

The City Record

Official Publication of the City of Cleveland

November the Nineteenth, Nineteen Hundred and Ninety-Seven

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

Containing	PAGE
City Council	3
The Calendar	11
Board of Control	11
Civil Service	12
Board of Zoning Appeals	12
Board of Building Standards and Building Appeals	12
Public Notices	15
Public Hearings	15
City of Cleveland Bids	15
Adopted Resolutions and Ordinances	16
Rules of the Director of Parks, Recreation & Properties	20
Committee Meetings	20
Index	20

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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

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

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
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 - Howard Frank, Acting 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 Nobilio, 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, 1708 South Pointe Drive

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 Nobilio, Theodore Sande, Randall Shorr, Shirley Thompson, Councilmen Craig E. Willis and Helen K. Smith.

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

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

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

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OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

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WEDNESDAY, NOVEMBER 19, 1997

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CITY COUNCIL

MONDAY, NOVEMBER 17, 1997

The City Record

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Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

Cleveland, Ohio November 17, 1997.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Chief of Staff Sheffield-McClain and Directors Sobol-Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, Willis.

Absent: Mayor White and Directors Nolan and Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Robin Miller, Pastor of Lee Heights Community Church. Pledge of Allegiance.

MOTION

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

COMMUNICATION

File No. 2090-97.

From the Department of Port Control re: Notification of "Set-Aside" Req. #s 13428, 13430, 13434, 13410. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 2091-97—Anna Elizabeth Steward.

Res. No. 2092-97—Julia Mae Curry.

CONGRATULATORY RESOLUTIONS

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

Res. No. 2093-97—Israel at 50.

Res. No. 2094-97—Dt. Marian M. Grayson.

Res. No. 2095-97—J. Gilbert Steele, Sr.

RESOLUTION OF RECOGNITION

The rules were suspended and the following Resolution was adopted with objection:

Res. No. 2096-97—John Malvin.

FIRST READING EMERGENCY ORDINANCE REFERRED

Ord. No. 2074-97.

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

An emergency ordinance giving consent of the City of Cleveland for the rehabilitation of Payne Avenue from East 13th Street to East 55th Street to the County of Cuyahoga; authorizing the Director of Public Service to enter into any agreements relative thereto; and to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the 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 it is declared to be in the public interest that the consent of the City of Cleveland is hereby given to the County of Cuyahoga (the "County") to construct the following improvements in accordance with plans, specifications and estimates approved by the County: The rehabilitation of Payne Avenue from East 13th Street to East 55th Street (the "Improvement").

Section 2. That the City hereby proposes to cooperate with the County in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement less any funds administered by the Ohio Public Works Commission which are used for the Improvement, and less the County's portion of the cost of the Improvement.

Section 3. That the Director of Public Service is hereby authorized to enter into such agreements with the County as are necessary to complete the planning and construction of the Improvement.

Section 4. That upon completion of the Improvement, the City thereafter will:

- Keep the affected highway open to traffic at all times;
- Maintain the Improvement in accordance with the provisions of

the statutes relating thereto and make ample financial and other provisions for such maintenance;

c) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the County, hold said right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the right-of-way;

d) Place and maintain all traffic control devices in accordance with the Ohio Manual of Uniform Traffic Control Devices pursuant to the provisions of Section 4511.11 and related sections of the Ohio Revised Code; and

e) Prohibit all parking within the limits of the roadway which is a part of the Improvement in accordance with Section 4511.66 of the Ohio Revised Code, unless otherwise controlled by City ordinance or resolution.

Section 5. a) That all existing streets and public rights-of-way within the City which are necessary for the Improvement shall be made available therefor.

b) That in the event any additional right-of-way is required for the Improvement, the County will arrange for the acquisition thereof.

c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty (20) feet or greater) within the limits of the Improvement in accordance with applicable sections of the Ohio Revised Code.

d) That the street within the limits of the Improvement is hereby designated a through highway within the meaning of Section 4511.07(F) of the Ohio Revised Code.

e) That arrangements have been or will be made with and agreements obtained from all public utility companies whose lines or structures will be affected by the Improvement, that said companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement and that said companies have agreed to make such necessary rearrangements immediately after notification by the City or the County.

f) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers or other City-owned utilities and appurtenances thereto which do not comply with the provisions of ODOT Directive No. 28-A, whether inside or outside the corporate limits of the City, as may be necessary to conform to the Improvement, and that said rearrangements shall be done at such time as requested by the County.

g) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of ODOT Directive No. 28-A to the same extent that it participates in the other costs of the Improvement, provided that such participation will not extend to additions or betterments of existing facilities.

h) That the construction, reconstruction and rearrangement of all utilities shall be done in such a manner as not to interfere unduly

with the operations of the contractor or contractors constructing the Improvement, and all backfilling of trenches made necessary by such utility rearrangement shall be performed in accordance with the provisions of the ODOT Construction and Material Specifications and shall be subject to approval by the County.

i) That the City hereby agrees that the County shall be and hereby is saved harmless from any and all damages or claims arising from or growing out of the certification or obligations made or agreed to in divisions a), b), e), f) and h), of this section.

j) That stop signs affecting the movement of traffic on any street within the limits of the Improvements shall be removed and no stop signs will be erected on same except at intersections with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-way Stop" as provided in the aforesaid Manual are met.

k) That no rule or regulation may be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Ohio Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is hereby rescinded.

Section 6. That the Council of the City hereby requests the Board of Commissioners of the County to proceed with the Improvement.

Section 7. That the Director of Public Service is hereby authorized to enter into an agreement with the Board of Commissioners of the County concerning the financing of the Improvement, which agreement shall contain without limitation terms substantially similar to the following:

a) That the County will arrange for the preparation of construction plans and specifications for the Improvement, including necessary engineering reports, under current County Engineer standards for construction of County roads and bridges.

b) That the County will arrange for the supervision and administration of the construction contract for the Improvement, and will review the construction plans for conformance with division a) of this section and make an inspection of the completed project.

c) That if, by ordinance of this Council, the City requests the County, to include in the Improvement the construction of sanitary sewers, water lines, sewers for drainage of the area surrounding the Improvement, sidewalks, alternate bid items or other items that are in addition to those now existing in the plans for the Improvement and not provided for elsewhere in the agreement, the County will do so, provided that the construction of such additional items is approved by the County and the City, and provided further that the City agrees to pay or cause to be paid the cost of said construction and of preliminary and design engineering therefor, but the City shall not be responsible for the cost of supervision of said additional construction.

d) That the City hereby agrees to participate with the County in the

cost of the Improvement by an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project.

e) That if the project is financed as a Federal-aid project, eligible costs of the Improvement shall be financed from the aforesaid funds.

f) That within the corporate limits of the City, the City hereby agrees to contribute twenty percent (20%) of the cost of construction, construction supervision, right-of-way, and incidentals and forty percent (40%) of the cost of preparation of plans and specifications. That the City hereby agrees to deposit with the Treasurer of Cuyahoga County the City's share of the estimated cost of the project or the Director of Public Service is hereby authorized to enter into escrow agreement with the Board of County Commissioners prior to an award of a contract for the Improvement.

Section 8. That the Director of Public Service is hereby authorized to apply to the County for an allocation from the County Motor Vehicle License Tax fund to pay the County portion of the project, and to enter into such agreements with the County as are necessary to finance the Improvement.

Section 9. That the Director of Public Service is hereby authorized to apply to the County Board of Commissioners for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept said funds and to file all papers and execute all documents necessary to receive said funds; and that said funds be and are hereby appropriated for the purposes set forth above.

Section 10. That the Clerk of Council is hereby authorized and directed to transmit to the Director of ODOT and to the County three (3) certified copies of this ordinance immediately upon the taking effect thereof, and it shall become the basis for proceeding with the Improvement.

Section 11. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 2075-97.

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

An emergency ordinance to appropriate property for the public purpose of developing a public road.

Whereas, the Council of the City of Cleveland, by Resolution No. 2087-97, adopted November 17, 1997, declared the necessity and intention of appropriating the fee simple property interests herein described for the public purpose of developing a public road; and

Whereas, notice of the adoption of such Resolution has been served upon the persons in possession or having an interest in such property; 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 for the public purpose of developing a public road, the following described fee simple interests be and the same hereby are appropriated:

Roadway and Utility Easement
Phyllis J. Churnega
to
Emerald Corporate Park

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and more fully described as follows:

Commencing at the Southwesterly corner of a parcel of land conveyed to Phyllis Jean Churnega by deed recorded in Volume 91-3169, Page 35 of Cuyahoga County Deed Records;

Thence North 01° 37' 51" East along the Westerly line of said land conveyed to Phyllis Jean Churnega, 300.00 feet to the Northwesterly corner of said land of Phyllis Jean Churnega;

Thence North 82° 33' 35" East along the Northerly line of said land conveyed to Phyllis Jean Churnega, 18.51 feet to a point and the principal place of beginning;

Thence continuing North 82° 33' 35" East along said Northerly line, 83.40 feet to the Northeasterly corner of said land conveyed to Phyllis Jean Churnega;

Thence South 01° 37' 51" West along the Easterly line of said land conveyed to Phyllis Jean Churnega, 53.42 feet;

Thence North 62° 18' 41" West, about 91.68 feet to a point on said Northerly line of land conveyed to Phyllis Churnega and the principal place of beginning.

Section 2. That the Director of Law be and hereby is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests hereinbefore described.

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

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

Ord. No. 2076-97.

By Councilmen Smith, Lewis, Robinson, Britt, Gordan, Coats, Rybka, Polensek and Sweeney.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio 1976, by enacting new Section 123.09, relating to the establishment of the Office of The Childrens' Advocate in the Office of the Mayor.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by adding new Section 123.09 thereof to read as follows:

Section 123.09 Office of The Childrens' Advocate

(a) There is hereby established in the Office of the Mayor the Office of The Childrens' Advocate, to be administered and controlled by an Executive Assistant to the Mayor known as the Childrens' Advocate. The Childrens' Advocate shall be appointed by the Mayor. The Childrens' Advocate shall appoint, in accordance with the civil service provisions of the Charter, such employees as may be required for performance of duties of this office and shall be responsible for their supervision.

(b) It shall be the duty of The Childrens' Advocate:

(1) To determine that services and facilities provided, operated, contracted for and/or supported by the City of Cleveland for children are being operated effectively and efficiently;

(2) To coordinate and consult with all departments, divisions and agencies of the City of Cleveland, including the Cleveland Police Department, The Cleveland Public Schools, all departments, divisions and agencies of the County of Cuyahoga, the State of Ohio, and all private and public agencies who provide services and advocacy for children to marshal existing resources in the most effective manner for the benefit of the children of the City of Cleveland;

(3) To identify factors of particular detriment or benefit to the health and welfare of children and assist in alleviating detrimental conditions and maximizing beneficial factors;

(4) To advocate on behalf of issues affecting the health and welfare of children and to make legislative and policy recommendations to the Mayor and City Council; and

(5) To perform such other duties as the Mayor or Council shall require to adequately advocate for the health and welfare of the children of Cleveland.

(c) By March 1st of each year, the Childrens' Advocate shall present to the Mayor and Council a written report on the State of Children in Cleveland and provide information useful in evaluating the effectiveness of the City's efforts to promote the health and welfare of its children.

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

Referred to Director of Law; Committee on Legislation.

Ord. No. 2077-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of various items of software, computer equipment, including maintenance, for the Division of Correction, Department of Public Health; and authorizing said director to employ one or more software development consultants to provide professional services to develop software necessary to assist the Division of Correction.

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 contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: software, not to exceed thirty five (35) workstations, not to exceed six (6) printers, not to exceed two (2) print servers, not to exceed two (2) servers and such other associated incidental equipment necessary for a network, including maintenance thereon for a period not to exceed three (3) years, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Correction, Department of Public Health.

Section 2. That the Director of Public Health is hereby authorized and directed to employ by contract one or more software development consultants or one or more firms of software development 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 develop software for the operation of a computer network for the Division of Correction, Department of Public Health.

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 Public Health from a list of qualified consultants available for such employment as may be determined after a full and complete canvass by the Director of Public Health 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 Public Health and certified by the Director of Finance.

Section 3. That the cost of said services herein contemplated shall be paid from Fund Nos. 01-50-03-0414, 01-50-03-0970, and 10 SF 006, Request No. 22999.

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

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

Ord. No. 2078-97.**By Councilman Westbrook (by departmental request).****An emergency ordinance authorizing and directing the Director of Finance to pay as Moral Claims the sums herein set forth opposite the names of the claimants.**

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 pay as Moral Claims the sums set forth opposite and names of the following claimants and charged against the fund numbers opposite the names of the claimants:

<u>Claimant</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
Felicia Thomas	10249	\$634.86	Water Pollution Control	54 SF 001
Joslyn HiVoltage Corp.	10336	\$1,500.00	Water Pollution Control	54 SF 001
Bernice Celebucki	10338	275.00	Water Pollution Control	54 SF 001
Gust Mylonos	10350	900.00	Water Pollution Control	54 SF 001
Flora Rains	10367	206.00	Water Pollution Control	54 SF 001
Nancy Smith	10370	479.79	Water Pollution Control	54 SF 001
Thomas Yamamoto	10376	191.02	Water Pollution Control	54 SF 001
St. Colman Church	10441	1,250.00	Water Pollution Control	54 SF 001
Milan Perisic	10369	98.00	Water	52 SF001
Alfred Murray	10268	985.00	Police	01-60-02-0720
Jeffrey Daniel	10326	128.40	Police	01-60-02-0720
Centerior Energy	10348	548.00	Police	01-60-02-0720
Anthony Haney	10377	85.60	Police	01-60-02-0720
Lewis Poole	10380	1,579.40	Police	01-60-02-0720
Catholic Education Head Start	10387	100.00	Police	01-60-02-0720
Willie Baker, Jr.	10399	3,006.80	Police	01-60-02-0720
Melton Woods	10412	4,486.55	Police	01-60-02-0720
Sergio Perez, Jr.	10421	657.44	Police	01-60-02-0720
James R. Miller, Jr.	10423	250.00	Police	01-60-02-0720
Sharon Campbell	10434	301.80	Police	01-60-02-0720
Edward Kamal	10372A	275.00	Police	01-60-02-0720
Herman Menefee	10372B	275.00	Police	01-60-02-0720
John Scott, Jr.	10444	5,200.00	Police	01-60-02-0720
Great Lakes Power Products	10341	1,250.00	Fire	01-60-03-0720
Lee M. Moser	10413	945.46	Fire	01-60-03-0720
Terri Hammons-Brown	10433	936.48	Emergency Medical Service	01-60-04-0720
Carl and Julia Thompson	10356	1,500.00	Park Maintenance and Properties	01-70-10-0720
Mary L. Cox	10365	274.87	Park Maintenance and Properties	01-70-10-0720
Stanley Fair	10375	220.00	Park Maintenance and Properties	01-70-10-0720
Gary L. Colonius	10391	94.95	Park Maintenance and Properties	01-70-10-0720
Angela Larachuenta	10394	309.58	Park Maintenance and Properties	01-70-10-0720
Daniel and Melanie Hancock	10396	285.00	Park Maintenance and Properties	01-70-10-0720
December Dantzler	10400	175.00	Park Maintenance and Properties	01-70-10-0720
Barry S. Collins	10402	141.77	Park Maintenance and Properties	01-70-10-0720
Paul Fitzgerald & Information Radio	10405	278.43	Park Maintenance and Properties	01-70-10-0720
Harbi Abuzahreigh	10409	281.00	Park Maintenance and Properties	01-70-10-0720
Dorothy Robbins	10410	265.00	Park Maintenance and Properties	01-70-10-0720
Ovetta Bass	10411	84.86	Park Maintenance and Properties	01-70-10-0720
Gloria Price	10414	250.00	Park Maintenance and Properties	01-70-10-0720
Marilyn Skotzke	10435	19.21	Park Maintenance and Properties	01-70-10-0720

Deborah Brown	10437	73.47	Park Maintenance and Properties	01-70-10-0720
Dominick Gruhadauria, Jr.	10440	139.10	Park Maintenance and Properties	01-70-10-0720
Margaret Robinson	10386	338.90	Recreation	01-70-04-0720
Bertha Walker	10257	1,800.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Miguel Bauzo	10294	675.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Bill Malcom	10312	325.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Louise White	10340	500.00	Park Maintenance (Urban Forestry)	01-70-02-0720
Stephen Zupan	10352	639.90	Municipal Clerk of Courts	01-01-16-0720
Song & Thomas Ferguson	10343	160.50	Waste Collection	01-40-03-0720
Gladys Moravcik	10359	240.75	Waste Collection	01-40-03-0720
Barbara Fetterman	10363	235.40	Waste Collection	01-40-03-0720
Sindy A. Sloan	10419	176.55	Waste Collection	01-40-03-0720
Ronald Sanzo	10425	363.78	Waste Collection	01-40-03-0720

Section 2. That the authority of the Director of Finance to pay the amounts set forth in Section 1 of this ordinance is conditioned upon a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance. In addition, the Commission awarded certain services to be rendered by the Division of Building and Housing with regard to the demolition of the property located at 951 East 144th Street for claimant Dwight Yancy, Claim No. 10351.

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

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

FIRST READING ORDINANCE REFERRED

Ord. No. 2079-97.

By Councilman Sweeney.

An ordinance to change the Use and Area Districts of lands east of West 146 Street between Coe Avenue, S.W. and Justin Avenue, S.W. (Map Change No. 1965, Sheet No 13)

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 Coe Avenue, S.W. and the northerly extension of a line located approximately four hundred thirty six and eighty eight hundredths (436.88) feet east of the easterly line of West 146 Street; thence southerly along said northerly extension and along said line which is almost parallel to and approximately four hundred thirty six and eighty eight hundredths (436.88) feet east of said easterly line of West 146 Street to its intersection with a line located approximately four hundred fifty two and seventy three hundredths (452.73) feet south of the southerly line of Coe Avenue, S.W. (said southerly line being an extension of the southerly line of Coe Avenue, S.W. which is open); thence westerly along said line which is parallel to and approximately four hundred fifty two and seventy three hundredths (452.73) feet south of said southerly line of Coe Avenue, S.W. for a distance of approximately one hundred thirty five (135) feet to its intersection with a line located approximately two hundred ninety nine and three hundredths (299.03) feet east of said easterly line of West 146 Street; thence southerly along said line which is almost parallel to and approximately two hundred ninety nine and three hundredths (299.03) feet east of said

easterly line of West 146 Street to its intersection with the easterly extension of the southerly line of Sublot No. 581 in the Glenmore Gardens (S. H. Kleinman Realty Co.) Subdivision as recorded in Volume 47, Page 20 of the Cuyahoga County Map Records; thence westerly along said easterly extension of said Sublot No. 581 to its intersection with the easterly line of said Sublot No. 581; thence northerly along said easterly line of said Sublot No. 581 and continuing northerly along the easterly lines of Sublots Nos. 580, 579, 578, 577, 576, 575, 574, 573, 572, 571, 570, 569, 568, 567, 566, 565, 564, 563, 562, 561, 560, 559, 558, 557, 556, 555, 554, 553, 552, 551, 550, 549, in said Glenmore Gardens (S. H. Kleinman Realty Co.) Subdivision and along its northerly extension to the center line of Coe Avenue, S.W.; thence easterly along said center line of Coe Avenue, S.W. to the place of beginning,

and as outlined in red on the map hereto attached, be and the same are hereby changed to a One Family Use District and an 'A' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1965, Sheet No. 13 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That the Use District of lands bounded and described as follows,

Beginning at the intersection of the easterly extension of the southerly line of said Sublot No. 581 in said Glenmore Gardens (S. H. Kinsman Realty Co.) Subdivision and a line located approximately one hundred seventy three and nine-

ty two hundredths (173.92) feet east of the easterly line of said Sublot No. 581; thence northerly along said line to its intersection with a line located approximately four hundred fifty two and seventy three hundredths (452.73) feet south of said southerly line of Coe Avenue, S.W.; thence easterly along said line which is parallel to and approximately four hundred fifty two and seventy three hundredths (452.73) feet south of said southerly line of Coe Avenue, S.W. to its intersection with a line located approximately four hundred thirty six and eighty eight hundredths (436.88) feet east of said easterly line of West 146 Street; thence northerly along said line which is almost parallel and approximately four hundred thirty six and eighty eight hundredths (436.88) feet east of said easterly line of West 146 Street and along its northerly extension to said center line of Coe Avenue, S.W.; thence easterly for a distance of ten (10) feet to its intersection with the northerly extension of a line located approximately four hundred forty six and eighty eight hundredths (446.88) feet east of said easterly line of West 146 Street; thence southerly along said northerly extension and along said line which is almost parallel to and approximately four hundred forty six and eighty eight hundredths (446.88) feet east of said easterly line of West 146 Street to its intersection with a line located approximately four hundred sixty two and seventy three hundredths (462.73) feet south of said southerly line of Coe Avenue, S.W.; thence westerly along said line which is parallel to and approximately four hundred sixty two and seventy three hundredths (462.73) feet south of said southerly line of Coe Avenue, S.W. to its intersection with a line located approxi-

mately three hundred nine and three hundredths (309.03) feet east of said easterly line of West 146 Street; thence southerly along said line which is almost parallel to and approximately three hundred nine and three hundredths (309.03) feet east of said easterly line of West 146 Street to its intersection with the easterly extension of the southerly line of said Sublot No. 581; thence westerly along said easterly extension of said Sublot No. 581 to the place of beginning, and as outlined in green on the map hereto attached, be and the same is hereby changed to a Residence-Office District.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 1965, Sheet No. 13 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 2080-97.

By Councilmen Smith and Dolan.
An emergency resolution urging the Federal Aviation Authority to increase the number of air traffic controllers for the control tower at Cleveland Hopkins Airport to appropriate staffing levels to monitor and direct both incoming and outgoing flights in order to prevent runway incursions from occurring and to take all action necessary to protect the traveling public from those hazards caused by runway incursions.

Whereas, there have been several occurrences of runway incursions at Cleveland Hopkins International Airport over the past several weeks that could create a potential threat to the safety of airline pilots and passengers; and

Whereas, there have been concerns raised by both pilots and air traffic controllers about the physical layout of the airport runways that often creates difficulty for airline pilots who try to successfully access onto the right runway for land and takeoff; and

Whereas, there have been concerns raised by the National Air Traffic Controllers Association about an insufficient number of air traffic controllers that are presently monitoring and directing both incoming and outgoing air traffic at Cleveland Hopkins International Airport; and

Whereas, the National Air Traffic Controllers Association believes that an insufficient number of air traffic controllers at Cleveland Hopkins International Airport does not provide for proper adequate coverage in monitoring and directing aircraft access to taxi runways for both landing and takeoff thus creating the potential occurrence of runway incursions; and

Whereas, the Federal Aviation Authority according to the National Air Traffic Controllers Association

does not allow for the use of overtime by air traffic controllers to provide proper appropriate coverage when there are staffing shortages in the controller tower; thus increasing the possibility for the occurrence of a runway incursion.

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

Section 1. That the administrative officials of the Federal Aviation Authority consider increasing the number of air traffic controllers for the control tower at Cleveland Hopkins International Airport in order to provide sufficient coverage for incoming and outgoing flights to prevent runway incursions from occurring.

Section 2. That the administrative officials of the Federal Aviation Authority during the interim allow the use of overtime for the air traffic controllers in order to provide sufficient coverage for both incoming and outgoing flights in order to drastically reduce the incident of airport runway incursions.

Section 3. That the administrative officers at the Federal Aviation Authority immediately take all actions necessary to protect the traveling public from the hazards caused by runway incursions at Cleveland Hopkins International Airport.

Section 4. That additional supervisory staff be added to the air traffic control tower at Cleveland Hopkins International Airport in order to provide additional coverage to air traffic control.

Section 5. That the Clerk of Council be and she hereby be directed to transmit two certified copies of this resolution to the Director of the Federal Aviation Authority and Regional Administrator of the Great Lakes Region Federal Aviation Authority.

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

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

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 2081-97.

By Councilman Jackson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Samantha Mayti).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 5; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5, at the locations specified: Samantha Mayti at East 32nd Street and Euclid Avenue.

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 2082-97.

By Councilman Melena.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 8504 Detroit Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 17092740110, Convenient Food Mart Inc., DBA Convenient Food Mart 3 143 2, 8504 Detroit Ave., Cleveland, Ohio 44112; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 17092740110, Convenient Food Mart Inc., DBA Convenient Food Mart 3 143 2, 8504 Detroit Ave., Cleveland, Ohio 44112 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2083-97.

By Councilman Skrha.

An emergency resolution withdrawing objection to the issuance of a D5F Liquor Permit to 5555 N. Marginal Rd., and repealing Res. No. 1349-97, objecting to said issuance.

Whereas, this Council objected to the issuance of a D5F Liquor Permit to 5555 N. Marginal Rd., by Res. No. 1349-97, adopted July 16, 1997; and

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

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

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

Section 1. That objection to the issuance of a D5F Liquor Permit to 5555 N. Marginal Rd., be and the same is hereby withdrawn and Res. No. 1349-97, 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.

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

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

Res. No. 2084-97.

By Councilman Willis.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 11025 Ashbury Ave.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0330571, Ashbury Food Inc., 11025 Ashbury Ave., 1st Fl., Cleveland, Ohio 44106, to Permit No. 0978449, Brooklyn Corner Foods Inc., 11025 Ashbury Ave., 1st Fl., 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. 0330571, Ashbury Food Inc., 11025 Ashbury Ave., 1st Fl., Cleveland, Ohio 44106, to Permit No. 0978449, Brooklyn Corner Foods Inc., 11025 Ashbury Ave., 1st Fl., Cleveland, Ohio 44106 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

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

Res. No. 2085-97.

By Councilman Rybka.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 7018 Union Ave. 1st Fl. & Bsmt.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and Liquor Permit from Permit No. 8722312, Geraldine R. Svihlik, DBA Ohio Cocktail Bar, 7018 Union Avenue, Cleveland, Ohio 44105, to Permit No. 5729924, Ransom McDowell Jr., 7018 Union Ave, 1st Fl. & Bsmt., Cleveland, Ohio 44105; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 8722312, Geraldine R. Svihlik, DBA Ohio Cocktail Bar, 7018 Union Avenue, Cleveland, Ohio 44105, to Permit No. 5729924, Ransom McDowell Jr., 7018 Union Ave, 1st Fl. & Bsmt., Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 2086-97.

By Councilman Smith.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 3347 Meyer Avenue, and repealing Res. No. 1355-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 3347 Meyer Avenue, by Res. No. 1355-97, adopted July 16, 1997; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 3347 Meyer Avenue, be and the same is hereby withdrawn and Res. No. 1355-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

Res. No. 2087-97.

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

An emergency resolution declaring the necessity and intention to appropriate property for public use as a public road.

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

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

Section 1. That for the public purpose of developing a public road, it is necessary to appropriate in fee simple interest and this Council hereby declares its intent to appropriate the fee simple interest in and to the following described property:

Roadway and Utility Easement
Phyllis J. Churnega
to
Emerald Corporate Park

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Rockport Township Section No. 4 and more fully described as follows:

Commencing at the Southwesterly corner of a parcel of land conveyed to Phyllis Jean Churnega by deed recorded in Volume 91-3169, Page 35 of Cuyahoga County Deed Records;

Thence North 01° 37' 51" East along the Westerly line of said land conveyed to Phyllis Jean Churnega, 300.00 feet to the Northwesterly corner of said land of Phyllis Jean Churnega;

Thence North 82° 33' 35" East along the Northerly line of said land conveyed to Phyllis Jean Churnega, 18.51 feet to a point and the principal place of beginning;

Thence continuing North 82° 33' 35" East along said Northerly line, 83.40 feet to the Northeasterly corner of said land conveyed to Phyllis Jean Churnega;

Thence South 01° 37' 51" West along the Easterly line of said land conveyed to Phyllis Jean Churnega, 53.42 feet;

Thence North 62° 18' 41" West, about 91.68 feet to a point on said Northerly line of land conveyed to Phyllis Churnega and the principal place of beginning.

Section 2. That the Director of Finance is hereby authorized and directed to cause written notice of the adoption of this resolution to be given to the owners, persons in possession or having an interest of record in the abovementioned premises, and such notice shall be served according to law by a person to be designated for that purpose by the Director of Finance which return shall be made in the manner provided by law.

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

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

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

Res. No. 2088-97.

By Councilmen Patmon, Britt, Zone, Smith, Jackson, Westbrook, Robinson, Rybka, Lewis, Polensek, Coats, Skrha, White, Gordon, Dolan, Johnson, Melena, Moran, Patton, Sweeney and Willis.

An emergency resolution urging Governor Voinovich to intervene and the Ohio legislature to cease and desist from its actions to repeal and/or undermine Ohio's affirmative action laws and policies affecting women and minorities in the State of Ohio.

Whereas, Ohio's affirmative action laws and policies provide a level playing field to women and minorities in the areas of fair housing, fair employment, fair contracting and fair education in the State of Ohio; and

Whereas, any actions by Governor Voinovich and the Ohio legislature to restrict and/or eliminate the affirmative action laws and policies of this state must be immediately stopped; and

Whereas, Ohio's affirmative action laws and policies deal with the issue of fairness to women and minorities by providing these groups access in the areas of housing, employment, contracting and education in this state; and

Whereas, to portray Ohio's laws and policies on affirmative action as anything else but of providing fair access in the areas of housing, employment, contracting and education is to totally mischaracterize the issues and does not deal with these issues honestly;

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

Section 1. That this Council urges Governor Voinovich to intervene and the Ohio legislature to cease and desist from its actions of attacking and undermining Ohio's affirmative action laws and policies that provide women and minorities equal access in the areas of fair housing, fair employment, fair contracting and fair education.

Section 2. That this Council will not stop its efforts to uphold and fight for laws and policies that provide women and minorities equal access in the areas of fair housing, fair employment, fair contracting and fair education.

Section 3. That the Clerk of Council transmit copies of this resolution to the Governor and the Cuyahoga County delegation of the state legislature.

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

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

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

Res. No. 2089-97.

By Councilmen Polensek, Smith, Robinson, Britt, Lewis, Rybka, Zone and Skrha.

An emergency resolution urging the Ohio Board of Pharmacy and the Ohio legislature to reclassify the controlled substance Rohypnol, also known as the date rape drug, to a Schedule 1 depressant which will allow for stricter enforcement and penalties.

Whereas, Rohypnol (flunitrazepam) is a prescription sleeping aid that is currently classified as a Schedule IV drug under Chapter 3719 of the Ohio Revised Code; and

Whereas, there have been increasing reports of Rohypnol being illegally diverted into the United States and illicitly sold. It is reported that Rohypnol is being put in women's drinks and then a rape occurs without the woman remembering

because of the amnesia effect the drug has on the person taking it; and

Whereas, the majority of the reports of diversion and illicit use have been in southern Florida and Texas; and

Whereas, the Florida legislature have taken appropriate steps to reclassify Rohypnol as a Schedule 1 depressant and the federal government, through the Food and Drug Administration, is also considering reclassifying the drug as a Schedule 1 drug under the Federal Controlled Substance Act;

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

Section 1. That this Council urges the Ohio Board of Pharmacy and the Ohio legislature to evaluate the reclassification of the controlled substance Rohypnol, also known as the date rape drug, to a Schedule 1 depressant from its current classification as a Schedule IV depressant, especially in light of the reports of its use in cases of date rape and the actions to reclassify it by the FDA and the State of Florida.

Section 2. That the Clerk of Council transmit copies of this resolution to the Ohio Board of Pharmacy and the Cuyahoga County delegation of the Ohio State legislature.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1737-97.

By Councilmen Coats and Westbrook (by departmental request).

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

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

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

Ord. No. 1864-97.

By Councilmen Patmon, 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 850 Lakeview Road to Aids Housing Council of Greater Cleveland.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1785-97.

By Councilman Skrha (by request). An emergency resolution declaring the intention to vacate a portion of Packard Court, N.E.

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

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

MOTION

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

MOTION

The Council adjourned at 7:55 p.m. to meet on Monday, November 24, 1997 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 12, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 12, 1997, at 11:00 a.m., with Acting Mayor Sobol Jordan presiding.

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

Absent: Mayor White.

Others: Jo Ann Arki, Acting Commissioner, Division of Purchases and Supplies.

On motion, the following resolutions were adopted.

Resolution No. 928-97.

By Director Konicek.

Resolved by the Board of Control of the City of Cleveland, that all bids received on October 9, 1997 for sewer test tee installation and snaking for the Division of Water Pollution Control, Department of Public Utilities, pursuant to the authority of Ordinance No. 643-90, passed by the Council of the City of Cleveland on June 11, 1990, be and the same are hereby rejected.

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

Nays: None.
Absent: None.

Resolution No. 929-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Dionex Corporation for the following: laboratory equipment, testing and analytical services: Ion Chromatograph and accessories (all items) for the Division of Water, Department of Public Utilities, received on the 17th day of October, 1997, pursuant to the authority of Ordinance No. 485-96, Section 129.28, passed May 6, 1996, which on the basis of the order quantities would amount to Sixty Four Thousand Five Hundred Seventy Dollars (\$64,570.00), 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: Acting Mayor Sobol Jordan, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 930-97.

By Director Spellman.

Whereas, pursuant to the authority of Ordinance Nos. 2270-85, 642-A-86, 2340-86, 2736-90, 1169-91 and 1826-92, passed by the Council of the City of Cleveland on October 21, 1985, May 23, 1986, October 6, 1986, December 17, 1990, June 17, 1991, and October 19, 1992, respectively, and Resolution Nos. 269-93, 104-94, 323-94, 619-94, 377-95, 437-96, 813-96, and 914-96 adopted by this Board of Control on April 21, 1993, February 23, 1994, May 11, 1994, August 17, 1994, May 24, 1995, June 26, 1996, November 6, 1996, and December 18, 1996, respectively, the City, through its Director of Parks, Recreation and Properties entered into City Contract No. 46212 with Richard Fleischman Architects, Inc., ("Architect") for architectural services for the renovation, rehabilitation and remodeling of City Hall and the Cleveland Convention Center and first, second, third, fourth, fifth, sixth and seventh modifications thereto; and

Whereas, the City has determined to increase the scope of work to include the architectural services necessary to install a card access system in the Mayor's Office; and

Whereas, the City finds Architect's proposal acceptable and desires to enter into an eighth modification to City Contract No. 46212 on the basis of the City's determinations and Architect's proposal letter; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Parks, Recreation and Properties is hereby authorized to enter into an eighth Modification to City Contract No. 46212 with Richard Fleischman Architects, Inc., on the basis of Architect's letter dated June 24, 1997, to perform the architectural services necessary for the installation of a card access system for the Mayor's Office, for no increase in fees, and an increase in reimbursable expenses of Fifty One Thousand and no/100 Dollars (\$51,000.00) for a total contract cost, including reimbursable expenses, not to exceed Two Hundred Eighty-Two Thousand Nine Hundred Ten and no/100 Dollars (\$282,910.00).

Be it further resolved, that all other terms and provisions of City Contract No. 46212 not expressly modified herein shall remain unchanged and in full force and effect.

Yeas: Acting Mayor Sobol Jordan, Directors Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch.
Nays: None.
Absent: None.

AMY M. WAINRIGHT
Acting 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 stated in the examination announcement.

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 1, 1997

9:30 A.M.

Calendar No. 97-242: 928 Ida Avenue, N.E.

Ruth Bell, owner, appeals to enclose the 22' x 5' 10" "L" shaped one-story open front porch of the 22' x 48' two-story frame dwelling house on a 32' x 110' lot located in a Two-Family District at 928 Ida Avenue; said enclosure to be contrary to the setback and enclosure limitations regulated by Sections 357.06 and 357.13(b)(4) of the Codified Ordinances.

Calendar No. 97-243: 3912 Archwood Avenue, S.W.

Milad Dawood, owner, appeals to erect a 21' 6" x 15' 3" second floor frame open deck over the driveway and attached to the west wall of the 25' x 68' two-story frame nonconforming store-and-two-dwelling unit building on a 49' x 71' corner parcel located in a Two-Family District on the northwest corner of West 39th Street and Archwood Avenue at 3912 Archwood Avenue; the west side yard to be reduced to 3' instead of 5' and the aggregate side yards to be 3' instead of 10' as required by Section 357.09 and the existing rear yard being 4' instead of 20' in depth as required by Section 357.08 and said lot not being 6,000 square

feet in area as required by Section 355.04 and said construction to constitute an expansion contrary to the limitations of Section 359.01 of the Codified Ordinances.

POSTPONED FOR AMENDMENT

Calendar No. 97-198: 4262-4268 East 71st Street

Chris Brindza et al, owners, and Classic Auto Body, tenant, c/o Chris Brindza, appeal to add a 17' 4" x 22' one-story frame extension to the rear wall and a 24' x 36' one-story frame extension to the north wall of the 36' x 36' one-story masonry non-conforming repair garage building on a 78' x 130' irregular shaped corner parcel located in a Local Retail District on the northwest corner of East 71st Street and Rathbun Avenue at 4262-4268 East 71st Street; said repair garage use being contrary to the local retail use limitations of Section 343.01 and said garage use to be approximately 35' from the adjoining Residence District to the west instead of 100' therefrom as required by Section 345.03(c)(2) and said additions to be contrary to the expansion limitations of Section 359.01 and the access driveway on East 71st Street to be in excess of the 30' maximum width as limited by Section 343.18 and said proposal not being in total conformance with the landscaping and screening requirements of Chapter 352 of the Codified Ordinances.

HUNTER MORRISON,
Acting Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 17, 1997

At the Meeting of the Board of Zoning Appeals on, Monday, November 10, 1997, the following appeals were heard by the Board, and, on Monday, November 17, 1997 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 97-209: 7835 Harvard Avenue.

Anthony M. Pilla, Bishop, Catholic Diocese of Cleveland, owner, and Community Assessment Foundation Inc. c/o Dan Cratha, tenant, appealed, to change use to a Correctional Halfway House and a Drug and Alcohol Rehabilitation Center. (Originally built as a convent)

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, appealed, to change use from the 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.

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

Zappone Realty Corporation c/o Michael Zappone et al, owner, Rite Aid Corp. c/o Gregory Hopkins, prospective purchaser, appealed, to erect an 84' x 128' one-story masonry store building and to construct a 45-car accessory parking lot. (conditional grant).

The following appeal was **Refused:**

Calendar No. 97-232: 4164 E. 97th Street

Christopher Brown, owner, appealed, to change use to a group home (adult care facility) for a maximum of six adults.

The following appeals were **Postponed:**

Calendar No. 97-237: 7411 St. Clair Avenue, N.E. to December 15, 1997.

Calendar No. 97-131: 3741 Ridge Road to December 15, 1997.

Calendar No. 97-219: 2210 E. 89th Street to December 15, 1997.

The following appeal was **Postponed** to December 1, 1997.

Calendar No. 97-198: 4268 E. 71st Street.

The following appeal was **Withdrawn:**

Calendar No. 97-189: 1846 Rudwick Road, S.E.

HUNTER MORRISON,
Acting Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
November 12, 1997

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action the subject meeting is given for publication in the City Record:

* * *

Docket A-329-97.

RE: Continuance of Appeal of Atlas-Lederer Company, Owner of the Property located on the premises known as 9525 Woodland Avenue from a NOTICE OF VIOLATION — FIRE CODE of the Chief of the Division of Fire dated August 1, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-329-97 has been WITHDRAWN at the request of the Appellant.

Docket A-336-97.

RE: Appeal of The White Elephant, Inc., Owner of the Property located on the premises known as 3290-3300 West 65th Street from a 3 DAY VACATE ORDER of the Commissioner of the Division of Building and Housing dated September 15, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to present a phasing plan for abatement of the violations to the Division of Fire and to the Division of Building and Housing within two weeks (2 wks.); to install exit and emergency lighting in all areas to be occupied within thirty days (30 das.); to vacate the third floor and the basement areas imme-

diately, noting that these areas can be reoccupied upon the approval by the Division of Building and Housing only; to remove all hazardous materials within sixty days (60 das.); to abate the hazards of crumbling structural elements in all occupied areas and to limit the occupancy by the public to those two large front rooms; and to apply for a "Certificate of Occupancy" upon completion of the work. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None.

* * *

Docket A-340-97.

RE: Appeal of Green L. Rawlinson, Owner of the Residential Property located on the premises known as 1105 East 143rd Street from a PERMIT EXTENSION of the Commissioner of the Division of Building and Housing dated September 8, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant a six month (6 mo.) "Extension of Time" on the permit in which to complete abatement of the violations, with monthly visits by the inspector; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-341-97.

RE: Appeal of Chase Mortgage Services, Mortgagee of the Residential Property located on the premises known as 3608-10 Library Avenue from a CONDEMNATION NOTICE/30 DAY MS of the Commissioner of the Division of Building and Housing dated August 13, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION NOTICE/MS and LETTER OF INTENTION TO DEMOLISH by granting the Appellant five months (5 mos.) in which to abate the violations on the property; the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the 30 DAY CONDEMNATION NOTICE/MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 25, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Bowes, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Denk.

Docket A-342-97.

RE: Appeal of James Martin, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 12802 Carrington Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated September 22, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to remain as it is installed, noting the letters of concurrence from the adjacent neighbors. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-344-97.

RE: Appeal of Gino Tonti, Owner of the Property located on the premises known as 18110-16 St. Clair Avenue from a VACATE ORDER of the Commissioner of the Division of Building and Housing redated September 22, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's VACATE & CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to remove the debris and vehicles from the property within two weeks (2 wks.), and to grant the Appellant two months (2 mos.) in which to obtain permits and abate the violations on the property; the property is to remain vacant, boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE & CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by January 25, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-346-97.

RE: Appeal of Willie Oates, Owner of the Residential Property located on the premises known as 9403 Steinway Avenue from a 30 DAY CONDEMNATION NOTICE MS of the Commissioner of the Division of Building and Housing dated August 27, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION NOTICE/MS and LETTER OF INTENTION TO DEMOLISH by

granting the Appellant one month (1 mo.) in which to obtain permits and three months (3 mos.) in which to complete abatement of the violations on the property; the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the 30 DAY CONDEMNATION NOTICE/MS and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by March 25, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

Yeas: Messrs. Bowes, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Denk.

* * *

Docket A-347-97.

RE: Appeal of Acappella (Karen Heldorfer), Owner of the Property located on the premises known as 1625 Euclid Avenue from a NOTICE OF VIOLATION - HVAC of the Commissioner of the Division of Building and Housing dated August 25, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date; to be rescheduled when the Board has reviewed the installation.

* * *

Docket A-348-97.

RE: Appeal of Guang Lin Liu & Yu Mei Huang, Owners of the Residential Property located on the premises known as 1827 East 33rd Street from a FORTHWITH FIRE CONDEMNATION MS of the Commissioner of the Division of Building and Housing dated August 29, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 1827 East 33rd Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

Yeas: Messrs. Bowes, Williams, Saunders, Sullivan. Nays: None. Absent: Mr. Denk.

* * *

Docket A-349-97.

RE: Appeal of John & Elizabeth Toth, Owners of the Residential Property and existing Swimming Pool located on the premises known as 4352 West 182nd Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated October 1, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten foot (10 ft.) requirement and permit the pool to remain as it is installed, noting that there are letters of concurrence from the

adjacent property owners. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-370-97.

RE: Appeal of Anni R. Moss, Owner of the Residential Property located on the premises known as 11824 Forest Avenue from a CONDEMNATION NOTICE of the Commissioner of the Division of Building and Housing dated September 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one month (1 mo.) in which to obtain permits and three months (3 mos.) in which to complete abatement of the violations on the property; the property is to remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by March 25, 1998. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-371-97.

RE: Appeal of Mary Daniels, Owner of the Property located on the premises known as 1216-22 East 105th Street from a CONDEMNATION NOTICE of the Commissioner of the Division of Building and Housing redated October 11, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant nine months (9 mos.) in which to obtain permits and abate the violations on the property. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by August 25, 1998. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-373-97.

RE: Appeal of Emerald Homes, Inc., Owner of the Residential Property located on the premises known as 1758 East 63rd Street from a NOTICE OF VIOLATION - OPEN, VACANT & VAND. & BOARDING of the Commissioner of the Division of Building and Housing redated October 6, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two weeks (2 wks.) in which to obtain permits and board and secure the property, and thirty days (30 das.) in which to begin substantial construction work on the property; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-384-97.

RE: Appeal of Cleveland Public Power, Owner of the Property located on the premises known as 2490 West 41st Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated October 7, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC 422.1.2 and permit the fueling station to be installed as proposed, noting that they are generally applicable to liquid fuels and that the facility is going to be erected and operated in compliance with NFPA-52 and NFPA-70, and that there will be authorized trained personnel in attendance or a guard will be present at the fueling station 24 hours a day. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-385-97.

RE: Appeal of The Cleveland Clinic Foundation, Owner of the Property located on the premises known as 2022 East 105th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 23, 1997, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action this date, to be rescheduled for November 25, 1997.

* * *

EXTENSION OF TIME:

Docket A-25-97.

Michael P. Socha - 20617 Hillside Road;

A motion is in order to grant the Appellant's request for an eight

month (8 mo.) "Extension of Time" on the building permit, with the advice that the debris or the nuisance conditions, should it be in the form of a trailer, be disposed of as quickly as possible. The property is REMANDED to the Division of Building and Housing for supervision. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

Yeas: Messrs. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Williams and seconded by Mr. Sullivan for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-309-97—Joseph C. O'Neill.

A-314-97—Simmons First National Bank.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

Separate motions were entered by Mr. Sullivan and seconded by Mr. Bowes for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-313-97—Charles F. Curry Company.

A-316-97—KeyBank, N.A.

A-317-97—Vincent B. Weaver.

A-332-97—Muhammad R. Abdullah.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

Separate motions were entered by Mr. Bowes and seconded by Mr. Williams for Approval and Adoption of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-323-97—Paul & Cesare Noce.

A-333-97—Gail E. Swade.

A-338-97—John Jackson.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

APPROVAL OF AMENDED RESOLUTIONS:

Separate motions were entered by Mr. Sullivan and seconded by Mr. Bowes for Approval and Adoption of the Amended Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

Docket A-324-97.

Paul & Cesare Noce - 706-10 East 152nd Street (aka 15120 Cardinal Avenue):

FROM: . . . modify the Commissioner's VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations, and to require that the vacant properties be boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE ORDER and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by February 12, 1998 . . .

TO: . . . modify the Commissioner's VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant thirty days (30 das.) in which to obtain permits for abatement of the violations, and one year (1 yr.) in which to complete abatement of all violations on the property, to require that the vacant properties be boarded and secured and grounds remain debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE ORDER and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by November 25, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

Docket A-325-97.

Paul & Cesare Noce - 712-16 East 152nd Street (aka 710-16 East 152nd Street):

FROM: . . . modify the Commissioner's VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to obtain permits and abate the violations, and to require that the vacant properties be boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE ORDER and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by February 12, 1998 . . .

TO: . . . modify the Commissioner's VACATE ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant thirty days (30 das.) in which to obtain permits for abatement of the violations, and one year (1 yr.) in which to complete abatement of all violations on the property, to require that the vacant properties be boarded and secured and grounds remain debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the VACATE ORDER and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by November 25, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Bowes and seconded by Mr. Sullivan for Approval of the Minutes as presented by the Secretary respectively, subject to the Codified Ordinances of the City of Cleveland:

October 29, 1997

Yeas: Messrs. Denk, Bowes, Williams, Sullivan. Nays: None. Not Voting: Mr. Saunders.

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

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

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

WEDNESDAY, NOVEMBER 26, 1997

Lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1154-97, passed by the Council of the City of Cleveland, August 13, 1997.

November 12, 1997 and November 19, 1997

FRIDAY, DECEMBER 5, 1997

Approximately Seven (7) Light Duty Utility Trucks with Additional Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Safety, 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 Vac-All Type Body, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96, 1476-96, 323-97 and 799-97, passed by the Council of the City of Cleveland, June 18, 1996, August 14, 1996, March 24, 1997 and June 2, 1997.

One (1) Cab and Chassis with Vac-All Type 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.

November 12, 1997 and November 19, 1997

FRIDAY, DECEMBER 5, 1997

Phase VI, Ready Return Building Interiors for the Consolidated Rental Car Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE OBTAINED FOR THE NON-REFUNDABLE FEE OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK FROM THE DIVISION OF PURCHASES AND SUP-

PLIES, ROOM 128, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. A PRE-BID MEETING WILL BE HELD ON MONDAY, DECEMBER 1, 1997, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

November 19, 1997 and November 26, 1997

THURSDAY, DECEMBER 11, 1997

Labor and Materials to Repair or Replace 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 13, 1997.

Towel and Linen Service, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1743-97, passed by the Council of the City of Cleveland, October 13, 1997.

November 19, 1997 and November 26, 1997

FRIDAY, DECEMBER 12, 1997

Various Automotive Parts (Items 3, 13, 35, & 45), for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1155-97, passed by the Council of the City of Cleveland, August 13, 1997.

Rebuilt Allison Transmission, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 541-97, passed by the Council of the City of Cleveland, June 2, 1997.

November 19, 1997 and November 26, 1997

WEDNESDAY, DECEMBER 17, 1997

Renovation of the Carl B. Stokes Public Utilities Building, 1201 Lakeside Avenue, for the Division of Water, Department of Public Utilities, as authorized by Ordinance Nos. 1254-92 and 2096-92, passed by the Council of the City of Cleveland, June 24, 1992 and December 14, 1992.

A DEPOSIT OF ONE HUNDRED FIFTY DOLLARS (\$150.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, DECEMBER 1, 1997, 10:00 A.M. AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, AUDITORIUM A.

November 19, 1997 and November 26, 1997

THURSDAY, DECEMBER 18, 1997

Labor and Materials to Remove Barrels Containing Toxic Traffic Paint Materials and Other Services, for the Division of Traffic Engineering

and Parking, Department of Public Safety, as authorized by Ordinance No. 620-97, passed by the Council of the City of Cleveland, May 19, 1997. A PRE-BID MEETING WILL BE HELD ON TUESDAY, DECEMBER 2, 1997, 10:00 A.M. IN BUILDING 4 OF THE TRAFFIC SIGN UNIT, 4150 EAST 49TH STREET.

November 19, 1997 and November 26, 1997

FRIDAY, DECEMBER 19, 1997

One (1) Leaf Vac, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

Two (2) Walk-in Step Vans, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

Four (4) Police 3-Wheel Scooters, for the Various Divisions of City Government, 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) Vacuum Sidewalk Sweeper/Litter Vacuum and One (1) Special Area Vacuum/Sidewalk Sweeper, for the Various Divisions of City Government, 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) Tar Kettle, for the Various Divisions of City Government, Department of Public Service, as authorized by Ordinance No. 1113-97, passed by the Council of the City of Cleveland, July 16, 1997.

November 19, 1997 and November 26, 1997

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 2056-97.

By Councilman Rybka.

An emergency resolution objecting to the transfer of location of a C1 and C2 Liquor Permit to 5603 Fleet Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of location of a C1 and C2 Liquor Permit from Permit No. 0345598, Azzam Brothers Inc., 4735 Rocky River Drive, Cleveland, Ohio 44105, to Permit No. 03455980001, Azzam Brothers Inc, 5603 Fleet Avenue, Cleveland, Ohio 44105; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of location of a C1 and C2 Liquor Permit from Permit No. 0345598, Azzam Brothers Inc., 4735 Rocky River Drive, Cleveland, Ohio 44105, to Permit No. 03455980001, Azzam Brothers Inc, 5603 Fleet Avenue, Cleveland, Ohio 44105 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 10, 1997.

Effective November 18, 1997.

Ord. No. 1457-97.

By Councilmen Johnson, Patmon and Westbrook (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 85-96, passed February 12, 1996, relating to the employ of one or more temporary employment agencies to provide professional services to supply temporary and seasonal personnel for the Department of Parks, Recreation and Properties.

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

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

Section 1. That Section 2 of Ordinance No. 85-96, passed February 12, 1996, is hereby amended to read as follows:

Section 2. That the costs for such services herein contemplated shall be paid from Fund Nos. 01-70-04-

0320, 13 SF 253, 63 SF 001, 62 SF 001, 01-70-12-0320, 13 SF 791 and 13 SF 794.

Section 2. That existing Section 2 of Ordinance No. 85-96, passed February 12, 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 November 10, 1997.

Effective November 18, 1997.

Ord. No. 1939-97.
By Councilman Westbrook (by departmental request).

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

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

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

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

Section 1. That the Director of Finance, on behalf of the Cleveland Municipal Court is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials needed to remove and install carpeting in the courtrooms, judges' chambers and offices, to be purchased by the Commissioner of Purchases and Supplies for a gross price for the Department of Finance, on behalf of the Cleveland Municipal Court.

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

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

Passed November 10, 1997.

Effective November 18, 1997.

Ord. No. 2047-97.
By Councilman Lewis.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1811 East 81 Street to Kelly Chapman.

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

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-01-050, as more fully described in Section 2 below, to Kelly Chapman.

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

P.P. No. 119-01-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a portion of Sub Lot No. 11 in L.M. and A.J. Holt's Subdivision of part of Original One Hundred Acre Lots Nos. 391 and 392, as shown by the recorded plat in Volume 5 of Maps, Page 29 of Cuyahoga County Records and bounded and described as follows:

Beginning on the Southerly line of said Sublot No. 11 distant 60 feet Easterly from the Easterly line of East 81st Street; thence Northerly on a line parallel to a distance of 59 feet 1-3/4 inches; thence Westerly and parallel with Hough Avenue a distance of about 60 feet to the Easterly line of East 81st Street; thence Southerly along said Easterly line of East 81st Street a distance of 59 feet 1-3/4 inches to the southwest corner of said Sublot No. 11; thence Easterly along said Southerly line of Sublot No. 11 a distance of 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

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

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

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

Passed November 10, 1997.

Effective November 18, 1997.

Ord. No. 2048-97.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1769 East 63 Street, southerly part, and 1783 East 63 Street to Allen and Valerie George.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-03-026, southerly part and 118-03-025 and 118-03-024, as more fully described in Section 2 below, to Allen and Valerie George.

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

P.P. Nos. 118-03-024, 118-03-025, and 118-03-026, Southerly part

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 26 and 27 and part of Sublot No. 28 of the Clara M. Hannon's Allotment of Original One Hundred Acre Lot No. 337 as shown by recorded plat in Volume 15, Page 29 of Cuyahoga County Plat Records:

Beginning at an iron pin found in a monument box at the Southerly sideline of Hough Avenue (60 feet wide) and the centerline of East 63rd Street (46 Feet wide);

Thence South 00° 00' 00" East, 236.15 feet to a point;

Thence North 90° 00' 00" East, 23.00 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street and the Principal Place of beginning;

COURSE I

Thence continuing North 90° 00' 00" East, 110.76 feet to a 5/8 inch iron pin set in the Westerly line of land conveyed to Kimberly Toles recorded in Volume 97-8876, Page 15 of Cuyahoga County Deed Records;

COURSE II

Thence South 00° 06' 00" East, along the Westerly line of said Toles and the Westerly lines of land conveyed to Cleveland L.R. Program by deed recorded in Volume 93-2387, Page 6 and Volume 90-4637, Page 51 of Cuyahoga County Deed Records, 105.00 feet to a 5/8 inch iron pin set;

COURSE III

Thence North 90° 00' 00" West, along the Northerly line of land conveyed to Ernest Fair, Sr., by deed recorded in Volume 95-3010, Pages 18-20 of Cuyahoga County Deed Records, a distance of 110.95 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street;

COURSE IV

Thence North 00° 00' 00" East, along the Easterly sideline of said East 63rd Street, 105.00 feet to the Principal Place of beginning and containing 0.2672 acres according to survey in October, 1997 by Richard A. Thompson, Jr., P.S. No. 7388 of LDC, Inc. be the same, more or less, but subject to all legal highways and easements of record. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

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 November 10, 1997.

Effective November 18, 1997.

Ord. No. 2049-97.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1769 East 63 Street, northerly part, and 1765 East 63 Street to Lovell Henderson, Jr. and Queen Howard Henderson.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel Nos. 118-03-027, 118-03-028, and 118-03-026, northerly part, as more fully described in Section 2 below, to Lovell Henderson, Jr. and Queen Howard Henderson.

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

P.P. Nos. 118-03-027, 118-03-028, and 118-03-026, Northerly Part

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot Nos. 24 and 25 and part of Sublot No. 23 of the Clara M. Hannon's Allotment of Original One Hundred Acre Lot No. 337 as shown by recorded plat in Volume 15, Page 29 of Cuyahoga County Plat Records;

Beginning at an iron pin found in a monument box at the Southerly sideline of Hough Avenue (60 feet wide) and the centerline of East 63rd Street (46 feet wide);

Thence South 00° 00' 00" East, 131.15 feet to a point;

Thence North 90° 00' 00" East, 23.00 feet to a 5/8 inch iron pin set at the Southwest corner of land conveyed to Barbara J. Germann by deed recorded in Volume 92-7764, Page 50 of Cuyahoga County Deed Records, also being the Easterly sideline of said East 63rd Street and the Principal Place of beginning;

COURSE I

Thence continuing North 90° 00' 00" East, along the Southerly line of said Germann, 110.58 feet to a 5/8 inch iron pin set in the Westerly line of land conveyed to City of Cleveland L.R. Program by deed recorded in Volume 15453, Page 623 of Cuyahoga County Deed Records;

COURSE II

Thence South 00° 06' 00" East, along the Westerly line of land conveyed to the Cleveland L.R. Program by deed recorded in Volume 90-4637, Page 59; Carl and N. Robinson by deed recorded in Volume 12798, Page 623; and Kimberly Toles by deed recorded in Volume 97-8876, Page 15 of Cuyahoga County Deed Records, 105.00 feet to a 5/8 inch iron pin set;

COURSE III

Thence South 90° 00' 00" West, a distance of 110.76 feet to a 5/8 inch iron pin set in the Easterly sideline of said East 63rd Street;

COURSE IV

Thence North 00° 00' 00" East, along the Easterly sideline of said East 63rd Street, 105.00 feet to the Principal Place of Beginning and containing 0.2668 acres according to survey in October, 1997 by Richard A. Thompson, Jr., P.S. No. 7388 of LDC, Inc. be the same, more or less, but subject to all legal highways and easements of record. Bearings used herein refer to an assumed meridian and are intended to indicate angles only.

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 ordi-

nance. 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 November 10, 1997.

Effective November 18, 1997.

Ord. No. 2050-97.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7703 and 7707 Home Court to Donald and Linda Shelton.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-09-064B and 118-09-065, as more fully described in Section 2 below, to Donald and Linda Shelton.

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. 118-09-064B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in Chase, Anderson and Robinson's Subdivision of part of Original One Hundred Acre Lot No. 339, as shown by the recorded plat of said Subdivision in Volume 4 of Maps, Page 54 of Cuyahoga County

Records, and being 41.58 front on the Northerly side of Home Court, N.E., and extending back of equal width 120 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-09-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in Chase, Anderson and Robinson's Subdivision of part of Original One Hundred Acre Lot No. 339 as shown by the recorded plat in Volume 4 of Maps, Page 54 of Cuyahoga County Records and being a parcel of land 50.00 feet front on the Northerly side of Home Court (formerly Home Street) and extending back of equal width 120.00 feet as appears by said plat, be the same more or less, but subject to all legal highways.

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 November 10, 1997.

Effective November 18, 1997.

Ord. No. 2051-97.
By Councilman Patton.
An emergency ordinance to change the name of Critchfield Avenue to Sunny Glen Avenue.

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

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

Section 1. That the name of Critchfield Avenue is hereby changed to Sunny Glen Avenue.

Section 2. That the Director of Public Service is hereby authorized and directed to take the necessary and appropriate steps to implement the provisions of Section 1 of this ordinance, including the placement of appropriate signs and the altering of references to reflect the change of name.

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 November 10, 1997.

Effective November 18, 1997.

Ord. No. 2052-97.
By Councilman Patton (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4798 Lee Road to Amistad 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. 143-02-027, as more fully described in Section 2 below, to Amistad 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. 143-02-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 33 in the G. & F. Realty Company's Lee Road Subdivision, of part of Original Township Lot No. 91 as shown by the recorded plat in Volume 95 of Maps, Page 40 of Cuyahoga County Records. Said Sublot has a frontage of 59.41 feet on Lee Road and extends back between parallel lines, 135 feet deep on the Northerly line, 135 feet deep on the Southerly line which is also the Northerly line of Critchfield Avenue S.E. and being 59.41 feet wide in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as

may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

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

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

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

Passed November 10, 1997.

Effective November 18, 1997.

Ord. No. 2053-97.
By Councilman Skrha.
An emergency ordinance consenting and approving the issuance of a permit for a footrace on November 27, 1997 sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a footrace, sponsored by Hermes Race Systems, on November 27, 1997, starting at Burke Lakefront Airport, N. Marginal to E. 9th, E. 9th to Erieside, Erieside to W. 3rd, W. 3rd to Lakeside, Lakeside to W. 9th, W. 9th to Front, Front to W. 10th, W. 10th to Main, Main to Lakeside, Lakeside to E. 9th, E. 9th to South Ramp, South Ramp to Amtrack Loop, Loop to South Marginal, South Marginal to E. 26th, E. 26th to N. Marginal, N. Marginal back to Burke Lakefront, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed November 10, 1997.

Effective November 18, 1997.

Ord. No. 2054-97.
By Councilman Sweeney.
An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon on November 16, 1997 sponsored by Ronald and Ruth Shipley.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a walk-a-thon, sponsored by Ronald and Ruth Shipley, on November 16, 1997, starting at the parking lot at 4665 Rocky River Drive exiting the north gate onto Parkmount heading east. Walkers will proceed west on Fairville to Rocky River Drive. They will turn north onto Rocky River Drive up to Puritas Road and turn west on Puritas. Walkers will proceed down Puritas and enter the Metroparks Rocky River Reservation. They will turn south on Valley Parkway. The walk will conclude at the south Mestick Picnic area which the walkers will enter turning toward the east, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed November 10, 1997.
 Effective November 18, 1997.

Ord. No. 2055-97.
By Councilman Westbrook.
An emergency ordinance authorizing the Clerk of Council to extend the term of the contract with Legal News Publishing Company, City Contract No. 49581, for a period not to exceed four months.

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

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

Section 1. That the Clerk of Council is hereby authorized to extend the term of the contract with Legal News Publishing Company, City Contract No. 49581, for a period not to exceed four months. All other provisions of City Contract No. 49581, except for the term herein authorized to be extended, shall remain the same.

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

Passed November 10, 1997.
 Effective November 18, 1997.

**DEPARTMENT OF PARKS,
 RECREATION, AND PROPERTIES**
**RULES AND REGULATIONS OF
 THE DIRECTOR OF PARKS,
 RECREATION, AND PROPERTIES
 (Effective 11/29/97)**

Pursuant to the authority vested in the Director of Parks, Recreation, and Properties ("Director") by the Council of the City of Cleveland ("City") under Section 133.03 of the Cleveland Codified Ordinances (the "Code"), the Director hereby establishes rules and regulations for the use of public property and orders published in the City Record the fol-

lowing rule and regulation ("Regulations"). It is to be effective as of November 29, 1997.

1. In the interest of public safety and to protect the recent improvements, no sporting activities, including, but not limited to, tackle or touch football, soccer, rugby, softball or baseball, or other similar games, matches, or sports, are permitted in the area known as Mall B, which is bounded by St. Clair Avenue, Lakeside Avenue, Franz Pastoruis Drive, and the Convention Center, unless prior written approval has been granted by the Director, or as part of a Special Event Permit.

2. All persons found to be in violation of this rule will be guilty of trespass as defined in Section 623.04 of the Codified Ordinances.

November 19, 1997 and November 26, 1997

**COUNCIL COMMITTEE
 MEETINGS**

Monday, November 17, 1997

Parks, Properties and Recreation Committee: 9:30 A.M. — Present: Robinson, Chairman; Zone, Vice Chairman; Britt, Gordon, Jackson. Excused: Melena, Skrha.

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

Wednesday, November 19, 1997

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

Index to Council Proceedings

Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
 Bold type in sections indicates amendments

City Planning Department

West 146th Street, east of between Coe Avenue, S.W. and Justin Avenue, S.W.— change use and area districts (O 2079-97).....1913

City Record

Printing of City Record — extend Contract No. 49581 for four months — Legal News Publishing Company (O 2055-97)1926

Clerk of Council

Printing of City Record — extend Contract No. 49581 for four months — Legal News Publishing Company (O 2055-97)1926

Cleveland Hopkins International Airport

Air Traffic Controllers— increase at tower at Cleveland Hopkins Airport
(R 2080-97)1914

Cleveland Municipal Court

Carpeting — labor and materials needed remove and install in courtrooms, judges chambers,
and offices — amend Ord. No. 2042-96, Section 1. (O 1939-97)..... **1923**

Codified Ordinances

Childrens' Advocate — establish Office of Childrens' Advocate in the Office of the Mayor
— enact new Code Section 123.09 (O 2076-97)1911

Communications

Notification of "Set Aside" Requisition Nos. 13428, 13430, 13434, 13410 — from the
Department of Port Control (F 2090-97)1909

Condolences

Curry, Julia Mae (R 2092-97).....1909
Israel at 50 (R 2093-97).....1909
Steward, Anna Elizabeth (R 2091-97)1909

Congratulations

Grayson, Dt. Marian M. (R 2094-97).....1909
Steele, J. Gilbert, Jr. (R 2095-97)1909

Cuyahoga County

Payne Avenue from East 13th Street to East 55th Street — give consent to Cuyahoga County
to rehabilitate — apply and accept allocations from County Motor Vehicle License
Tax Funds (O 2074-97)1909

Easements

Roadway and Utility easement — appropriate property for a public road in Emerald
Corporate Park (O 2075-97)1910
Roadway and utility easement — declare necessity and intention to appropriate property
for a public road in Emerald Corporate Park (R 2087-97)1916

Federal Aviation Administration (FAA)

Air Traffic Controllers— increase at tower at Cleveland Hopkins Airport
(R 2080-97)1914

Finance Department

Moral Claims — pay claimants (O 2078-97)1912

Governor Voinovich

Affirmative action laws and policies — urge Governor Voinovich to intervene and Ohio
Legislature to cease and desist from its actions to repeal and/or undermine Ohio's
Affirmative action laws (R 2088-97)1916

Health and Welfare Department

Computer equipment, software and maintenance — software development consultants
(O 2077-97).....1911

House of Corrections

Computer equipment, software and maintenance — software development consultants
(O 2077-97).....1911

Land Reutilization Program

East 63rd Street, 1769 — Lovell Henderson, Jr. and Queen Howard Henderson
(O 2049-97)..... **1924**
East 63rd Street, 1783 —Allen and Valerie George (O 2048-97) **1923**

East 81st Street, 1811 — Kelly Chapman (O 2047-97)	1923
Home Court, 7703 and 7707 — Donald and Linda Shelton (O 2050-97)	1924
Lakeview Road, 850 — Aids Housing Council of Greater Cleveland (O 1864-97)	1917
Lee Road, 4798 — Amistad Development Corp. (O 2052-97)	1925

Liquor Permits

Ashbury Avenue, 11025 (Ward 9) — object to transfer of ownership of C1 and C2 permit (R 2084-97)	1915
Detroit Avenue, 8504 (Ward 17) — objection to issuance (R 2082-97)	1914
Fleet Avenue, 5603 (Ward 12) — objection — transfer of location (R 2056-97)	1922
Meyer Avenue, 3347 (Ward 14) — withdraw objection to transfer of ownership of C2 and C2X permit — repeal Resolution No. 1355-97 (R 2086-97)	1916
North Marginal Road, 5555 (Ward 13) — withdrawing objection to issuance of D5F permit — repeal Resolution No. 1349-97 (R 2083-97)	1915
Union Avenue, 7018 , 1st floor and basement (Ward 2) — object to transfer of ownership of D5 permit (R 2085-97)	1915

Mayor's Office

Childrens' Advocate — establish Office of Childrens' Advocate in the Office of the Mayor — enact new Code Section 123.09 (O 2076-97)	1911
---	------

Moral Claims

Moral Claims — pay claimants (O 2078-97)	1912
--	------

Motor Vehicle License Tax

Payne Avenue from East 13th Street to East 55th Street — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97)	1909
---	------

Municipal Court

Carpeting — labor and materials needed remove and install in courtrooms, judges chambers, and offices — amend Ord. No. 2042-96, Section 1. (O 1939-97)	1923
---	------

Ohio Board of Pharmacy

Rohypnol — urge Ohio Board of Pharmacy and Ohio Legislature to reclassify as a controlled substance (R 2089-97)	1916
--	------

Ohio Legislature

Affirmative action laws and policies — urge Governor Voinovich to intervene and Ohio Legislature to cease and desist from its actions to repeal and/or undermine Ohio's Affirmative action laws (R 2088-97)	1916
Rohypnol — urge Ohio Board of Pharmacy and Ohio Legislature to reclassify as a controlled substance (R 2089-97)	1916

Parks, Recreation and Properties Department

Amend Section 2 of Ordinance No. 85-96 —passed February 12, 1996 — relating to employ one or more temporary employment agencies (O 1457-97)	1922
--	------

Peddlers

Mayti, Samantha — authorize to peddle in Ward 5. (O 2081-97)	1914
--	------

Permits

Footrace — permit — Hermes Race Systems — November 27, 1997 (O 2053-97)	1925
Walk-A-Thon — permit — Ronald and Ruth Shipley — November 16, 1997 (O 2054-97)	1926

Personnel and Human Resources Department

Amend Section 2 of Ordinance No. 85-96 —passed February 12, 1996 — relating to employ one or more temporary employment agencies (O 1457-97)	1922
--	------

Port Control Department

Notification of "Set Aside" Requisition Nos. 13428, 13430, 13434, 13410 — from the Department of Port Control (F 2090-97)	1909
--	------

Real Estate

Roadway and Utility easement — appropriate property for a public road in Emerald Corporate Park (O 2075-97)1910

Roadway and utility easement — declare necessity and intention to appropriate property for a public road in Emerald Corporate Park (R 2087-97)1916

Recognitions

Malvin, John (R 2096-97).....1909

Service Department

Contract of Toro mower parts (O 1737-97)1917

Payne Avenue from East 13th Street to East 55th Street — give consent to Cuyahoga County to rehabilitate — apply and accept allocations from County Motor Vehicle License Tax Funds (O 2074-97)1909

Street—Vacation

Intention to vacate a portion of Packard Court (R 1785-97).....1917

Streets - Name

Critchfield Avenue — change name to Sunny Glen Avenue (O 2051-97).....1925

Zoning

West 146th Street, east of between Coe Avenue, S.W. and Justin Avenue, S.W.— change use and area districts (O 2079-97).....1913