shall become effective immediately upon its adoption.

Section 3. That the Clerk of this Council is hereby authorized and directed promptly to forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

Section 4. That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be duly given of the election to be held on March 19, 1996, on the foregoing amendment to the Charter of this City and otherwise to provide for such election in the manner provided by the general laws of the State of Ohio.

Section 5. That the Clerk of this Council is hereby authorized and directed to cause the full text of such proposed Charter amendment to be published once a week for two consecutive weeks in a newspaper

published in the City of Cleveland, with the first publication to be made at least fifteen days prior to the special election to be held on March 19, 1996, as provided in Article XVIII, Section 9, of the Constitution of the State of Ohio, Section 731.211 of the Ohio Revised Code, and Section 200 of the Charter of the City of Cleveland.

Section 6. That the ballot submitting the question of the adoption of the aforesaid amendment shall read as follows:

**PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is necessary for passage.

Shall Section 108 of the Charter of the City of Cleveland be amended to provide that, with City Council authorization, the City of Cleveland may participate in contracts for the purchase of supplies, services, materials and equipment which have been competitively bid by the State of Ohio or any of its political subdivisions for the purpose of selecting the lowest and best bidder without the necessity of following the City's bidding procedures?

Section 7. That, for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance shall take effect and be in force immediately upon its passage by the affirmative vote of two-thirds of all the members elected to Council.

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

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

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

Res. No. 44-96.

By Councilman Johnson.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11600 Buckeye Road, and repealing Res. No. 1712-95, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 11600 Buckeye Road by Res. No. 1712-95, adopted September 25, 1995; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 11600 Buckeye Road be and the same is hereby withdrawn and Res. No. 1712-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

from and after the earliest period allowed by law.

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

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

Res. No. 45-96.

By Councilman Lewis.

An emergency resolution withdrawing objection to the renewal of a C1, C2 and D6 Liquor Permit to 1762 East 55th Street, first floor and basement, and repealing Res. No. 1530-95, objecting to said renewal.

Whereas, this Council objected to the renewal of a C1, C2 and D6 Liquor Permit to 1762 East 55th Street, first floor and basement, by Res. No. 1530-95, adopted August 23, 1995; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; 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 renewal of a C1, C2 and D6 Liquor Permit to 1762 East 55th Street, first floor and basement, be and the same is hereby withdrawn and Res. No. 1530-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 46-96.

By Councilman Paulenske.

An emergency resolution opposing the decision of Leece Neville, a subsidiary of Prestolite Inc., to close its plant at 3831 Kelly Avenue and urging its corporate officers to reconsider their decision and to work with the Department of Economic Development to remain in the City of Cleveland.

Whereas, Leece Neville, a subsidiary of Prestolite Inc., has announced that it is closing its plant at 3831 Kelly Avenue and relocating its operation to Arcade, New York; and

Whereas, after Prestolite Inc. filed for bankruptcy in 1990, the City, in a cooperative effort with Senator Metzenbaum, Congressman Stokes and the State of Ohio, developed a plan to preserve the financial integrity of the company within the City of Cleveland; and

Whereas, this plan included expediting payments to Prestolite from its existing contracts with the U.S. Department of Defense; 60% tax abatement for 10 years on improvements to its facility and increased inventory and \$150,000 low interest

financing from the City; and \$1.25 million low interest financing from the State of Ohio, and

Whereas, in 1993, Prestolite decided not to accept any of these approved public subsidies; and

Whereas, Prestolite's decision to relocate its plant does not make sense in light of the obvious efforts of the City to assist the company in maintaining its plant on Kelly Avenue; and

Whereas, this Council urges Prestolite to reconsider its decision and to meet with representatives of the Department of Economic Development to discuss financial opportunities available to Prestolite if it remains in the City of Cleveland; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that all necessary steps must be taken to urge Prestolite to reconsider its corporate decision; now, therefore,

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

Section 1. That this Council opposes the decision of Leece Neville, a subsidiary of Prestolite Inc., to close its plant at 3831 Kelly Avenue and urges its corporate officers to reconsider their decision and to work with representatives of the Department of Economic Development to keep its business operation within the City of Cleveland.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the corporate officers of Leece Neville and Prestolite Inc.

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

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

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

Res. No. 47-96.

By Councilman Paulenske.

An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 5474 Broadway Avenue, first floor and basement, and repealing Res. No. 2070-95, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 5474 Broadway Avenue, first floor and basement, by Res. No. 2070-95, adopted November 13, 1995; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 5474 Broadway Avenue, first floor and basement, be and the same is hereby

withdrawn and Res. No. 2070-95, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 48-96.

By Councilman Polensek.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 17502 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. 5173055, James Emmett Lewis, dba Lewis Food Market, 17502 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. 5173055, James Emmett Lewis, dba Lewis Food Market, 17502 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 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 49-96.

By Councilman Polensek.

An emergency resolution urging the Administration to develop and implement a program to educate the public concerning prevention of carbon monoxide poisoning and urging the Department of Public Safety to investigate the feasibility of instituting a carbon monoxide detector program to provide detectors to residents that cannot afford them.

Whereas, the recent deaths in the Cleveland area caused by carbon monoxide poisoning has raised the public's awareness and concern about this silent killer; and

Whereas, the age of Cleveland's housing stock and the heating systems within residences, when combined with efforts by many citizens to better insulate their homes, has significantly increased the risk of carbon monoxide poisoning; and

Whereas, while the public is concerned, the public needs to be educated about the causes of carbon monoxide in the home and the ways to prevent carbon monoxide poisoning; and

Whereas, the use of carbon monoxide detectors is one way to alert residents when carbon monoxide has reached unsafe levels within a home and, thus, save lives; and

Whereas, the cost of carbon monoxide detectors will prevent many Cleveland residents from acquiring and using this important safety device; and

Whereas, the City of Cleveland should develop and implement an education program concerning carbon monoxide poisoning, including distribution of pamphlets explaining the risks and remedies; and

Whereas, the Department of Public Safety should investigate the feasibility of implementing a carbon monoxide detector program similar to the smoke detector program implemented by the Fire Department in 1993; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that the City should quickly take action to protect its citizens from the risk of carbon monoxide poisoning; now, therefore,

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

Section 1. That this Council urges the Directors of Public Health and Public Safety and the Commissioner of Building and Housing to develop

and implement a program to educate the citizens of Cleveland concerning the risks of carbon monoxide poisoning and the ways to combat this silent killer.

Section 2. That this Council urges the Department of Public Safety to investigate the feasibility of implementing a program to provide carbon monoxide detectors free of charge to residents of the City of Cleveland that are unable to afford them.

Section 3. That the Administration is further urged to solicit gifts and grants from the business community in Cleveland to assist in the implementation of these programs.

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

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

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

Res. No. 50-96.

By Councilman Willis.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 1108 Primrose Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9155405, Union Fish & Beverage Store, Inc., & Robert Zakaib, dba Dagwood Food Mart, 11108 Primrose Avenue, Cleveland, Ohio 44108, to Permit No. 0004631, A.L. Corp., 11108 Primrose Avenue, Cleveland, Ohio 44108; 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 Sec-

tion 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 9155405, Union Fish & Beverage Store, Inc., & Robert Zakaib, dba Dagwood Food Mart, 11108 Primrose Avenue, Cleveland, Ohio 44108, to Permit No. 0004631, A.L. Corp., 11108 Primrose Avenue, Cleveland, Ohio 44108, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 398-95.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of telephone call accounting and reporting services, including lease and/or purchase of hardware and software, for the Division of Information System Services, Department of Finance.

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

1. In the title, at the end, strike the period and insert in lieu thereof: **“; authorizing the Director of Finance to employ consultants to provide professional services necessary for the development, implementation and operation of the telephone call accounting and reporting services.”**

2. In the title, line 5 and in Section 1, line 5, after “including” insert **“data processing services.”**

3. Insert a new Section 2 to read as follows:

“Section 2. That the Director of Finance is hereby authorized and directed to employ by contract one or more firms of 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 for the development, implementation and operation of the telephone call accounting and reporting services.

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 here-in authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.”

4. Renumber existing Sections 2 and 3, respectively, to new **“Section 3”** and **“Section 4”**.

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1667-95.

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

An emergency ordinance to amend Section 611.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 394-87, passed April 20, 1987, relating to public gaming.

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

1. In Section 1, at division (c) of Section 611.04, line 2, after “alleyway,” insert the following: **“or at any park, playground, or school property.”**

2. In Section 1, in Section 611.04, strike division “(e)” in its entirety and insert in lieu thereof the following:

“(e) Whoever violates this section is guilty of public gaming a misdemeanor of the first degree.”

Amendments agreed to.

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

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 1826-95.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the northeast corner on North Park Drive and Bellfield Avenue to Dr. Lolette Kuby.

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

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

Ord. No. 2014-95.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of marked and unmarked police vehicles, and related police accessories and equipment,

for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 2146-95.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of E.Z. Pack packer parts, including labor, if necessary, for the Division of Motor Vehicle Maintenance, Department of Public Service.

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

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

Ord. No. 2187-95.

By Councilman Pianka.

An emergency ordinance designating the Laisy Building, 7921-23 Lorain Avenue, S.W., as a Cleveland landmark.

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

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

Ord. No. 2194-95.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance approving the collective bargaining agreement with Ohio Patrolman Benevolent Association.

Approved by Directors of Personnel and Human Resources, Finance, Law; Recommended by Committee on Finance.

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

MOTION

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

The Council adjourned at 9:05 p.m. to meet on Monday, January 22, 1996, at 7:00 p.m.


Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 3, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 3, 1996, at 10:30 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Absent: None.
Others: William Moon, Commissioner, Purchases and Supplies, Linda Willis, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 1-96.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 891-93, passed by the Council of the City of Cleveland on June 7, 1993, and Board of Control Resolution No. 979-93, adopted November 10, 1993, the City through its Director of Public Utilities entered into City Contract No. 46781 with General Elevator Company, Inc. for service and maintenance of three (3) Dover Computamatic elevators, for a period of three (3) years, for the Division of Water, Department of Public Utilities; and

Whereas, pursuant to the authority of Ordinance Nos. 1254-92 and 2029-92, passed by the Council of the City of Cleveland on June 15, 1992 and December 14, 1992, respectively, and Board of Control Resolution No. 599-95, adopted July 9, 1995, the City through its Director of Public Utilities entered into City Contract No. 48878 with Montgomery Kone, Inc. for renovation of the three (3) Dover elevators located in the building, and maintained by General Elevator under Contract No. 46781; and

Whereas, because Montgomery Kone, Inc. will be maintaining the elevators during the renovations and for the one (1) year warranty period thereafter, a separate additional contract for maintenance of said elevators would be unnecessary and would create service and responsibility problems; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that for the foregoing reasons this Board hereby determines that it is in the public interest to cancel Contract No. 46781 with General Elevator Company, Inc., pursuant to Section D-10 of the General Conditions of that contract.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 2-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Protectoplas Company, Division of EbcO, Inc., for the following: hydrofluosilicic acid storage tanks (All Items), for the Division of Water, Department of Public Utilities, received on the 25th day of October, 1995, pursuant to the authority of Ordinance No. 706-93, passed April 26, 1993, which on the basis of order quantities would amount to Thirty-Eight Thousand

One Hundred Sixty-Six (\$38,166.00) Dollars, is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 3-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on October 19, 1995 for paper products (Items 5 and 6), for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 534-94, passed by the Council of the City of Cleveland on May 23, 1994, are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 4-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Integrated Business Systems, Inc., for an estimated quantity of paper products (Items 1, 2 and 3), for the Division of Water, Department of Public Utilities, for the period of six (6) months beginning with the date of execution of a contract received on the 19th day of October, 1995, pursuant to the authority of Ordinance No. 534-94, passed May 23, 1994, which on the basis of the estimated quantity would amount to Thirty-Nine Thousand One Hundred Sixty-One and 80/100 Dollars, (\$39,161.80), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into 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. 78104 which shall be certified against such contract in the sum of Ten Thousand Dollars (\$10,000.00).

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, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 5-96.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that all bids received on December 8, 1995 for two utility vehicles for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 707-93, passed by the Council of the City of Cleveland on April 26,

1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 6-96.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, Inc., for the following: copper pipe (Items 1, 2, 3 and 4), for the Division of Water, Department of Public Utilities, received on the 1st day of December, 1995, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of order quantities would amount to Forty-One Thousand Seventy-Two and 22/100 Dollars, (\$41,072.22), (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into contract for such items.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 7-96.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that all bids received on December 20, 1995 for constructing a new Hadden pump station for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 895-93, passed by the Council of the City of Cleveland on June 14, 1993, be and the same are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 8-96.

By Director Cunningham.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2149-95, passed by the Cleveland City Council on December 18, 1995, the firm of JF Inc., a subsidiary of Inland Waters Pollution Control, Inc., dba Samsel Services Company ("Consultant") is hereby selected upon the nomination of the Director of Port Control, to provide professional services to design and implement a pilot program to collect, dispose of, and recycle de-icing chemicals at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written agreement with Consultant based on its proposal dated November 16, 1995, as revised by its letter dated December 1, 1995, and further revised by its letter dated December 28, 1995. The fee for such services shall be an amount of Four Hundred Forty-Nine Thousand One Hundred Seventy-Two and no/100 dollars, (\$449,172.00).

Be it further resolved that the

employment of the following subcontractors by Consultant is hereby approved:

SUBCONTRACTORS SERVICE

Alpha-Omega Chemical Company
Analytical testing and specialty contracting (MBE) (\$ 45,566.00 - 10.13%)

Autumn Industries Inc.
Transportation (FBE) (\$23,806.00 - 5.3%)

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 9-96.

By Directors Denihan and Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 3, 1995 for the public improvement of renovating, rehabilitating and otherwise improving the Charles V. Carr Municipal Center Bid Package "D" Northeast Building, for the Departments of Public Safety and Public Service, pursuant to the authority of Ordinance Nos. 143-89 and 2962-89, passed by the Council of the City of Cleveland on July 26, 1989 and December 11, 1989, respectively, be and the same are hereby rejected.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 10-96.

By Director Spellman.
Whereas, pursuant to Section 133.24 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties may, with the approval of the Board of Control, allow an entity to maintain, improve, and adopt real property belonging to the City and not in the charge of another department; and

Whereas, the City is the owner of certain real property located south of Chagrin Boulevard, north of Harvard Road, and east of Richmond Road; and

Whereas, the Cleveland Radio Control Club has expressed an interest in utilizing and maintaining this property for the enjoyment of the general public;

Whereas, it is in the best interests of the City to enter into an agreement to arrange for the use and maintenance of this property by the Cleveland Radio Control Club;

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authority of Section 133.24 of the Codified Ordinances of the City of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is hereby authorized to enter into an agreement authorizing the Cleveland Radio Club to utilize and maintain the adopted property, located south of Chagrin Boulevard, north of Harvard Road, and east of Richmond Road, for a three (3) year period of time beginning January 1, 1996 and terminating December 31, 1998, subject to earlier revocation at will by the Director.

Be it further resolved that, pur-

suant to said Section 133.24 the adoption of said property shall not be construed as the conveyance of any right, title or interest in public property, but merely as a grant of privilege, revocable at the will of the Director, to perform all routine maintenance and to make only such improvements as are approved by said Director.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 11-96.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 2100-95, passed by the Council of the City of Cleveland on December 18, 1995, the Director of Public Utilities is authorized, on behalf of the Division of Cleveland Public Power, to enter into a written agreement to lease property including three (3) General Electric Frame 5 gas turbine generators located at 2490 West 41st Street and 13715 Aspinwall Avenue to American Municipal Power-Ohio, Inc. ("Amp-Ohio"), and to purchase the output of said generators from Amp-Ohio, for a period not to exceed twenty (20) years.

Be it further resolved that in consideration of the agreement by the City to lease AMP-Ohio said turbine generators and to purchase the output therefrom, Amp-Ohio shall rehabilitate the three turbine generators, as is more fully described in the lease agreement contained in City Council File No. 2100-95A.

Yeas: Mayor White, Directors Sobol Jordan, Hyer, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent: None.

Resolution No. 12-96.

By Directors Guzman and Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc., 23632 Mercantile Road, Beachwood, Ohio 44122 for the public improvement of the rehabilitation of Public Square, Phase IV, (Items 1-6, 6A, 7B, 8-14, 14A, 15-40, 41-56, 57, 58, 58A, 59-62, 64-78, 78A, 79, 79A, 80, 81, 81A, 82, 82B, 83, 83B, 84, 85A, 87A, 88-101, and 102) for the Division of Engineering and Construction, Department of Public Service and Parks, Recreation and Properties, received on November 30, 1995, pursuant to the authority of Ordinance No. 370-82, 2104-84 and 1081-95, passed March 15, 1982, November 12, 1984 and October 23, 1995, upon a unit basis, for the improvement in the aggregate amount of One Million Two Hundred Fifty Three Thousand, Nine Hundred and Twenty-Four Dollars and 90/100, (\$1,253,924.90), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Service and Parks, Recreation and Properties are hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved that the employment of the following subcontractors of Envirocom Construction, Inc., for the rehabilitation of Public Square, Phase IV hereby is approved:

SUBCONTRACTORS

United Ready Mix,
Incorporated
1917 Carter Road
Cleveland, Ohio 44113 (MBE 5%)

A & L Sewer Company
19708 Gladstone Road
Warrensville Hts.,
Ohio 44122 (MBE 4%)

Cavotta Landscapers
19517 Nottingham Road
Cleveland, Ohio 44110 (FBE 6%)

Yeas: Mayor White, Directors
Sobol Jordan, Hyer, Konicek, Cun-
ningham, Guzman, Staib, Denihan,
Spellman, Hamilton, Nolan, Warren,
Axelrod.
Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and informa-
tion, 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 prop-
erly filled out on the official form
prescribed by the Civil Service Com-
mission and filed at the office of the
commission not later than the final
closing date slated in the examina-
tion announcement.

EXAMINATION RESULTS: Each
applicant whether passing or failing
will be notified of the results of the
examination as soon as the com-
mission 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 examina-
tion.

FREDDIE J. FENDERSON,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, JANUARY 22, 1996

9:30 A.M.

Calendar No. 95-228: 3044 Mabel Ave.,
N.W.
County of Cuyahoga, owner, c/o
Jack Furlong, and Charge Develop-
ment Co., prospective purchaser, c/o
Doug R. Perkowski, to convert to
two dwelling units the 30' x 67' two
story masonry building on a 21' x
115' irregular shaped lot located in
a B-Two-Family District at 3044
Mabel Ave.; said lot not being 40'
front nor 4800 square feet in area as
required for a two family dwelling
by Section 355.05 and the gross floor

area of the building being more
than the lot area instead of not
more than .5 times the lot area as
limited by Section 355.04 and said
building being deficient in rear
yard area and sideyard area con-
trary to the yard requirements reg-
ulated by Sections 357.08 and 357.09
and the accessory off-street parking
area to be provided to be located in
the front half of the lot and within
10' of the dwelling to the west con-
trary to the provisions of Sections
337.23 and 349.05 of the Codified
Ordinances.

Calendar No. 95-234: 3274 E. 143 St.
Claudine C. Husband, owner, to
add a 24'6"x 12' two story frame
addition, for five additional occu-
pants for a total of 16 occupants, to
the rear of the 24'6"x 38'9" two
story frame adult care facility on a
40' x 120' lot located in a B-Two
Family District at 3274 E. 143 St.;
said use being subject to the
approval authority under Section
337.02(f)(3) and being located 5'6"
from the property to the south at
3278 E. 143 St. and 10' from the
property to the north at 3270 E. 143
St. contrary to the 30' distance
requirement of Sections 337.03 and
337.02 and there being insufficient
accessory off-street parking con-
trary to the requirements of Sec-
tions 349.03 and 349.04 and the south
sideyard being 5'6" instead of 8' as
required by Section 357.09 of the
Codified Ordinances.

Calendar No. 95-235: 5910 Utica Ave.,
N.E.

Marcella Anderson, owner, to
erect a 12' x 20' one story frame pri-
vate garage addition to the west
side of the 18'9"x 40' two story
frame one family dwelling house on
a 35'6"x 60' lot located in a One
Family District at 5910 Utica Ave.;
said addition to reduce the aggre-
gate sideyards to less than 5'
instead of the 10' aggregate as
required by Section 357.09 and the
addition to be located 5' from the
dwelling to the west instead of 10'
therefrom contrary to the distance
requirements of Sections 337.23(a)
and 357.09 of the Codified Ordina-
nces.

ANTHONY COSTANZO,
Secretary

**REPORT OF THE BOARD
OF ZONING APPEALS**

MONDAY, JANUARY 8, 1996

At the Meeting of the Board of
Zoning Appeals, on, Tuesday, Janu-
ary 2, 1995, the following appeals
were heard by the Board, and, on,
Monday, January 8, 1996 were decid-
ed by the Board.

The following appeal was **Grant-
ed:**

Calendar No. 95-227: 5005 Franklin
Blvd., N.W.
Henry Kinicki, owner, to erect
approximately 293' of 42" high
wood picket fence and gates.

The following appeal was
Refused:

Calendar No. 95-230: 12400 Cooley
Ave., S.W.
Randal Prichard, owner, to con-
vert to an exterminator contractor's

offices and shop the 54' x 41' one
story masonry nonconforming ser-
vice station building and to erect a
54' x 41' second floor addition there-
to.

The following appeal was **With-
drawn:**

Calendar No. 95-219: 10305 Madi-
son Ave., N.W.

ANTHONY COSTANZO,
Secretary

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

NO MEETING

PUBLIC NOTICE

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

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

Richard Norris, last known
address, 10127 South Blvd., Apart-
ment 2, Cleveland, Ohio 44108.

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

**Scaled bids will be received at the
office of the Commissioner of Pur-
chases and Supplies, Clubroom B,
Convention Center, in accordance
with the appended schedule, and
will be opened and read in Club-
room B, Convention Center, immedi-
ately thereafter.**

**Each bid must be made in accord-
ance 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 Pur-
chases 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 speci-
fied 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 advertise-
ment: "Pursuant to the MBE/FBE
Code, each prime bidder, each
minority business enterprise
("MBE") and each female business
enterprise ("FBE") must be certi-
fied before doing business with the
City. Therefore, any prime contrac-
tor wishing to receive credit for
using an MBE or FBE should
ensure that applications for certi-
fication as to MBE or FBE status
compliance with the Code, affirma-
tive 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 rep-**

resentations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

FRIDAY, JANUARY 26, 1996

Manhole Covers and Parts, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Large Water Meters (Items 1-5 and 7-13), for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Small Water Meters, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

January 3 and January 10, 1996

WEDNESDAY, JANUARY 31, 1996

Constructing a New Hadden Pump Station, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 895-93, passed by the Council of the City of Cleveland, June 14, 1993.

A DEPOSIT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) 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.

January 3 and January 10, 1996

THURSDAY, JANUARY 25, 1996

Repair and Maintain Escalators and Elevators, for the Various Divisions of Port Control, as authorized by Ordinance No. 825-95, passed by the Council of the City of Cleveland, June 12, 1995.

January 10 and January 17, 1996

FRIDAY, FEBRUARY 2, 1996

De-Icer, for the Divisions of Parks, Maintenance and Properties, as authorized by Ordinance No. 2123-94, passed by the Council of the City of Cleveland, February 6, 1995.

January 10 and January 17, 1996

FRIDAY, FEBRUARY 9, 1996

Two (2) Sewer Cleaning Machines, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1882-95, passed by the Council of the City of Cleveland, December 18, 1995.

Fire Extinguishing Agents, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 2181-95, passed by the Council of the City of Cleveland.

January 10 and January 17, 1996

WEDNESDAY, FEBRUARY 21, 1996

Unarmed, Uniformed Security Guard Service, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2243-95, passed by the Council of the City of Cleveland.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 8, 1996 AT 1:00 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE.

January 10 and January 17, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

RULES OF THE DIRECTOR OF PUBLIC SAFETY

Pursuant to the authority vested in the Director of Public Safety by Council of the City of Cleveland under Section 403.03 of the Codified Ordinances of the City of Cleveland, the following are hereby adopted, ordered published in the City Record immediately and to take effect and be in force Ten (10) days thereafter and upon the erection of signs as required by Section 403.03 of the Codified Ordinances of the City of Cleveland.

Rule No. 10-95.1 - Amendment of Rule No. 10 - Stop Intersections

Rule No. 10 is hereby amended by adding thereto the following streets or sections of streets:

North Blvd. east/west bound at E. 102 St. (Approved by Councilman Patton)

DAVID B. RITZ, Commissioner Division of Traffic Engineering

WILLIAM M. DENIHAN, Director Department of Public Safety November 20, 1995

January 10, 1996

COUNCIL COMMITTEE MEETINGS

Monday, January 8, 1996

Finance Committee: 2:00 P.M. - Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Patmon, Polensek, Robinson, Rybka, Turner.

Wednesday, January 10, 1996

Public Safety Committee: 10:00 A.M. - Present: Polensek, Chrm.; Willis, V-Chrm.; Jackson, McGuirk, Miller, O'Malley, Patmon, Paulenske. Excused: Patton.

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