

# The City Record

Official Publication of the City of Cleveland

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October the Twenty-Ninth, Nineteen Hundred and Ninety-Seven

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

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# DIRECTORY OF CITY OFFICIALS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 84

WEDNESDAY, OCTOBER 29, 1997

No. 4377

## CITY COUNCIL

MONDAY, OCTOBER 27, 1997

### The City Record

Published weekly under authority of the Charter of the City of Cleveland  
Subscription (by mail) \$75.00 a year  
January 1 to December 31  
Interim subscriptions prorated \$6.00 per month  
Address all communications to

### ARTHA WOODS

Clerk of Council  
216 City Hall

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

#### MONDAY—Alternating

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

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

#### MONDAY—Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY—Alternating

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

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

#### WEDNESDAY—Alternating

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

October 22, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 22, 1997, at 11:30 a.m., with Director Sobol Jordan presiding.

Present: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Absent: Mayor White, Directors Carmody and Warren.

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

On motion, the following resolutions were adopted.

#### Resolution No. 880-97.

By Director Konicek.  
Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 646-97, adopted by the Board on August 13, 1997, approving Reed City Power Line Supply, as the lowest and best bidder for 13.8KV Distribution Transformers, items nos. 6, 39, 41, 42, 44 thru 59, 66, 67, 94, 99, 104 thru 112, 118, 120, 121, 124 thru 126 and 129, is amended by deleting the amount of the total award, "One Million Two Hundred Fifty Six Thousand Four Hundred Sixty One and no/100 Dollars (\$1,256,461.00)" and substituting "Four Hundred Seventy Four Thousand Thirty Two and no/100 Dollars (\$474,032.00)".  
Be it further resolved that all

other provisions of said Resolution No. 646-97 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Nays: None.

Absent: None.

#### Resolution No. 881-97.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland that the bid of Leader Electric Supply Co. for the following: SCADA master upgrade E-7, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on the 1st day of May, 1997, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of order quantity would amount to \$630,772.00 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: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Nays: None.

Absent: None.

#### Resolution No. 882-97.

By Director Cunningham.

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 434-97, passed by the Cleveland City Council on June 2, 1997, Solar Testing Laboratories, Inc. ("Consultant") is hereby selected upon the nomination of the Director of Port Control for professional services to provide professional testing and construction inspection services at Cleveland Hopkins International Airport and Burke Lakefront Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with Solar Testing Laboratories, Inc. based on its proposed dated July 17, 1997. The fee for such services shall be an amount not to exceed two hundred fifty thousand and no/100 dollars (\$250,000.00).

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

#### SUBCONTRACTOR SERVICE

Ralph C. Tyler, P.E., P.S., Inc.  
(MBE)  
(\$37,618.00/15%)

Architect/engineering services

Dodson-Stilson, Inc.  
(MBE)  
(\$37,618.00/15%)

Environmental  
lab analyses

Office Pro, Inc.  
(FBE)  
(\$25,079.00/10%)

Administrative services

Yeas: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 883-97.**

By Director Cunningham.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 25, 1997 for labor and materials to maintain and replace interior plants and landscaping exterior sites (phase I-Interior plants) for the various divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 627-96, passed by the Council of the City of Cleveland on June 10, 1996, be and the same are hereby rejected.

Yeas: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Nays: None.  
Absent: None.

**Resolution No. 884-97.**

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 017-03-044 located at 3176 West 90 Street in Ward 18; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, William J. Noon, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 18 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel is neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with William J. Noon for the sale and development of Permanent Parcel No. 017-03-044

located at 3176 West 90 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Directors Sobol Jordan, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Acting Director Antonello and Director Lynch.

Nays: None.  
Absent: None.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

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

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

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

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

FREDDIE J. FENDERSON,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, NOVEMBER 10, 1997**

**9:30 A.M.**

**Calendar No. 97-209:** 7835 Harvard Avenue, S.E.

Anthony M. Pilla, Bishop, Catholic Diocese of Cleveland, owner, and Community Assessment Foundation Inc. c/o Dan Cratcha, tenant, appeal to change use to a Correctional Halfway House and a Drug and Alcohol Rehabilitation Center the 85' x 110' irregular shaped one and three-story and basement masonry home for the aged building (originally built as a convent) on the southwest portion of the irregular shaped acreage through parcel located in a General Retail and Semi-Industry District at 7835 Harvard Ave. and extending through to Broadway and also occupied by the Church/School Complex known as 8328 Broadway; said usage being subject to the approval authority of

Sections 347.15(b) and 347.15(c) and said usage to be contrary to the 500' separation standards for churches, schools and residence districts as required by Section 347.15(d)(1) and said usage to constitute the fifth within the Third Police District contrary to the maximum two limited by Section 347.15(d)(2) of the Codified Ordinances.

**Calendar No. 97-230:** 16119 Waterloo Road

Mack Company, owner, c/o Thomas McPhillips, General Partner, and Sprint Com Inc., c/o Steve Brandon, tenant, appeal to erect an 80' high, 10' triangular, telecommunications monopole tower, equipment cabinets and to enclose with a 9' high (including three strands of barb wire) chain link screen fence all on a 30' x 86' irregular shaped vacant corner parcel located in a C-2 Local Retail District on the northwest corner of East 162nd Street and Waterloo Road at 16119 Waterloo Road; said tower to exceed the height and location requirements of Sections 353.01, 353.02 and 353.06 of the Codified Ordinances.

**Calendar No. 97-232:** 4164 East 97th Street

Christopher Brown, owner, appeals to change use to a group home (adult care facility) for a maximum of six adults the 24' x 40' two-story frame one-family dwelling house on a 40' x 140' lot located in a Two-Family District at 4164 East 97th Street; said use being contrary to the residence limitations of Section 337.03 and the north side yard being 3' instead of 8' in width as required by Section 357.09 and not in compliance with the off-street parking requirements of Sections 349.03 and 349.04 and the landscaping requirements of Section 352.11 of the Codified Ordinances.

**Calendar No. 97-233:** 1809 East 89th Street

Melvin & Ethel Pye, Trust c/o Melvin Pye, Jr., owner, and Fresh Start Inc. c/o Ruby Black and Michael Smith, tenant, appeal to change use from one dwelling unit and eight rooming occupancies to a charitable institution for residential and outpatient care including meeting rooms, offices and sleeping facilities for sixteen adults in the 35' x 69' three-story frame multiple dwelling on a 95' x 225' parcel located in a Multi-Family District at 1809 East 89th Street; the north side yard being 5' instead of 8' in width as required by Section 357.09 and not in compliance with the off-street parking requirements of Sections 349.03 and 349.04 and the existing parking area not in conformance with the hardsurface, drainage and screening requirements of Sections 349.07 and 349.08 of the Codified Ordinances.

**Calendar No. 97-235:** 3312 West 117th Street

Zappone Realty Corp. c/o Michael Zappone et al, owner, and Rite Aid Corp. c/o Gregory Hopkins, prospective purchaser, appeal to erect an 84' x 128' one-story masonry store building and to construct a 45-car accessory parking lot all on the irregular shaped acreage parcel located in a General Retail, Semi-Industry and Two-Family District on the northwest corner of West 117th Street and Lorain Avenue and extending through to Geraldine Avenue and West 118th Street and

to be known as 3312 West 117th Street; portions of said building to be within the Residence District part of the premises contrary to the residence use limitations of Section 337.03 and the yard requirements of Sections 357.08 and 357.09 and not in compliance with the landscaping table and landscape screening requirements of Sections 352.10 and 352.11 of the Codified Ordinances.

HUNTER MORRISON,  
Acting Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, OCTOBER 27, 1997**

At the Meeting of the Board of Zoning Appeals on, Monday, October 20, 1997, the following appeals were heard by the Board, and, on Monday, October 27, 1997 were decided by the Board.

The following appeals were **Granted**:

**Calendar No. 97-197:** 15630 Lorain Avenue  
Paul Palmentera, owner, and Kamms Corners Auto Body Inc. c/o Paul Palmentera, president-tenant, appealed, to erect a 48' x 50' one story masonry irregular shaped extension. (granted conditionally)

**Calendar No. 97-217:** 3871 West 21st Street  
Marta Crespo, owner, appealed, to enclose the 18' 8" x 7' 1" one-story frame open front porch.

**Calendar No. 97-220:** 6805 Lansing Avenue, S.E.  
Wayne Holsopple, owner, appealed, to erect a 15' 5" x 19' 5" one-story frame addition. (granted conditionally)

**Calendar No. 97-222:** 3013-3021 Payne Avenue, N.E.  
K. & H. Real Estate Incorporated c/o Allen Krupar, owner, and Air-Temp Climate Control Incorporated c/o Allen Krupar, tenant, to use as a warehouse

The following appeal was **Postponed**:

**Calendar No. 97-145:** West 14th & Jennings.....Postponed Indefinitely.

**Calendar No. 97-215:** 573 East 140th Street.....Postponed to November 24, 1997.

HUNTER MORRISON,  
Acting Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

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

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

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

**Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.**

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

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

**FRIDAY, NOVEMBER 14, 1997**

**Diesel Fuel**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1152-96, passed by the Council of the City of Cleveland, August 13, 1997.

**Toro Mower Parts**, for the various divisions of City Government, Department of Finance, as authorized by Ordinance No. 1737-97, passed by the Council of the City of Cleveland.

October 22, 1997 and October 29, 1997

**WEDNESDAY, NOVEMBER 19, 1997**

**Purchase, Service and Repair Overhead Doors and Other Security Closures**, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 994-97, passed by the Council of the City of Cleveland, June 16, 1997.

**Repair of Fencing at Various Ball Diamonds**, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1777-97, passed by the Council of the City of Cleveland.

October 22, 1997 and October 29, 1997

**WEDNESDAY, NOVEMBER 26, 1997**

**New Cleveland Browns NFL Football Stadium:**

**Bid Package — 7A — Mechanical**  
**Bid Package — 7B — Food Service**  
**Bid Package — 8 — Electrical**

as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland.

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

**A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 12, 1997 AT 10:00 A.M. IN ROOM 230B OF THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE, CLEVELAND, OHIO.**

October 22, 1997 and October 29, 1997

**WEDNESDAY, NOVEMBER 12, 1997**

**Phase IV, Maplewood Tunnel & Springdale Improvements for the Consolidated Rental Car Facility,**

for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 571-97, passed by the Council of the City of Cleveland. **PLANS AND SPECIFICATIONS MAY BE OBTAINED IN ROOM 128, CITY HALL, DIVISION OF PURCHASES AND SUPPLIES FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK OR MONEY ORDER.**

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, NOVEMBER 6, 1997, AT 2:30 P.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS AIRPORT.**

October 29, 1997 and November 5, 1997

**WEDNESDAY, NOVEMBER 19, 1997**

**Towing Unattended Vehicles From Roadways,** for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 543-96, passed by the Council of the City of Cleveland, May 6, 1996.

**A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, NOVEMBER 5, 1997, AT 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.**

**Labor and Materials to Maintain and Repair Boilers,** for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1466-97, passed by the Council of the City of Cleveland, September 22, 1997.

**A PRE-BID MEETING WILL BE HELD ON THURSDAY, NOVEMBER 6, 1997, AT 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.**

**FRE Conduit and Fittings,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of the City of Cleveland, 1976.

October 29, 1997 and November 5, 1997

FRIDAY, NOVEMBER 21, 1997

**Labor and Materials to Repair Rear-Loading Packer Bodies**, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1018-96, passed by the Council of the City of Cleveland, June 18, 1996.

**One (1) Cab and Chassis with Enclosed Dump Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

**One (1) Cab and Chassis with Street Flusher Body**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

**Photographic Equipment**, for the Department of Community Development, as authorized by Ordinance No. 1303-97, passed by the Council of the City of Cleveland, October 6, 1997.

October 29, 1997 and November 5, 1997

#### ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 1970-97.**  
**By Councilman Rybka.**  
**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 7001 Union Avenue, and repealing Res. No. 136-97, objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 7001 Union Avenue, by Res. No. 136-97, adopted by January 27, 1997; and

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

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

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

**Section 1.** That objection to the issuance of a C1 Liquor Permit to 7001 Union Avenue, be and the same is hereby withdrawn and Res. No. 136-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted October 20, 1997.  
Effective October 28, 1997.

**Res. No. 1971-97.**  
**By Councilman Willis.**  
**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 10509 Ashbury Ave.**

Whereas, Council has been notified by the Director of Liquor Control of an application for the trans-

fer of ownership of a C1 and C2 Liquor Permit from Permit No. 170929500055, Convenience Plus Mart Inc. & 10509 Ashbury Inc. A Joint Venture, DBA First Choice Beverage, 10509 Ashbury Avenue, Cleveland, Ohio 44106, to Permit No. 6548639, 10509 Ashbury Inc., DBA First Choice Beverage, 10509 Ashbury Ave., Cleveland, Ohio 44106; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 170929500055, Convenience Plus Mart Inc. & 10509 Ashbury Inc. A Joint Venture, DBA First Choice Beverage, 10509 Ashbury Avenue, Cleveland, Ohio 44106, to Permit No. 6548639, 10509 Ashbury Inc., DBA First Choice Beverage, 10509 Ashbury Ave., Cleveland, Ohio 44106 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 20, 1997.  
Effective October 28, 1997.

**Res. No. 1972-97.**

**By Councilman Rybka.**

**An emergency resolution withdrawing objection to the issuance of a C1 Liquor Permit to 3790 East 116th Street, and repealing Res. No. 686-97, objecting to said issuance.**

Whereas, this Council objected to the issuance of a C1 Liquor Permit to 3790 East 116th Street, by Res. No. 686-97, adopted April 21, 1997; and

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

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

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

**Section 1.** That objection to the issuance of a C1 Liquor Permit to 3790 East 116th Street, be and the same is hereby withdrawn and Res. No. 686-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate issuance thereof.

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

Adopted October 20, 1997.  
Effective October 28, 1997.

**Ord. No. 942-97.**

**By Councilman Smith.**

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

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

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

Beginning at the intersection of the center line of Auburn Avenue, S.W. and the northerly extension of the easterly line of Sublot No. 21 in the E. L. and R. L. Barber Subdivision as recorded in Volume 1, Page 28 of the Cuyahoga County Map Records, thence southerly along said northerly extension and along said easterly line of said Sublot No. 21 and along its southerly extension to the center line of Barber Avenue, S.W.; thence westerly along said center line of Barber Avenue, S.W. to its intersection with the southerly extension of the westerly line of Sublot No. 16 in said E. L. and R. L. Barber Subdivision; thence northerly along said southerly extension and along said westerly line of said Sublot No. 16 to its intersection with a line located approximately fifty three and sixty one hundredths (53.61) feet south of the southerly line of Auburn Avenue, S.W.; thence westerly along said line which is parallel to and approximately fifty three and sixty one hundredths (53.61) feet south of said southerly line of Auburn Avenue, S.W. for a distance of thirty one (31) feet; thence northerly from said point to the center line of Auburn Avenue, S.W.; thence easterly along said center line of Auburn Avenue, S.W. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same is hereby changed to a Semi Industry Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1919, Sheet No. 1 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.

Passed October 20, 1997.

Effective November 29, 1997.

**Ord. No. 1159-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with C.A. Picard Surface Engineering, Inc., or its designee, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to relocate its facility from Westlake to the Cleveland Area Enterprise Zone.**

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

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

Whereas, C.A. Picard Surface Engineering, Inc., (the "Enterprise") has proposed to relocate its facilities to the City of Cleveland; and

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

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

**Section 1.** That this Council hereby approves the application of C.A. Picard Surface Engineering, Inc., or its designee, for enterprise zone incentives on the basis that C.A. Picard Surface Engineering, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

**Section 2.** That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with C.A. Picard Surface Engineering, Inc., or its designee to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to relocate its facility from Westlake to the City of Cleveland; said abatement shall be subject to annual review of the Tax Incentive Review Council.

**Section 3.** That any substitution of the designee or change in the level of abatement shall require City Council approval.

**Section 4.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1159-97-A.

**Section 5.** That the Director of Economic Development is hereby authorized to charge and accept fees not to exceed maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 6.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 20, 1997.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1223-97.**

**By Councilman Smith.**

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

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

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

Beginning at the intersection of the northeasterly extension of a line located sixty four (64) feet northwest of the northwesterly line of Hancock Avenue, S.W. and the center line of West 26 Street; thence southeasterly along said center line of West 26 Street to the center line of Monroe Avenue, S.W., thence southwesterly along said center line of Monroe Avenue, S.W. to its intersection with the southeasterly prolongation of the southwesterly line of Sublot No. 107 in the Barber and Lord Allotment as recorded in Volume 11, Page 26 of the Cuyahoga County Map Records; thence northwesterly along said southeasterly prolongation and southwesterly line of said Sublot No. 107 and continuing northwesterly along the northwesterly prolongation of said southwesterly line of said Sublot No. 107 to its intersection with the center line of Hancock Avenue, S.W.; thence southwesterly along said center line of Hancock Avenue, S.W. to its

intersection with the southeasterly extension of a line located one hundred nineteen and five tenths (119.5) feet southwest of the southwesterly line of West 26 Street; thence northwesterly along said southeasterly extension and along said line which is parallel to and one hundred nineteen and five tenths (119.5) feet southwest of said southwesterly line of West 26 Street to its intersection with said line located sixty four (64) feet northwest of said northwesterly line of Hancock Avenue, S.W.; thence northeasterly along said line which is parallel to and sixty four (64) feet northwest of said northwesterly line of Hancock Avenue, S.W. and along its northeasterly extension to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Semi Industry Use District and a 'C' Area District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1948, Sheet No. 1 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.

Passed October 20, 1997.

Effective November 29, 1997.

**Ord. No. 1273-97.**

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

**An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain, repair and modify airfield parking and terminal lighting system, for the various divisions of the Department of Port Control, 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 Port Control is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of labor and materials necessary to maintain, repair and modify airfield parking and terminal lighting system in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22589)

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

Passed October 20, 1997.

Effective October 28, 1997.

**Ord. No. 1278-97.**

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

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

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

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

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

Permanent Parcel No. 029-29-031

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original Rockport Township Section No. 3, bounded and described as follows:

Beginning at a Stone Monument in the centerline of Old Rocky River Drive S.W. at its intersection with the Southerly line of said Section No. 3 (which is also the centerline of Brookpark Road, S.W.);

Thence North 24° 58' 22" East along the centerline of said Old Rocky River Drive, S.W., 175 feet to a point therein;

Thence South 89° 29' 58" East parallel with the Southerly line of said section, 237.72 feet to a point;

Thence South 00° 30' 02" West and at right angles to the last described line, 159.24 feet to the Southerly line of said section;

Thence North 89° 29' 58" West on said Southerly line, 309.38 feet to the place of beginning, containing within said bounds, an area of about 43166 square feet of land, be the same more or less but subject to all legal highways. Excepting therefrom, the following described parcels:

Parcel 1

Beginning at the Southeast corner of said parcel;

Thence North 89° 29' 58" West along the Southerly line of said section, 30.00 feet to a point on the South line of said parcel;

Thence North 60° 57' 36" East 34.48 feet to a point in the Easterly line of said parcel;

Thence South 00° 30' 02" West along said Easterly line 17.00 feet to the place of beginning, containing within said bounds, an area of about 225 square feet.

Parcel 2

Beginning at the Northeast corner of said parcel:

Thence South 00° 30' 02" West along the Easterly line of said parcel; 60.00 feet to a point therein;

Thence North 06° 09' 14" West; 60.41 feet to the Northerly line of said parcel;

Thence South 89° 29' 58" East along said Northerly line, 7.00 feet to the place of beginning, containing within said bounds, an area of about 210 square feet.

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

**Section 3.** That the consideration to be paid for such property shall not exceed \$373,000.00.

**Section 4.** That all costs of acquisition of land shall be paid from Fund Nos. 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request Nos. 22594 and 22595.

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

Passed October 20, 1997.

Effective October 28, 1997.

**Ord. No. 1280-97.**

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

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

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

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

**Section 1.** That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of installing a ravine outfall sewer, for the Division of Cleveland Hopkins International Airport, Department of Port Control, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

**Section 2.** That the Director of Port Control is hereby authorized and directed to enter into contract for the making of the above public improvement with the lowest

responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

**Section 3.** That the costs for such public improvement herein contemplated shall be paid from the proceeds of the sale of the general airport revenue bonds of the City of Cleveland authorized by Ordinance No. 923-97, passed June 9, 1997, and from any fund or subfunds to which any federal grants for said improvement are credited, Request No. 22516.

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

Passed October 20, 1997.

Effective October 28, 1997.

**Ord. No. 1287-97.**

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

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

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

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

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

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

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

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

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

Thence North 39° 58' 00" West, about 879.39 feet measured perpendicular to the centerline of said Runway 5L-23R, to an iron pin at the Southwest corner of lands conveyed to the United States of America by deed recorded in Volume 5155, Pg. 715 of Cuyahoga County Record of Deeds and the Northwest corner of lands conveyed to the City of



Cleveland as shown by a Map of Survey of Cleveland Hopkins International Airport recorded in Volume 246, Pg. 71 to 75 of Cuyahoga County Record of Plats, said point also being the Westerly line of said Original Middleburgh Township Lot No. 1, Section No. 22, and the principal place of beginning of a parcel here-in described;

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

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

Thence Southeasterly along the Southerly line of said Cedar Point Road (vacated), about 80.45 feet along the arc of a curve deflecting to the right and having a radius of 1,117.22 feet and a chord of 80.43 feet which bears South 30° 23' 47" East;

Thence South 28° 20' 00" East, along the Southerly line of said Cedar Point Road (vacated) about 136.51 feet to an iron pin;

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

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

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

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

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

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

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

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

Passed October 20, 1997.  
Effective October 28, 1997.

#### Ord. No. 1296-97.

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

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

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

**Section 1.** That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195; its successors and assigns, for the construction, use and maintenance of two (2) bridges for Cleveland Clinic's Health Sciences Center which will encroach into the public right-of-way above and across East 96th Street and East 100th Street and are more fully described as follows:

#### CLEVELAND CLINIC BRIDGE CONSTRUCTION ENCROACHMENT/E. 96th ST.

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being an air rights area 15.00 feet in width within the bounds of East 96th Street, 66.00 feet in width, being also a part of Original One Hundred Acre Lot No. 401, and lying between a lower horizontal plane at elevation 695.50 feet, and upper horizontal plane at elevation 711.50 feet, bounded and described as follows:

Beginning on the westerly line of said East 96th Street at the point distance South 1°-51'-33" West, 8.26 feet as measured along said westerly line of East 96th Street from the southerly end of a cut-off corner at the southerly line of Carnegie Avenue S.E., 80.00 feet in width; Course No. 1: thence Due East, 66.04 feet to a point in the easterly line of said East 96th Street, said point being distance South 1°-51'-33" West, 8.26 feet as measured along said easterly line of East 96th Street from the southerly end of a cut-off corner at the aforementioned southerly line of Carnegie Avenue S.E.; Course No. 2: thence South 1°-51'-33" West, 15.01 feet to its intersection with a line drawn parallel with and distant 15.00 feet southerly by rectangular measurement from Course No. 1 herein; Course No. 3: thence Due West along said parallel line, 66.04 feet to a point in the aforementioned westerly line of East 96th Street; Course No. 4: thence North 1°-51'-33" East along said westerly line of East 96th Street, 15.01 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in January 1997, be the same more or less. Elevations are based on U.S. Government Datum.

#### CLEVELAND CLINIC BRIDGE CONSTRUCTION ENCROACHMENT/E. 100th ST.

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being an air rights area 15.00 feet in width within the bounds of East 100th Street,

60.00 feet in width, being also a part of Original One Hundred Acre Lot No. 401, and lying between a lower horizontal plane at elevation 706.50 feet and upper horizontal plane at elevation 721.50 feet, bounded and described as follows:

Beginning on the westerly line of said East 100th Street at the point distance South 0°-20'-17" West, 11.40 feet as measured along said westerly line of East 100th Street from the southerly end of a curved turnout at the southerly line of Carnegie Avenue S.E., 80.00 feet in width; Course No. 1: thence South 87°-02'-00", East, 60.06 feet to a point in the easterly line of said East 100th Street, said point being distance South 0°-20'-17" West, 24.63 feet as measured along said easterly line of East 100th Street from the southerly end of a cut-off corner at the southerly line of Carnegie Avenue S.E., 86.00 feet in width; Course No. 2: thence South 0°-20'-17" West, 15.02 feet to its intersection with a line drawn parallel with and distant 15.00 feet southerly by rectangular measurement from Course No. 1 herein; Course No. 3: thence North 87°-02'-00" West along said parallel line, 60.06 feet to a point in the aforementioned westerly line of East 100th Street; Course No. 4: thence North 0°-20'-17" East along said westerly line of East 100th Street, 15.02 feet to the place of beginning, according to a survey by Garrett & Associates, Inc., Registered Engineers and Surveyors, made in January, 1997, be the same more or less. Elevations are based on U.S. Government Datum.

**Section 2.** That said overhead bridges will be constructed within the public right-of way of East 96th Street and East 100th Street as aforesaid in Section 1., and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed October 20, 1997.

Awaiting the approval or disapproval of the Mayor.

#### Ord. No. 1315-97.

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

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 15814 Damon Avenue, 15801 Corsica Avenue, 15911 Corsica Avenue and 16009 Pythias Avenue to Northeast Shores Development Corp.**

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

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

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 113-14-010, 113-14-076, 113-14-082 and 113-14-123, as more fully described in Section 2 below, to Northeast Shores Development Corp.

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

P. P. No. 113-14-010

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 15 feet from front to rear of Sublot No. 396 and all of Sublot No. 397 in the Eastwood Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, and together forming a parcel of land 40 feet front on the Southerly side of Nansen Street, (now known as Damon Avenue, N.E.) and extending back of equal width 101 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 113-14-076

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 309 and 310 in the Eastwood Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31, Page 27 of Cuyahoga County Records and together forming a parcel of land 50 feet front on the Northerly side of Corsica Avenue, N.E., and extending back of equal width 101 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 113-14-082

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot Nos. 298 and 299 in the Eastwood Subdivision of part of Original Euclid Township Tract No. 16, as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, and being 50 feet front on the Northerly side of Corsica Avenue N.E., and extending back between parallel lines, 101 feet deep, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 113-14-123

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 353 in Van De Boe-Hager Company's Eastwood Subdivision of part of Original Euclid Township Tract No.

16 as shown by the recorded plat in Volume 31 of Maps, Page 27 of Cuyahoga County Records, and being 25 feet front on the Northerly side of Pythias Avenue (formerly Peary Street) and extending back of equal width 101 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to restrictions and easement contained in deed recorded in Volume 2705, Page 646, Cuyahoga County Records.

Also subject to zoning ordinances, if any.

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

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

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

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

Passed October 20, 1997.

Effective October 28, 1997.

#### **Ord. No. 1321-97.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a contract with C.A. Picard Surface Engineering, Inc., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a building, the purchase of machinery and equipment and to assist in the relocation of its facility from Westlake to the City of Cleveland, Ohio.**

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

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

**Section 1.** That the Director of Economic Development is hereby authorized to enter into a contract with C.A. Picard Surface Engineering, Inc., or its designee, to provide economic development assistance to partially finance acquisition and renovation of a building, located at 15610 Industrial Parkway, the purchase of machinery and equipment and to assist in the relocation of its facility from Westlake to the City of Cleveland, Ohio.

**Section 2.** That the terms of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1321-97-A.

**Section 3.** That the costs of said contract shall not exceed One Hundred Eighty Five Thousand Dollars (\$185,000.00), and shall be paid from Fund No. 12 SF 954, Request No. 23323.

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

**Section 5.** That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 12 SF 958.

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

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

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

Passed October 20, 1997.

Effective October 28, 1997.

#### **Ord. No. 1323-97.**

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

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

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

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

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

Section 4. That the costs for such services herein authorized shall be paid from Fund Nos. 20 SF 334, 20 SF 322, 20 SF 312, 52 SF 217, 52 SF 219, 54 SF 001, 58 SF 211, 60 SF 106, and funds legally available and appropriated for the use of the various user Departments and Divisions to pay such costs, Request No. 21924. The cost of the services authorized by this ordinance shall not exceed \$710,000.00. The services authorized by this ordinance shall be in accordance with the document contained in file no. \_\_\_\_\_, labeled, 'Citywide GISModification to Legislation Funding Breakdown'. The design of

the Geographical Information System shall include the needs of this Council. The Director of Finance shall report to this Council at least quarterly on the progress of the project.

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

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

Passed October 20, 1997.

Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1329-97.**

**By Councilman Rybka.**

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

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

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

Beginning at the intersection of the center line of Maryland Avenue, S.E. and the center line of Warner Road, S.E.; thence southwesterly along said center line of Warner Road, S.E. to the center line of Grand Division; thence westerly along said center line of Grand Division to its intersection with the southerly extension of the westerly line of Sublot No. 276 in the Orchard Grove (George M. Hicks) Allotment as recorded in Volume 15, Page 33 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 276 and continuing northerly along the westerly lines of Sublots Nos. 275 and 274 in said Orchard Grove (George M. Hicks) Allotment to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 274 to its intersection with the easterly line of Sublot No. 270 in said Orchard Grove (George M. Hicks) Allotment; thence northerly along said easterly line of said Sublot No. 270 and along its northerly extension to the center line of Bancroft Avenue, S.E.; thence easterly along said center line of Bancroft Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 213 in said Orchard Grove (George M. Hicks) Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 213 to its intersection with the southerly line of Sublot No. 212 in said Orchard Grove (George M. Hicks) Allotment; thence easterly along said southerly line of said Sublot No. 212 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 212 and along its northerly extension to the center line of Rosewood Avenue, S.E.; thence easterly along said center line of Rosewood Avenue, S.E. to its intersection with the southerly extension of the westerly line of Sublot No. 7 in said Orchard Grove (George M. Hicks) Allotment; thence

northerly along said southerly extension and along said westerly line of said Sublot No. 7 and continuing northerly along the westerly lines of Sublots Nos. 8 and 9 in said Orchard Grove (George M. Hicks) Allotment to its intersection with the northerly line thereof; thence easterly along said northerly line of said Sublot No. 9 to its intersection with the easterly line of Sublot No. 142 in said Orchard Grove (George M. Hicks) Allotment; thence northerly along said easterly line of said Sublot No. 142 and along its northerly extension to the center line of Vineyard Avenue, S.E.; thence easterly along said center line of Vineyard Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 82 in said Orchard Grove (George M. Hicks) Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 82 to its intersection with the southerly line of Sublot No. 81 in said Orchard Grove (George M. Hicks) Allotment; thence easterly along said southerly line of said Sublot No. 81 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 81 and along its northerly extension to the center line of Jeffries Avenue, S.E.; thence easterly along said center line of Jeffries Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 21 in said Orchard Grove (George M. Hicks) Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 21 to its intersection with the southerly line of Sublot No. 33 in the Warner Road (A.G. Frisbie) Allotment as recorded in Volume 32, Page 17 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 33 and continuing easterly along the southerly lines of Sublots Nos. 34, 35, and 36 in said Warner Road (A.G. Frisbie) Allotment to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 36 and along its northerly extension to the center line of New York Avenue, S.E.; thence easterly along said center line of New York Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 42 in said Warner Road (A. G. Frisbie) Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 42 to its intersection with the southerly line of Sublot No. 105 in said Warner Road (A. G. Frisbie) Allotment; thence easterly along said southerly line of said Sublot No. 105 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 105 and along its northerly extension to the center line of Connecticut Avenue, S.E.; thence easterly along said center line of Connecticut Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 111 in said Warner Road (A. G. Frisbie) Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 111 to its intersection with the southerly line of Sublot No. 173 in said Warner Road (A. G. Frisbie) Allotment; thence easterly along said southerly line of said Sublot No. 173 to its intersection with the easterly line thereof; thence northerly along

said easterly line of said Sublot No. 173 and along its northerly extension to said center line of Maryland Avenue, S.E.; thence easterly along said center line of Maryland Avenue, S.E. to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to a Local Retail Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1950, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed October 20, 1997.

Effective November 29, 1997.

**Ord. No. 1330-97.**

**By Councilman Skrha.**

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

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

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

Beginning at the intersection of the center line of Sweeney Avenue, S.E. (vacated) and the center line of East 55 Street; thence southerly along said center line of East 55 Street to the center line of Track Road, S.E.; thence northwesterly along said center line of Track Road, S.E. to its intersection with the southerly prolongation of the center line of East 51 Street; thence northerly along said southerly prolongation of said center line of East 51 Street to said center line of Sweeney Avenue, S.E.; thence easterly along said center line of Sweeney Avenue, S.E. to the place of beginning, and as outlined in red on the map hereto attached be and the same are hereby changed to General Industry Use District and a 'C' Area District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1949, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed October 20, 1997.

Effective November 29, 1997.

**Ord. No. 1331-97.**

**By Councilman Rybka.**

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

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

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

Beginning at the intersection of the easterly extension of the northerly line of Sublot No. 1 in the Stanley and Adams Subdivision as recorded in Volume 11, Page 39 of the Cuyahoga County Map Records and the center line of Warner Road, S.E.; thence southwesterly along said center line of Warner Road, S.E. to the center line of Maryland Avenue, S.E.; thence westerly along said center line of Maryland Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 179 in the Warner Road (A.G. Frisbie) Allotment as recorded in Volume 32, Page 17 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 179 to its intersection with the southerly line of Sublot No. 72 in the Laumer Land Company Allotment as recorded in Volume 34, Page 20 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 72 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 72 to its intersection with the northerly line of Sublot No. 2 in the J. M. Bingham Non Recorded Allotment (said northerly line of said Sublot No. 2 being located approximately sixty seven and sixteen hundredths (67.16) feet south of the southerly line of Laumer Avenue, S.E.); thence easterly along said northerly line of said Sublot No. 2 to its intersection with the westerly line of Sublot No. 2 in the L. S. Webb Et. Al. Allotment as recorded in Volume 3, Page 18 of the Cuyahoga County Map Records; thence northerly along said westerly line of said Sublot No. 2 and along its northerly extension to the center line of Laumer Avenue, S.E.; thence easterly along said center line of Laumer Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 6 in said Laumer Land Company Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 6 to its intersection with the northerly line of Sublot No. 1 in said L. S. Webb Et. Al. Allotment; thence easterly along said northerly line of said Sublot No. 1 to its intersection with the easterly line of Sublot No. 5 in the W. and G. H. Brainard Allotment as recorded in Volume 9, Page 3 of the Cuyahoga County Map Records; thence northerly along said easterly line of said Sublot No. 5 and along its northerly extension to the center line of Force Avenue, S.E.; thence easterly along said center line of Force Avenue, S.E. to its intersection with the southerly extension of the westerly line of Sublot No. 3 in the Alfred Adams Allotment as recorded in Volume 13, Page 35 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said westerly line of said Sublot No. 3 and continuing northerly along the westerly line of Sublot No. 2 in said Alfred Adams Allotment to its intersection with a line located ninety five (95) feet north of the northerly line of Force Avenue, S.E.; thence easterly along said line which is parallel to and ninety five (95) feet north of said northerly line of Force Avenue, S.E. to its intersection with a line located eighty three and twenty three hundredths (83.23) feet

east of said easterly line of said Sublot No. 4; thence northerly along said line which is parallel to and eighty three and twenty three hundredths (83.23) feet east of said easterly line of said Sublot No. 4 and along its northerly extension to the center line of Goodman Avenue, S.E.; thence westerly along said center line of Goodman Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 4 in the Goodman Subdivision as recorded in Volume 24, Page 3 of the Cuyahoga County Map Records; thence northerly along said southerly extension and along said easterly line of said Sublot No. 4 to its intersection with the southerly line of Sublot No. 5 in the Warner Realty Company Allotment as recorded in Volume 32, Page 13 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 5 and continuing easterly along said southerly line of said Sublot No. 5 and continuing easterly along the southerly line of Sublot No. 4 in said Goodman Subdivision to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 4 and along its northerly extension to the center line of Dorver Avenue, S.E.; thence easterly along said center line of Dorver Avenue, S.E. to its intersection with the southerly extension of the easterly line of Sublot No. 97 in said Warner Realty Company Allotment; thence northerly along said southerly extension and along said easterly line of said Sublot No. 97 to its intersection with the southerly line of Sublot No. 5 in said Stanley and Adams Allotment; thence easterly along said southerly line of said Sublot No. 5 to its intersection with the easterly line thereof; thence northerly along said easterly line of said Sublot No. 5 to its intersection with the northerly line of Sublot No. 4 in said Stanley and Adams Allotment; thence easterly along said northerly line of said Sublot No. 4 to its intersection with the westerly line of Sublot No. 3 in said Stanley and Adams Allotment; thence northerly along said westerly line of said Sublot No. 3 and along its northerly extension to the center line of Beman Avenue, S.E.; thence easterly along said center line of Beman Avenue, S.E. to its intersection with the southerly extension of a line located thirty three and fifty hundredths (33.50) feet east of the easterly line of Sublot No. 103 in said Stanley Adams Allotment; thence northerly along said southerly extension and along said line which is parallel to and thirty three and fifty hundredths (33.50) feet east of said easterly line of Sublot No. 103 to its intersection with a line located one hundred fifty and ninety hundredths (150.90) feet north of the northerly line of Beman Avenue, S.E.; thence easterly along said line which is parallel to and one hundred fifty and ninety hundredths (150.90) feet north of said northerly line of Beman Avenue, S.E. and along its easterly extension to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1951, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland

on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed October 20, 1997.

Effective November 29, 1997.

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**Ord. No. 1332-97.**

**By Councilman Westbrook.**

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

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

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

Beginning at the intersection of the westerly extension of the southerly line of Sublot No. 5 in the F.R. Elliott Allotment as recorded in Volume 2, Page 3 of the Cuyahoga County Map Records and the center line of West 96 Street; thence northerly along said center line of West 96 Street to its intersection with the westerly extension of the northerly line of Sublot No. 4 in said F.R. Elliott Allotment; thence easterly along said westerly extension and along said northerly line of said Sublot No. 4 to its intersection with the easterly line thereof, thence southerly along said easterly line of said Sublot No. 4 and continuing southerly along the easterly line of said Sublot No. 5 in said F.R. Elliott Allotment to its intersection with said southerly line thereof; thence westerly along said southerly line of said Sublot No. 5 and along its westerly extension to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby, changed to Semi Industry Use District, a 'B' Area District, and a '3' Height District.

**Section 2.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1952, Sheet No. 1 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.

Passed October 20, 1997.

Effective November 29, 1997.

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**Ord. No. 1476-97.**

**By Councilman Rybka.**

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

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

**Section 1.** The following specific Setback Building Lines are hereby established:

The northeasterly side of Broadway between East 78 Street and Jones Road, S.E. zero (-0-) feet.

**Section 2.** Any and all existing Setback Building Lines within the boundary as specified in Section 1 are hereby repealed, and as outlined in red on the map hereto attached be and the same is hereby established as a zero (-0-) foot Setback Building Line.

**Section 3.** That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1955, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

**Section 4.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed October 20, 1997.

Effective November 29, 1997.

**Ord. No. 1477-97.**

**By Councilman Rybka.**

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

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

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

Beginning at the intersection of the center line of Harvard Avenue, S.E. and the northerly extension of the westerly line of Sublot No. 4 in the N.C. Brooks Allotment, as recorded in Volume 43, Page 27 of the Cuyahoga County Map Records; thence southerly along said northerly extension and along said westerly line of said Sublot No. 4 and continuing southerly along the westerly line of Sublot No. 9 in said N.C. Brooks Allotment and along its southerly extension to the center line of Polonia Avenue, S.E.; thence westerly along said center line of Polonia Avenue, S.E. to its intersection with the southerly extension of a line located three hundred sixty eight (368) feet west of said westerly line of said Sublot No. 9; thence northerly along said southerly extension and along said line which is parallel to and three hundred sixty eight (368) feet west of said westerly line of said Sublot No. 9 and along its northerly extension to said center line of Harvard Avenue, S.E.; thence easterly along said center line of Harvard Avenue, S.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Multi-Family Use District, 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. 1954, Sheet No. 6 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

Passed October 20, 1997.

Effective November 29, 1997.

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

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

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

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

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

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

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

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

Passed October 20, 1997.

Effective October 28, 1997.

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

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

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

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

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

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

bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

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

Passed October 20, 1997.

Effective October 28, 1997.

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

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

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

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

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

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

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

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

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

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

**Section 6.** That the Director of Economic Development is hereby authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regu-

lations and expend such fees to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

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

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

Passed October 20, 1997.

Effective October 28, 1997.

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

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

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

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

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

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

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

Whereas, this ordinance constitutes an emergency measure in that the same provides for the immediate preservation of the public peace, safety, property, and welfare and for the further reason that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, such assistance being immediately necessary or such jobs will be lost; now, therefore,

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

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

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

**Section 3.** That any substitution of the designee or change in the level of abatement shall require City Council approval.

**Section 4.** That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1659-97-A.

**Section 5.** That the Director of Economic Development is hereby authorized to charge and accept fees not to exceed maximum allowable under Chapter 5709 of the Revised Code and such funds are hereby appropriated for the purposes set forth in Chapter 5709 of the Revised Code. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 6.** That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed October 20, 1997.

Awaiting the approval or disapproval of the Mayor.

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed October 20, 1997.

Effective October 28, 1997.

**Ord. No. 1744-97.**

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

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

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

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

**Section 1.** That the Director of Finance is hereby authorized and directed to make a written require-

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

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

**Section 3.** That the Director of Finance is hereby authorized and directed to employ by contract one or more computer and/or data processing consultants or one or more firms of computer and/or data processing consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assist the City of Cleveland, City Council and Cleveland Municipal Court in implementing the Year 2000 computer compliance project.

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

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

**Section 5.** That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed October 20, 1997.  
Awaiting the approval or disapproval of the Mayor.

**Ord. No. 1930-97.**  
**By Councilman Smith.**  
**An emergency ordinance authorizing the Director of Public Service to issue a permit to St. Procop's Church to encroach into the public right-of-way of portions of West 41st Street, Newark Avenue and Trent Avenue with church identification banners to be hanged on C.P.P. and C.E.I. utility poles (by separate permits) for the period of September, 1997 to September, 1998.**

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

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

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

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

LOCATION OF POLE:	POLE NUMBER:	OWNER:
West 41st Street N.E. Corner of Newark Ave.	#38088	C.P.P.
West 41st Street N.W. Corner of Newark Ave.	#38036	C.P.P.
West 41st Street S.E. Corner of Trent Ave.	No Number	C.E.I.
3182 West 41st Street	#CPT B1196 SPP45 170	C.P.P.
West 41st Street S.W. Corner of Trent Ave.	#37927	C.P.P.

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

**Section 3.** That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege or permission to use or to

attach or affix any objects to poles described in Section 1 of this ordinance.

**Section 4.** That the permit herein authorized shall be prepared by the Director of Law and shall be issued only when, in the opinion of the Director of Law, the City of Cleveland has been properly indemnified against any and all loss which may result from said permit.

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

Passed October 20, 1997.  
Effective October 28, 1997.

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

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

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

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

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

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104 and 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization, for the above improvement and the proceeds from the sale of any airport revenue bond issued for a purpose which includes the above improvement, Request No. 22578.

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

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

Passed October 20, 1997.  
Effective October 21, 1997.

**COUNCIL COMMITTEE  
MEETINGS**

**Monday, October 27, 1997**

**Aviation and Transportation Committee: 9:30 A.M.** — Present: Smith, Chairman; Sweeney, Vice Chairman; Dolan, Patmon, Skrha. Excused: Willis, White.

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