

The City Record

Official Publication of the City of Cleveland

September the Twenty-Fourth, Nineteen Hundred and Ninety-Seven

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

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

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 Flr., Court Towers, 1200 Ontario
Carolyn Watts-Allen, Chief Asst. Prosecutor
Lessie M. Milton, Chief Counsel

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



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WEDNESDAY, SEPTEMBER 24, 1997

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CITY COUNCIL

MONDAY, SEPTEMBER 22, 1997

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio September 22, 1997.
The meeting of the Council was called to order, the President, Jay Westbrook in the Chair.

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

Also present were Mayor White and Directors Sobol-Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, Holland, Willis, Nelson and Morrison.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rabbi Doctor Daniel Schor, Chief Rabbi of Greater Cleveland. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1767-97.
From the Division of Purchases & Supplies re: Requirement contract/monthly report — September, 1997. Received.

File No. 1768-97.
From the Division of Purchases & Supplies re: Emergency Requisition (RE-11630). Received.

File No. 1769-97.
From the Division of Purchases & Supplies re: CORRECTION to Excess Property — Reference No. 11-97 (Revised). Received.

File No. 1770-97.
From the Director of Department of Port Control re: Notification of MBE/FBE "Set Aside" Req. #'s 13235, 13227, 13240. Received.

File No. 1771-97.
From the Department of Public Utilities re: Listing of itemized costs associated with unanticipated regulatory issues and conditions involving our Crown Plant Program. Received.

File No. 1772-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation Case No. 92-111-HT-AEC, Standard Steam Service. Received.

File No. 1773-97.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation Case No. 92-154-HT-AEC, Standard Steam Service Agreement for BOMA Members. Received.

STATEMENT OF WORK ACCEPTANCE

File No. 1774-97.

From the Director of the Department of Parks, Recreation and Property re: Contract No. 51176 for Fairfax Recreation Center Sidewalk Improvements. Received.

File No. 1775-97.

From the Director of the Department of Parks, Recreation and Property re: Contract No. 49916 for Fairfax Recreation Center Site Improvements. Received.

File No. 1776-97.

From the Director of the Department of Parks, Recreation and Property re: Contract No. 50877 for Dove Park. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1801-97—Paul D. White.

Res. No. 1802-97—Mildred L. Lewis.

Res. No. 1803-97—Aissa Danyelle Archie.

Res. No. 1804-97—Robert W. H. Dickerson.

Res. No. 1805-97—Carl C. Heintel.

Res. No. 1806-97—Margaret Agnes Kramer.

Res. No. 1807-97—David Sumskis.

Res. No. 1808-97—Sis. Irene Harris Warr.

Res. No. 1809-97—Gwendolyn Merriam Sims.

Res. No. 1810-97—Frank Borchert.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1811-97—Frances Black.

Res. No. 1812-97—Edward & Ann Hines Family.

Res. No. 1813-97—Harmonia-Chopin Singing Society.

Res. No. 1814-97—St. Stanislaus Dad's Club 50th Anniversary.

Res. No. 1815-97—Shed Scott.

Res. No. 1816-97—Reverend Albert T. Rowan.

Res. No. 1817-97—Richard P. & Elizabeth Stack.

Res. No. 1818-97—Detective Rich Calabrese.

Res. No. 1819-97—Edward & Olga Baran.

Res. No. 1820-97—David N. Myers College.

Res. No. 1821-97—Dr. Arnold G. Tew.

Res. No. 1822-97—Bill Ruble.

Res. No. 1823-97—Anna Chatman.

Res. No. 1824-97—Our Lady of Mercy Church.

Res. No. 1825-97—Dr. Culbreth B. Cook.

Res. No. 1826-97—Nick A. Nardi.

Res. No. 1827-97—Simpson United Methodist Church.

Res. No. 1828-97—James F. Sullivan.

Res. No. 1829-97—Reverend Floyd W. Alexander, Sr.

RESOLUTIONS OF RECOGNITION

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

Res. No. 1830-97—Herb Score.

Res. No. 1831-97—Michael Brown, Jr.

Res. No. 1832-97—Kelsey Skapik.

Res. No. 1833-97—Janaya Reynolds.

Res. No. 1834-97—Elizabeth Hogg.

Res. No. 1835-97—Byron White.

Res. No. 1836-97—Sisters of St. Joseph of Cleveland 125th Anniversary.

Res. No. 1837-97—Sergeant Calvin Williams.

Res. No. 1838-97—National Hispanic Heritage Month.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1777-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to repair or replace fencing at various ball diamonds in the estimated sum of \$75,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22446)

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

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

Ord. No. 1778-97.

By Councilmen Melena, 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 3160 West 50 Street to James E. and Ruth Ann Ogle.

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. 016-11-061, as more fully described in Section 2 below, to James E. and Ruth Ann Ogle.

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. 016-11-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 88 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Pages 10 and 16 of Cuyahoga County Records, and being 40 feet front on the Westerly side of West 50th Street and extending back between parallel lines 125 feet deep, 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.

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

Ord. No. 1779-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the 1997-98 Fire - EMT Training Grant; and to enter into contract with Cuyahoga Community College to implement the program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$50,925.00, from the Ohio Department of Public Safety, to conduct the 1997-98 Fire - EMT Training Grant, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1779-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Safety is hereby authorized to enter into contract with Cuyahoga Community College, for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 1780-97.
By Councilman Skrha (by request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to Cleveland State University to encroach into the public right-of-way underneath East 24th Street between Chester and Payne Avenues and north of the Innerbelt exit ramp to construct a Ductbank for communication lines.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the written consent of the Director of Public Service to Cleveland State University, Euclid at East 24th Street, Cleveland, Ohio 44115; its successors and assigns, for the construction, use and maintenance by boring underground horizontally to place a Ductbank and conduit for communication lines at Cleveland State University, which will encroach into the public right-of-way by crossing underneath East 24th Street between Chester and Payne Avenues, and north of the Innerbelt exit ramp, and more fully described as follows:

C.S.U./ENCROACHMENT/
 E. 24TH ST./HORIZONTAL BORE
 TO INSTALL CONDUIT

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being an area lying within the bounds of East 24th Street, 60 feet in width, being also a part of Original Ten Acre Lot No. 82, bounded and described as follows:

Beginning in the easterly line of East 24th Street at the northwesterly corner of Sublot No. 55 in the Perry-Payne Subdivision of part of Original Ten Acre Lot Nos. 82, 83 and 84 as shown by the recorded plat in Volume 25 of Maps, Page 9 of Cuyahoga County Records; Course No. 1: thence South 89°-48'-00" West along the westerly prolongation of the northerly line of Sublot No. 55 in the Perry-Payne Subdivision, 60.00 feet to its intersection with the westerly line of said East 24th Street, passing through a drill hole and cross found 1.00 foot westerly from the easterly line of East 24th Street; Course No. 2: thence due South along said westerly line of East 24th Street, 10.00 feet to a point; Course No. 3: thence North 89°-48'-00" East along a line drawn parallel with and distant 10.00 feet southerly by rectangular measurement from the first described line, 60.00 feet to a point in said easterly line of East 24th Street, passing through a drill hole found 1.00 foot Westerly therefrom;

Course No. 4: thence Due North along said Easterly line of East 24th Street, 10.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc. Registered Engineers and Surveyors, made in August, 1997, be the same more or less. The bearings used herein are to an assumed meridian and are used to indicate angles only.

Section 2. That said Ductbank and communication lines will be constructed within the public right-of-way at the location aforesaid in Section 1, and will be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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

Ord. No. 1781-97.
By Councilman Skrha.
An emergency ordinance to vacate a portion of Stuber Court N.E. hereinafter described.

Whereas, on the 14th day of August, 1996 the Council of the City of Cleveland adopted Resolution No. 1114-96 declaring its intention to vacate a portion of Stuber Ct. N.E., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1114-96 has been served upon the owners of all the property abutting Stuber Ct. N.E., affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Stuber Ct. N.E., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Stuber Ct. N.E., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Stuber Ct. N.E., (15 and 16 feet wide), beginning on its Northerly line, at its intersection with the Westerly line of E. 30th Street (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point; thence Northeast (16.02 feet) to a point on its Easterly line; thence Northwest along its Easterly line (24.62 feet) to a point; thence North-

east along its Southerly line (98 feet) to the Westerly line of E. 30th St. as aforesaid; thence Northwest (15 feet) to the place of beginning.

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

That portion of Stuber Ct. N.E., described as follows:

Beginning on the Northerly line of Stuber Ct. N.E., at its intersection with the Westerly line of E. 30th St. (66 feet wide); thence Southwest along its Northerly line (114 feet) to a point; thence Southeast along its Westerly line (38.76 feet) to a point; thence Northeast (16.02 feet) to a point on its Easterly line (24.62 feet) to a point; thence Northeast along its Southerly line (98 feet), to the Westerly line of E. 30 St. as aforesaid; thence Northwest (15 feet) to the place of beginning.

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Stuber Ct. N.E., herein provided by sending him a copy of this Ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and 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. 1782-97.
By Councilman Smith.
An emergency ordinance to vacate a portion of Auburn Ave. S.W. hereinafter described.

Whereas, on the 14th day of August, 1996, the Council of the City of Cleveland adopted Resolution No. 1115-96 declaring its intention to vacate a portion of Auburn Ave. S.W., hereinafter described.

Whereas, notice of the adoption of the above Resolution No. 1115-96 has been served upon the owners of all the property abutting Auburn Ave. S.W. affected by said Resolution, notifying the said property owners of the time and place at which objections can be heard before the Board of Revision of Assessments, and

Whereas, on the 28th day of August, 1997, the Board of Revision of Assessments approved the vacation of Auburn Ave. S.W., hereinafter described, in accordance with the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating Auburn Ave. S.W., hereinafter described and that it will not be detrimental to the general interest and ought to be made; and

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

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

Section 1. That all that portion of Auburn Ave. S.W., (20.00 feet wide), extending Easterly from the Easterly line of W. 25 St., to the Southerly prolongation of the Westerly line of W. 19th St. (30.00 feet wide).

Section 2. That there be and hereby is reserved to the City of Cleveland an easement for existing Division of Light and Power equipment, and Division of Water Pollution Control equipment.

The description of easement is as follows:

That portion of Auburn Ave. S.W., (20.00 feet wide), extending Easterly from the Easterly line of W. 25th St. (66.00 feet wide), to the Southerly prolongation of the Westerly line of West 19th St. (30.00 feet wide).

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

Section 3. That the Clerk of Council be and she is hereby directed to notify the Auditor of Cuyahoga County of the vacation of all that portion of Auburn Ave. S.W., herein provided by sending him a copy of this Ordinance.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and 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. 1783-97.

By Councilman Zone.

An emergency ordinance to supplement the Codified Ordinance of the City of Cleveland, 1976, by adding new Section 605.07A thereof relating to the intentional abuse of the local 9-1-1 emergency system.

Whereas, the 9-1-1 system is designed to be used in the event of major emergencies involving Cleveland police, fire, or ems services; and

Whereas the misuse of the 9-1-1 system results in excessive consumption of police, fire, and ems safety services and creates a potential threat of the health and safety to the citizens of Cleveland; and

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

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

Section 1. That the Codified Ordinance of the City of Cleveland, 1976, shall be supplemented by adding new Section 605.07A thereof, to read as follows:

Section 605.07A Making False Alarms

(a) No person shall do either of the following:

(1) Initiate a call to 9-1-1 regarding an alleged or impending fire, explosion, crime, or other emergency, knowing that such report is false, and likely to cause inconvenience or alarm;

(2) Knowingly cause a false alarm of fire or other emergency to be transmitted to or within any safety service in the City of Cleveland, for dealing with emergencies involving a risk of physical harm to persons or property;

(3) Report to 9-1-1 that an alleged offense or other incident within the respective areas of concern for the safety divisions occurred, knowing that such offense did not occur;

(4) Knowingly use the 9-1-1 system, knowing that no major critical or life threatening emergency exists and knowing that such report is likely to result in unnecessary consumption of safety services; or

(b) Whoever violates this section is guilty of improper use of 9-1-1 telephone system, a misdemeanor of the first degree.

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

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

Ord. No. 1788-97.

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

An emergency ordinance establishing Community Reinvestment Areas in the areas of the Notre Dame Academy Building located on Ansel Road and the Gordon Building located on East 71st Street, pursuant to Section 3735.65 et seq. of the Ohio Revised Code, and making certain findings and determinations in connection therewith.

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

Whereas, the areas located at the Notre Dame Academy Building located at 1325 Ansel Road and the Gordon Building located at 1053 East 71st Street are areas in which housing facilities or structures of historical significance are located and the prospects of new housing construction and repair of existing facilities or structures are discouraged; and

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health, and safety, in that creating said Community Reinvestment Areas will encourage development in the areas located at the Notre Dame Academy Building located at 1325 Ansel Road and the Gordon Building located at 1053 East 71st Street and will, furthermore, eliminate blight and prevent the recurrence thereof in the Areas; now, therefore,

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

Section 1. That based upon the information and data presented to this Council and the information contained in Council File No. 1776-A-90-A, it is hereby found and determined that the areas located at the Notre Dame Academy Building located at 1325 Ansel Road (Permanent Parcel

No. 107-12-180) and the Gordon Building located at 1053 East 71st Street (Permanent Parcel No. 105-27-097) are blighted and deteriorated areas in which housing facilities or structures of historical significance are located and the prospects of new construction and repair of existing facilities or structures are discouraged.

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

Section 3. That the construction of approximately 80 units of apartments located between the two Areas identified in Section 1 of this ordinance are hereby declared to be a public purpose for which exemption from real property taxation shall be granted in the following manner:

The owners of such real property in the Community Reinvestment Areas described hereinabove may file an application for exemption from real property taxation with the Commissioner of Neighborhood Development for the City of Cleveland for a period of twelve (12) years for 100% of the assessed taxes for the construction activities described above.

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

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

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1784-97.

By Councilman Patton.

An ordinance to change the Use and Area Districts of lands located approximately 180' south of Seville Road, S.E. and approximately 470' west of East 162 Street. (Map Change No. 1957, Sheet No. 10)

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,

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being a part of Original Warrensville Township Lot No. 103, further bounded and described as follows:

Commencing in the centerline of Seville Road, S.E. (60 feet wide) at its intersection with the centerline of Johnston Parkway, S.E. (60 feet wide); Thence North 88°-41'-42" East along the centerline of Seville Road, S.E., 78.41 feet to a point therein;

Thence South 1°-18'-18" East and perpendicular to the centerline of Seville Road, S.E., 30.00 feet to the Southerly line thereof;

Thence North 88°-41'-42" East along said Southerly line, 427.56 feet to the Northeasterly corner of Block "D" in the Lee-Seville/Cleveland Outerbelt Industrial Park as shown by the recorded plat in Volume 231 of Maps, Page 42 of Cuyahoga County Records;

Thence South 0°-07'-05" East along the Easterly line of Block "D", 180.00 feet to a point therein, and the principle place of beginning of the following described parcel:

Thence Continuing South 0°-07'-05" East along said line of Block "D" as aforesaid, 776.38 feet to a point in the Northerly line of Sublot 2 as shown by said plat;

Thence North 89°-54'-36" East along the Northerly line of Sublot 2, 192.22 feet to the Northeasterly corner thereof, said point being also on the Westerly line of the Homestead Allotment Company's Orchard Subdivision as shown by the recorded plat in Volume 98 of Maps, Page 17 of Cuyahoga County Records;

Thence North 0°-07'-05" West along said subdivision line, 771.76 feet to a point in the Southerly line of a parcel of land conveyed to Maymie McLin by deed recorded in Volume 7870, Page 143 of Cuyahoga County Records;

Thence Westerly along said Southerly line and along the Southerly line of a parcel of land conveyed to Hope Incorporated by deed recorded in Volume 13304, Page 369 of Cuyahoga County Records, 192.22 feet to the place of beginning.

This description was prepared by David J. Bruckner, Registered Ohio Professional Surveyor No. 6939, from information in the Lee-Seville/Cleveland Outerbelt Industrial Park plat, recorded as aforesaid.

Containing within said bounds, an area of about 3.4158 acres of land, be the same more or less, but subject to all legal highways, easements, and restrictions of record, and as outlined in red on the map hereto attached be and the same are hereby changed to a Semi Industry Use District and an 'A' Area District.

Section 2. That said changed designation of lands described in Section 1 shall be identified in Section 1 as Map Change No. 1957, Sheet No. 10 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 1785-97.

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

Whereas, this Council is satisfied that there is good cause for vacating

all that portion of Packard Court, N.E., hereinafter described, and

Whereas, this resolution constitutes an emergency measure in that the same provides 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 it hereby declares its intention to vacate the following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as being all that portion of Packard Court, N.E., (12 feet wide) extending Easterly 132 feet from the Easterly line of East 25th Street (66 feet wide).

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1786-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating Grayton Road access and spine road leading to Cleveland Business Park Phase II; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing the Director of Public Service to employ professional services necessary to perform architectural, engineering and other services necessary to design the public improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public 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 hereby determined to make the public improvement of rehabilitating the Grayton Road access and spine road leading to Cleveland Business Park, Phase II, including paving, grading, drainage, curbing, sidewalks, lighting, street-scaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

Section 2. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or

components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Public Service is hereby authorized and directed to employ by contract one or more professional architects, engineers, one or more firms of architects and engineers, and other consultants necessary 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 design the Improvement.

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 Service 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 Service for the purpose of compiling such a list. The compensation to be paid for such services shall be prepared by the Director of Law, approved by the Director of Public Service, and certified by the Director of Finance.

Section 4. That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 5. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

Section 6. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

Section 7. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund No. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21959.

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

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.

Ord. No. 1787-97.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Blaine Avenue to Michael and Tamarah Bates.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio, Revised Code to facili-

tate 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. 107-16-057 and western half of 107-16-058, as more fully described in Section 2 below, to Michael and Tamarah Bates.

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

P.P. No. 107-16-057 and Western
Half of 107-16-058

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Lot No. 392 in the City of Cleveland and known as being part of Sublot Nos. 24 and 26, and all of Sublot 25 of The Ford & Holden Allotment, Volume 5, Page 4, and is further bounded and described as follows:

Beginning at an iron pin monument box found at the intersection of the centerlines of East 86th Street, 60 feet wide, and Blaine Avenue, 40.63 feet wide;

Thence South 00° 00' 00" West along the centerline of said East 86th Street, a distance of 142.17 feet to an iron pin monument box found;

Thence South 89° 53' 47" East a distance of 30.00 feet to an iron pin set on the easterly sideline of East 86th Street, also known as the Place of Beginning;

Course I: Thence South 89° 53' 47" East along the northerly line of land conveyed to Leo Wiggins as described in Volume 48575, Page 0017 of The Cuyahoga County Records of Deeds, a distance of 95.66 feet to an iron pin set;

Course II: Thence North 00° 06' 30" West a distance of 122.47 feet to an iron pin set in the southerly sideline of said Blaine Avenue;

Course III: Thence South 89° 53' 30" West along the southerly sideline of said Blaine Avenue, a distance of 95.43 feet to an iron pin set in the easterly sideline of said East 86th Street;

Course IV: Thence South 00° 00' 00" West along the easterly sideline of said East 86th Street a distance of 122.11 feet to the Place of Beginning.

Said parcel containing 0.2682 acres of land or 11,684 square feet, as surveyed and described in July 1997 by John Skonieczny, Registered Ohio Surveyor Number 6358, be the same more or less, but subject to all legal highways. Bearings used herein are to an assumed meridian and are used to denote interior 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.

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.

Ord. No. 1789-97.

By Councilman Westbrook.

An emergency ordinance to establish No Right Turn at the specific intersection in the City of Cleveland listed herein, and to amend the schedule on file with the Clerk of Council, File No. 106-76, pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to No Right Turns during certain hours.

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 4511.13 of the Ohio Revised Code, this Council does hereby prohibit right turns against a steady red signal, between the hours of 8:00 a.m. and 4:00 p.m. Monday through Friday at the specific intersection in the City of Cleveland listed herein, which list shall be added to the schedule on file with the Clerk of Council by amending File No. 106-76, established pursuant to Section 413.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1684-76, passed June 29, 1976.

WARD

INTERSECTION

DIRECTION

18

West 110th and Detroit

All Directions

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

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

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

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

Ord. No. 1790-97.

By Councilman Westbrook.

An emergency ordinance to change the name of Baltic Park located on Baltic Road and West 110th Street to Baltic Children's Park.

Whereas, it is most fitting and appropriate to recognize Baltic Park as a recreational gathering for children involved in recreation activities throughout the year; and

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

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

Section 1. That the name of **Baltic Park** located on Baltic Road and West 110th Street be changed to **Baltic Children's Park.**

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of appropriate signs, nameplates and plaques to reflect the name of this park.

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

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

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

Ord. No. 1791-97.

By Councilman Britt.

An emergency ordinance consenting and approving the issuance of a permit for a Juno Jog on October 4, 1997 sponsored by the Health Museum.

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 Juno Jog, sponsored by the Health Museum, on October 4, 1997, start at E. 90th St. and Euclid Avenue, E. 90th St. to Chester, Chester to E. 89th St., E. 89th St. to Cedar, Cedar to E. 87th St., E. 87th St. to Quincy, Quincy to E. 89th St., E. 89th St. to Cedar, Cedar to E. 93rd St., E. 93rd St., to Carnegie, Carnegie to Beacon Hill, Beacon Hill to E. 89th St., E. 89th St. back to Chester, 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.

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.

Ord. No. 1792-97.

By Councilman Britt.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Karamu House Inc. to stretch a banner across the corner of East 89th Street (East/West directions) for the period from September 26, 1997 to October 27, 1997, inclusive, publicizing the opening of their Performing Arts Season.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to Karamu House Inc. to install, maintain and remove a banner across the corner of East 89th Street (East/West directions) for the period from September 26, 1997 to October 27, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 1793-97.

By Councilmen Skrha and Smith. An emergency ordinance to amend the Title and Section 1 of Ordinance No. 1672-97 relating to the issuance of a permit for a 5K and 10K Walkathon, sponsored by the OLA/St. Joseph Center.

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

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

Section 1. That the Title and Section 1 of Ordinance No. 1672-97, passed September 8, 1997, be the same are hereby amended to read as follows:

"An emergency ordinance consenting to and approving the issuance of a permit for a 5K and 10K Walkathon on October 11, 1997, sponsored by OLA/St. Joseph Center.

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 5K and 10K Walkathon, sponsored by the OLA/St. Joseph Center, on October 11, 1997, with the 5K and 10K walkers beginning at OLA/St. Joseph Center Parking lot on Kenilworth, head (east) on Kenilworth to W. 11th St., turn right circle Lincoln Park 2 times, return to W. 11th/Kenilworth intersection, turn left onto W. 11th Ave. walk to University Rd., turn right onto University Rd. walk to W. 10th St., turn right onto W. 10th St. walk to stop sign, veer left onto Professor Ave. (stay on right side of street), walk to Jefferson, turn right onto Jefferson walk to Starkweather (cross W. 14th to west side of W. 14th), turn left on West 14th St. walk (south) to Clark Ave., turn right onto Clark Ave. and walk across bridge (over highway) to Scranton Rd., turn right onto Scranton Rd. walk to Kenilworth, turn right onto Kenilworth, return to OLA/St. Joseph Center (on your left on other side of highway overpass) 5K WALKERS STOP HERE!; 10K walkers continue walking on Kenilworth to W. 11th St., turn left onto W. 11th St. walk to Abbey Rd., turn left onto Abbey Ave. (cross street to north side of Abbey), cross Abbey Ave. Bridge to West 20th Street (enjoy the view of downtown!), cross street to south side of Abbey Avenue, turn left and return across the Abbey Avenue Bridge, (enjoy the view of the industrial side of the flats!), walk to West 11th St., turn left to University Rd., walk to W. 10th St., turn right onto W. 10th St. walk to Literary (right side of St.), turn right onto Literary walk to Kenilworth (veer left & cross street), turn right onto Kenilworth, return to OLA/St. Joseph Center, 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 the Title and Section 1 of Ordinance No. 1672-97, passed September 8, 1997, be the same are hereby repealed.

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

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.

Ord. No. 1794-97.

By Councilman Rybka.

An emergency ordinance to change the name of Tod Park to Hyacinth Park.

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 Tod Park is hereby changed to Hyacinth Park.

Section 2. That the Director of Parks, Recreation and Properties is hereby authorized and directed to give effect to this ordinance by the placing of appropriate signs, nameplates and plaques and the altering of references to the park 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.

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.

Ord. No. 1798-97.

By Councilmen Smith, Polensek and Dolan.

An emergency ordinance to repeal Ordinance No. 472-92, passed by the Council of the City of Cleveland on July 22, 1992, relating to the authority to enter into professional service, requirement and purchase contracts for marketing and advertising services and materials for the Division of Public Power, Department of Public Utilities.

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

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

Section 1. That Ordinance No. 472-92, passed by the Council of the City of Cleveland on July 22, 1992, is hereby repealed.

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 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. 1795-97.

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

An emergency resolution urging the voters of the City of Cleveland to Vote NO on State Issue 2 in order to repeal Senate Bill 45, the so-called Workers Compensation Reform Bill.

Whereas, Senate Bill 45 ("S.B. 45"), the so-called Worker's Compensation Reform Bill, was signed by Governor Voinovich in the spring of 1997; and

Whereas, although the American Medical Association calls the use of the AMA's permanent impairment guidelines for workers' compensation disability assessment purposes unfair, arbitrary and unreasonable, S.B. 45 mandates the use of these guidelines in permanent partial impairment hearings; and

Whereas, S.B. 45 will substantially diminish the rights of Cleveland citizens who are injured while working to receive Workers' Compensation benefits in several ways, including (1) by preventing consideration of education or past work experience in determination of permanent and total disability benefits; (2) by making it almost impossible to receive Workers' Compensation benefits for occupational cancers and other occupational diseases; and (3) by making injury, disease and accident inspection records maintained by the Ohio Division of Safety and Hygiene secret; and

Whereas, S.B. 45 will effectively deny coverage for those who suffer from carpal tunnel injuries and other repetitive motion injuries, thereby discriminating against women who incur these injuries in disproportionately high numbers because of the work that they do; and

Whereas, the drastic cuts in Workers' Compensation benefits and coverage incorporated in S.B. 45 will adversely affect the lives of the working people of Cleveland and their families; and

Whereas, on July 21, 1997, a coalition of public interest, labor, and injured worker organizations submitted 415,000 signatures on petitions to the Ohio Secretary of State, forcing a referendum of S.B. 45; and

Whereas, this November 4th will be the first time since 1939 that the citizens of Ohio will be able to go to the polls and VOTE NO on a piece of anti-injured workers legislation;

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

Section 1. That the Council of the City of Cleveland has determined that Senate Bill 45 will negatively impact those citizens who have suffered injuries and diseases as a consequence of their employment, and strongly urge the citizens of Cleveland to VOTE NO on Issue 2 on November 4, 1997.

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 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. 1796-97.

By Councilman Skrha.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 1276-80 W. 6th St., and repealing Res. No. 1678-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 1276-80 W. 6th St., by Res. No. 1678-97, adopted September 8, 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 D5 Liquor Permit to 1276-80 W. 6th St., be and the same is hereby withdrawn and Res. No. 1678-97, 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 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. 1797-97.

By Councilman Skrha.

An emergency resolution withdrawing objection to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit to 700 St. Clair Ave. W., and repealing Res. No. 1677-97, objecting to said transfer of ownership and location.

Whereas, this Council objected to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit to 700 St. Clair Ave. W., by Res. No. 1677-97, adopted September 8, 1997; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and location and consents to said transfer of ownership and location; 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 and location of a D1, D2, D3, D3A and D6 Liquor Permit to 700 St. Clair Ave. W., be and the same is hereby withdrawn and Res. No. 1677-97, 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 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. 1799-97.

By Councilmen Westbrook and Dolan.

An emergency resolution urging the U. S. Department of Transportation to seriously examine the safety issues involved in the proposed acquisition and distribution of the assets of Conrail among Norfolk Southern and CSX Transportation.

Whereas, Norfolk Southern ("NS") and CSX Transportation ("CSX") have proposed the acquisition and distribution of the assets of Consolidated Rail Corp. ("Conrail"); and

Whereas, the federal Surface Transportation Board ("STB") is the body studying the proposed acquisition and distribution and is the federal body authorized to act upon the said proposal; and

Whereas, although the proposed acquisition and distribution may offer the potential for economic development and redevelopment in this area due to improved freight movement and intermodal connections, this Council is concerned that the proposed acquisition will have negative impacts on our community due to increased and re-routed traffic throughout the region from 14 trains to 31 to 38 each day; and

Whereas, the negative impacts include safety issues such as increase in injuries to citizens, especially children due to the increase in train traffic, increase in delays in emergency equipment response, environmental issues related to air and noise pollution and the shipment of hazardous cargo; and

Whereas, due to the approximate threefold increase in freight train traffic, the fair market values of the areas residential and non-residential properties will most likely experience significant decreases in value; and

Whereas, the STB must review the proposed plan to determine the existence of alternative routing plans that will reduce the potential adverse impacts to the citizens of the City of Cleveland and the City itself, and on the Greater Cleveland area;

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

Section 1. That the Council of the City of Cleveland officially notifies the Surface Transportation Board of its concerns that as proposed, the acquisition and distribution of Conrail's assets by NS and CSXT will have a significant adverse impact on the citizens of the City of Cleveland.

Section 2. That the City of Cleveland coordinate with other interested parties such as the cities of Bay Village, Lakewood, Rocky River, Westlake, Avon Lake, Berea, the Greater Cleveland Growth Association, the Northeast Ohio Areawide Coordinating Agency, the Greater Cleveland Regional Transit Authority, and the Ohio Rail Development Commission, as well as state and federal legislators such as Congressman Dennis J. Kucinich.

Section 3. That the Clerk of Council transmit copies of this resolution to the Surface Transportation Board and representatives of NS and CSXT and other interested parties.

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 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. 1800-97.

By Councilman Westbrook.

An emergency resolution urging the Statewide Transportation Coordination Task Force to support a process which awards funding for transportation services based on the size of the relative caseload of Temporary Assistance for Needy Families in each county.

Whereas, the Ohio General Assembly passed welfare reform legislation (Sub. H.B. 408), which was subsequently signed by Governor Voinovich on July 2, 1997; and

Whereas, under the state's welfare reform legislation the responsibility for the administration of welfare benefits lies with the county commissioners, and each board of county commissioners must develop a written transportation work plan, and set policies regarding the transportation needs of low income residents seeking or striving to retain employment; and

Whereas, approved amendments to H.B. 408 require the Ohio Department of Human Services to allocate to counties statewide, up to \$5 million in fiscal years 1998 and 1999 to provide appropriate transportation services TANF participants; and

Whereas, the Statewide Transportation Coordination Task Force has been charged with reviewing current state transportation resources and policies, supporting new transportation initiatives for underemployed and unemployed Ohioans; and

Whereas, the Statewide Transportation Coordination Task Force is developing recommendations and guidelines for the county-level State transportation plan and distribution formula for the \$5 million allocation for transportation services for work-required TANF participants; and

Whereas, approximately one-fifth all Ohioans receiving Temporary Assistance to Needy Families (TANF) reside in the City of Cleveland; and

Whereas, the City of Cleveland and Cuyahoga County have taken a leadership role in developing a community-based plan to provide local transportation for TANF recipients; and

Whereas, the most appropriate process for distributing the funds would be one based on the statewide distribution of the TANF caseload, and readiness of the locality to proceed with implementing a viable plan; and

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

Section 1. That the Cleveland City Council urges the Statewide Transportation Coordination Task Force to support a process which awards funding for transportation services based on the size of the relative TANF caseload in each county, local initiative in designing welfare to work transportation programs and readiness to implement a plan which addresses specific local needs and circumstances.

Section 2. That the Clerk of Council transmit a copy of this resolution to appropriate federal, state and local agencies and officials.

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 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. 1270-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to repair one Oshkosh dump truck, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Ord. No. 1271-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one mobile sign unit, for the various divisions of the Department of Port Control.

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

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

Ord. No. 1272-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of protective clothing for the various divisions of the Department of Port Control.

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

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

Ord. No. 1275-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install a computerized maintenance management system, including maintenance and training, for the Department of Port Control.

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

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

Ord. No. 1276-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide engineering and environmental services necessary to design an upgrade to the HVAC systems at Burke Lakefront Airport.

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

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

Ord. No. 1314-97.

By Councilmen Patton, 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 15001, 14917 and 14913 Florida Avenue to Amistad Development Corp.

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.

Ord. No. 1466-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to maintain and repair boilers, for the various divisions of the Department of Port Control for a period not to exceed two years.

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

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

Ord. No. 1467-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to repair and maintain rolling overhead doors, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

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

Ord. No. 1468-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain and repair escalators and elevators for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

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

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

Ord. No. 1469-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide design and installation of software upgrades and required associated equipment to upgrade the airport noise monitoring system at Cleveland Hopkins International Airport.

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

1. In Section 1, strike line 3 in its entirety and insert in lieu thereof: "**June 9, 1997, the Director of Port Control is hereby**".

2. In Section 1, at the end of the first full paragraph, insert a new sentence to read as follows:

"The scope of services to be provided shall include upgrades within the boundaries of Ward 19, 20 and 21. The Director of Port Control shall obtain input from the members of Council from Wards 19, 20 and 21 on the upgrades to be provided in their respective wards."

Amendments agreed to.

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

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

Ord. No. 1470-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials needed to install aviation communications equipment and to remove existing equipment, for the various divisions of the Department of Port Control, for a period not to exceed two years.

Approved by Directors of Port Control, Finance, Law; Recommended by Committees on Aviation and Transportation, 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. 278-97.**

By Councilmen Zone, Gordon, Melena, Moran, Westbrook, Polensek, Coats, Lewis, Robinson and Patmon.

An emergency resolution urging adoption of a policy against purchasing, leasing, renting, or taking on consignment goods for use and for resale by City-owned enterprises that are produced under sweatshop conditions.

Approved by Directors of Personnel and Human Resources, Law; Recommended by Committees on Employment, Affirmative Action and Training, Finance.

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

THIRD EMERGENCY READING ORDINANCES PASSED**Ord. No. 1293-97.**

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease space located at 3030 Euclid Avenue, from Hug-John Inc./Najm Square, or its designee, for a three-year term, for the operation of the City of Cleveland's Centerpoint Program.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1294-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Justice for the 1997-98 Caribbean/Gang Task Force Program.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1295-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Safety to enter into a requirement contract without competitive bidding with Dictaphone Corporation for the purchase of Dictaphone equipment maintenance, for the Department of Public Safety, for a period of one year, with four one-year options to renew.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1298-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the Ohio Public Works Commission for the State Issue 2 for the Bridge and Road G.O. Bonds - Loan Assistance program.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1458-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of anthracite filter media, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1459-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 1998 Federal Child Lead Poison Prevention Program; and to enter into contract necessary to implement the Program.

Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 1460-97.

By Councilmen Robinson and Westbrook (by departmental request).

An emergency ordinance to amend Sections 1 and 3 of Ordinance No. 440-97, passed March 24, 1997, relating to the 1997 Federal AIDS Prevention Program.

Read third time. Passed. Yeas 20. Nays 0.

MOTION

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

MOTION

The Council adjourned at 8:30 p.m. to meet on October 6, 1997 at 7:00 p.m.



Clerk of Council

THE CALENDAR

The following measure will be on its final passage at the next meeting:

NONE

BOARD OF CONTROL

September 17, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 17, 1997, at 11:30 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 750-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of The I.C.I. Glidden Paint Company for an estimated quantity of Paint and Paint Supplies (Items 1, 3, 4, 6, 11, 16, 18, 19, 23, 24, 26, 31, 36, 38, 43 thru 45, 49, 53 thru 56, 62 thru 64, 66, 69, 70, 72, 75, 78, 85 and 87) for the Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6th, 1997, pursuant to the authority of Ordinance No. 642-96, passed May 13th, 1996, which on the basis of the estimated quantity would amount to Thirty Nine Thousand Seven Hundred Forty-Three and 68/100 Dollars, (\$39,743.68), (1% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108346 which shall be certified against such contract in the sum of Two Thousand and 00/100 Dollars (\$2,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 751-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Sherwin Williams Company for an estimated quantity of Paint and Paint Supplies (Items 2, 5, 17, 20 thru 22, 25, 27, 28, 30, 32, 34, 35, 37, 39, 42, 46 thru 48, 50 thru 52, 57 thru 61, 65, 67, 68, 71, 73, 74, 76, 77, 79 thru 84, 86, 88 and Group III) for the Various Divisions of City Government, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6th, 1997, pursuant to the authority of Ordinance No. 642-96, passed May 13th, 1996, which on the basis of the estimated quantity would amount to Ninety-Three Thousand Five Hundred Eighty Nine and 80/100 Dollars, (\$93,589.80), (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 108345

which shall be certified against such contract in the sum of Five Thousand and 00/100 Dollars (\$5,000.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 752-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of RIS Paper for an estimated quantity of paper stock and envelopes (Items 45, 61, 62, 96, 101, 106, 111, 129 thru 132, 134, 135, 138 thru 140, 144 thru 148 and 156) for the Division of Printing and Reproduction, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 225-97, passed April 14, 1997, which on the basis of the estimated quantity would amount to Thirty Nine Thousand Nine Hundred Six and

20/100 Dollars, (\$39,906.20), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107452

which shall be certified against such contract in the sum of One Thousand Nine Hundred Ninety Five and 30/100 Dollars (\$1,995.30).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 753-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Cincinnati Cordage Paper Company for an estimated quantity of Paper stock and envelopes (Items 3, 12, 13, 16 thru 18, 25, 33, 34, 38, 39, 44, 47, 51, 52, 55, 66, 69, 70, 74, 117, 150, 160 and 172) of the Division of Printing and Reproduction, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 225-97, passed April 14, 1997, which on the basis of the estimated quantity would amount to One Hundred Thirty Two Thousand Twenty-Seven and 41/100 Dollars, (\$132,027.41), (1% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107449

which shall be certified against such contract in the sum of Six Thousand Six Hundred One and 37/100 Dollars (\$6,601.37).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 754-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Unisource Worldwide, Inc., Cleveland Division for an estimated quantity of paper stock and envelopes (items 1, 10, 14, 31, 32, 40, 46, 48, 63, 112, 143, 169, 173, 176 and 184 thru

187) for the Division of Printing and Reproduction, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 225-97, passed August 6, 1997, which on the basis of the estimated quantity would amount to Fifty Four Thousand Two Hundred Twenty-One and 92/100 Dollars, (\$54,221.92), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107451

which shall be certified against such contract in the sum of Two Thousand Seven Hundred Eleven and 10/100 Dollars (\$2,711.10).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 755-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Shaker Paper Co. for an estimated quantity of Paper Stock and Envelopes (items 2, 11, 42, 43, 49 thru 51, 60, 64, 67, 68, 161 and 183) for the Division of Printing and Reproduction, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 225-97, passed April 14, 1997, which on the basis of the estimated quantity would amount to Forty Three Thousand One Hundred Six and 00/100 Dollars, (\$43,106.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 107450

which shall be certified against such contract in the sum of Two Thousand One Hundred Fifty-Five and 30/100 Dollars (\$2,155.30).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 756-97.

By Director Konicek.
 Be it resolved by the Board of Control of the City of Cleveland that the bid of Radiodetection Corp. for the following: Ten (10) precision electromagnetic pipe & cable locators including ABS hard shell carrying cases, (Item 1), for the Division of Water, Department of Public Utilities, received on the 16th day of July, 1997, pursuant to the authority of Ordinance No. 2034-96, passed December 16, 1996, which on the basis of order quantities would amount to Forty One Thousand Nine Hundred Eighty Dollars (\$41,980.00), 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: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.
 Nays: None.
 Absent: None.

Resolution No. 757-97.

By Director Konicek.
 Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 23, 1997 for purchase of laboratory equipment, testing and analytical services: ion chromatograph and accessories for the Division of Water, Department of Public Utilities, pursuant to the authority of Ordinance No. 485-96, passed by the Council of the City of Cleveland on May 6, 1996, are hereby rejected.

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

Resolution No. 758-97.

By Director Guzman.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Emergency Vehicles, Inc. for an estimated quantity of four (4) ambulances (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, for the period of one (1) year beginning with the date of execution of a contract received on August 15, 1997, pursuant to the authority of Ordinance No. 1113-97, passed July 16, 1997, which on the basis of the estimated quantity would amount to approximately Six Hundred Forty Five Thousand Two Hundred Seventy Two and no/100 Dollars, (\$645,272.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 105816 which shall be certified against such contract in the sum of Six Hundred Forty Five Thousand Two Hundred Seventy Two and no/100 Dollars (\$645,272.00).

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

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

Resolution No. 759-97.

By Director Guzman.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Waste Management of Ohio, Inc. for an estimated quantity of solid waste disposal services, (Contract W - alternate 1) for the Division of Waste Collection and Disposal, Department of Public Service, for the period of two (2) years with two (2) one year options to renew, beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 256-97, passed May 5, 1997, which on the basis of the estimated quantity would amount to approximately Seven Million Four Hundred Fifty Six Thousand Five Hundred and no/100 Dollars, (\$7,456,500.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 87411 which shall be certified against such contract in the sum of Three Hundred Seventy Two Thousand Eight Hundred Twenty Five and no/100 Dollars (\$372,825.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Waste Management of Ohio, Inc. in the performance of Contract "W" for solid waste disposal services is hereby approved:

SUBCONTRACTORS	SERVICE
Granger Trucking, Inc. (MBE) 17% - \$1,250,000.00	Hauling
LT Services (FBE) 10% - \$750,000.00	Hauling

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

Resolution No. 760-97.

By Director Guzman.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Browning Ferris of Ohio, Inc. for an estimated quantity of solid waste disposal services (Contract B - Alternate 1) for the Division of Waste Collection and Disposal, Department of Public Services, for a period of two (2) years with two (2) one year

options to renew, beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 256-97, passed May 5, 1997, which on the basis of the estimated quantity would amount to approximately Two Million Nine Hundred Fifty Seven Thousand and no/100 Dollars, (\$2,957,000.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 87412 which shall be certified against such contract in the sum of One Hundred Forty Seven Thousand Eight Hundred Fifty and no/100 Dollars (\$147,850.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Browning Ferris of Ohio, Inc. for the performance of Contract "B" Alternate 1 for solid waste disposal services — bulk wastes is hereby approved:

SUBCONTRACTORS	SERVICE
R & R Disposal (MBE) 1% - \$30,000.00	Hauling

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

Resolution No. 761-97.

By Director Guzman.
 Resolved, by the Board of Control of the City of Cleveland that the bid of American Waste Services for an estimated quantity of solid waste disposal services (Contract T — all items) for the Division of Waste Collection and Disposal, Department of Public Service, for a period of two (2) years with two (2) one year options to renew, beginning with the date of execution of a contract received on August 6, 1997, pursuant to the authority of Ordinance No. 256-97, passed May 5, 1997, which on the basis of the estimated quantity would amount to approximately Six Hundred Seventeen Thousand Eight Hundred Seventy Two and no/100 Dollars, (\$617,872.00), (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 87413 which shall be certified against such contract in the sum of Thirty Thousand Eight Hundred Ninety

Four and no/100 Dollars (\$30,894.00). Said requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by American Waste Services, in the performance of Contract "T" (all items) for solid waste disposal services — tire disposal are hereby approved:

SUBCONTRACTORS SERVICE

R. W. Delivery (MBE) \$5,140.00	Hauling
Trans-Enviro (MBE) \$12,850.00	Hauling
Alexa Trucking (MBE) \$12,850.00	Hauling
Gloria Lewis Trucking (FBE) \$7,710.00	Hauling

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 762-97.

By Director Denihan.
Whereas by Resolution No. 619-86, adopted August 13, 1986, pursuant to the authority of Ordinance No. 2267-84, passed by the Council of the City of Cleveland on December 17, 1984, Barton-Aschman Associates, Inc./Barton-Aschman & Associates, a joint venture entered into an agreement with the City of Cleveland, City Contract #38056, for professional engineering services necessary to analyze the physical and functional status and condition of the Downtown Master Traffic Signal Control System for the Division of Traffic Engineering and Parking, Department of Public Safety; and

Whereas, the City desires to expand the scope of this contract to all the consultants to perform additional work required by Federal guidelines, which were not in force at the time when the original contract was executed; now therefore

Be it resolved by the Board of Control of the City of Cleveland, that the Board of Control Resolution No. 619-86, adopted August 13, 1986, approving the selection of the professional services of Barton-Aschman and Associates, in a joint venture with Barton-Aschman Inc. for the purpose of supplementing the regularly employed staff of several departments of the City in order to furnish engineering services required for the analysis of the City's "Downtown Master Signal Control System" and recommend changes to modernize the system hereby is amended by increasing the scope of work required by Federal Highway Administration Requirements in the amount of \$10,772.72,

and by increasing the total estimated contract amount from \$84,500.00 to \$95,272.00.

Be it further resolved that the Director of Public Safety is hereby authorized to execute all documents and to do all things necessary to effect the amendment hereby authorized to said Contract number 38056.

Be it further resolved that all other provision of said Resolution No. 619-86 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 763-97.

By Director Denihan.
Whereas, pursuant to the authority of Ordinance Nos. 2053-91, and 1578-90, both passed by the Council of the City of Cleveland on February 24, 1992, and Ordinance No. 1333-88, passed by the Council of the City of Cleveland on March 14, 1988, and Resolution Nos. 289-92, 156-94, 785-95, 451-96, and 699-97 adopted by this Board on March 25, 1992, March 16, 1994, October 18, 1995, July 3, 1996, and August 27, 1997 respectively, the City, through its Director of Public Safety, entered into City Contract No. 49723 with Voinovich/Sgro Architects Inc., ("Architect") to provide professional architectural and engineering services for the interior renovation and rehabilitation of the Third District Police Station/Fire Dispatching Center and first modification thereto; and,

Whereas, Voinovich/Sgro Architects, Inc., has notified the City that it has changed its name to V-S Architects, Inc., without changing the personnel or services assigned to the City's projects under Contract No. 49723; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to the notification of Voinovich/Sgro Architects, Inc., dated March 10, 1997, this Board hereby acknowledges the change in name of the consultant under City Contract No. 49723 from Voinovich/Sgro Architects, Inc., to V-S Architects, Inc.,

Be it further resolved, that the Director of Public Safety is hereby authorized to execute any documents necessary to effect said acknowledgment.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 764-97.

By Director Spellman.
Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by James McHugh Construction Company, City Contract No. 52064, pursuant to Ordinance No. 305-98 passed on March 8, 1996, and Board of Control Resolution No. 729-97, adopted September 3, 1997, for the new Cleveland Browns Stadium cast-in-place superstructure, hereby is approved:

Independence Excavating Inc.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek,

Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 765-97.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 124-02-102 located at 6500 Quincy Avenue in Ward 5; and

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

Whereas, First Bethel Missionary Baptist Church, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with First Bethel Missionary Baptist Church for the sale and development of Permanent Parcel No. 124-02-102 located at 6500 Quincy Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 766-97.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-06-051 located at 8713 Frederick Avenue in Ward 6; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commis-

sioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Oscar and Bertha McMichael, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Oscar and Bertha McMichael for the sale and development of Permanent Parcel No. 126-06-051 located at 8713 Frederick Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 767-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 002-34-011 located at 1945 West 52 Street in Ward 17; and

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

Whereas, Susie A. Compton-Walden, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioners and Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Susie A. Compton-Walden for the sale and development of Permanent Parcel No. 002-34-011 located at 1945 West 52 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 768-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 016-07-027 located at 3202 West 61 Street in Ward 17; and

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

Whereas, Monal Spears, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Monal Spears for the sale and development of Permanent Parcel No. 016-07-027 located at 3202 West 61 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 769-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 108-20-019 located at 816-818 East 100 Street in Ward 8; and

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

Whereas, Barbara Jean Lewis, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Barbara Jean Lewis for the sale and development of Permanent Parcel No. 108-20-019 located at 816-818 East 100 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 770-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 006-04-044 located at 2030 West 76 Street in Ward 17; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commis-

sioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

Whereas, Ariel Ramos, Jr., abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Ariel Ramos, Jr. for the sale and development of Permanent Parcel No. 006-04-044 located at 2030 West 76 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 771-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 007-07-038 located at 2322 West 36 Street in Ward 14; and

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

Whereas, Jose L. Nieves, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

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

Be it resolved by the Board of

Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Jose L. Nieves for the sale and development of Permanent Parcel No. 007-07-038 located at 2322 West 36 Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 772-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 001-13-058 located at 9529 Silk Avenue, (rear) in Ward 17; and

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

Whereas, Leo W. Jaworski, Jr. and Darlene L. Jaworski, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 17 has consented to the proposed sale;

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Leo W. Jaworski, Jr. and Darlene L. Jaworski for the sale and development of Permanent Parcel No. 001-13-058 located at 9529 Silk Avenue, (rear), in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 773-97.

By Director Hamilton.

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

Whereas, under said Program, the City has acquired Permanent Parcel No. 126-07-035 and 126-07-037 located at 9010 Quincy Avenue and 8934 Quincy Avenue in Ward 6; and

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

Whereas, Union Grove Missionary Baptist Church, abutting/adjacent landowner, has proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinance of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland, with Union Grove Missionary Baptist Church for the sale and development of Permanent Parcel No. 126-07-035 and 126-07-037 located at 9010 Quincy Avenue and 8934 Quincy Avenue, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 774-97.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 106-01-036 under said Land Reutilization Program; and

Whereas, Ordinance No. 1356-97 passed July 16, 1997 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Ella Mae and Willie Redd have proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1356-97 passed July 16, 1997 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Ella Mae and Willie Redd for the sale and development of Permanent Parcel No. 106-01-036, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$1,000.00, which amount is hereby determined to be not less than the fair market value of said parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 775-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of MCM Technologies for an estimated quantity of Labor and materials to install a network wiring system (All items) for the Division of Information Systems Services, Department of Finance, for the period of one (1) year beginning with the date of execution of a contract received on September 10, 1997, pursuant to the authority of Ordinance No. 100-95, passed February 13, 1995, which on the basis of the estimated quantity would amount to Seven Thousand Eight Hundred Nine and 00/100 Dollars, (\$7,809.00), (2% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 096191 which shall be certified against such contract in the sum of Seven Thousand Eight Hundred Nine and 00/100 Dollars (\$7,809.00).

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

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 776-97.

By Director Konicek.

Whereas, pursuant to Resolution No. 93-97, adopted by the Board of

Control on December 18, 1997, the City entered into Contract No. 50865 with Libby Construction Company, Inc. for the City's requirements for a period of one year for the hauling of debris to landfills for the Department of Public Utilities, Division of Water, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section B-10, General Conditions of Contract No. 50865, it is hereby determined that it is in the best interests of the City of Cleveland to terminate said Contract upon fifteen days' written notice to the Contractor.

Be it further resolved that the Director of Public Utilities is hereby authorized to take all steps necessary to terminate said Contract.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 777-97.

By Director Konicek.

Whereas, pursuant to Resolution No. 79-97, adopted by the Board of Control on February 5, 1997, the City entered into Contract No. 51037 with Interstate Safety and Service Co. for the City's requirements for a period of one year for the disposal of debris to landfills for the Department of Public Utilities, Division of Water, now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section B-10, General Conditions of Contract No. 51037, it is hereby determined that it is in the best interests of the City of Cleveland to terminate said Contract upon fifteen days' written notice to the Contractor.

Be it further resolved that the Director of Public Utilities is hereby authorized to take all steps necessary to terminate said Contract.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 778-97.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by The Albert M. Higley Company, under City Contract No. 51794, pursuant to Ordinance No. 305-96 passed on March 8, 1996, and Board of Control Resolution No. 539-97, adopted July 7, 1997, for the new Cleveland Browns Stadium concrete foundation, hereby is approved:

Giambrone Masonry, Inc.

Architectural Products Sales Company

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren and Lynch.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 6, 1997

9:30 A.M.

Calendar No. 97-197: 15630 Lorain Avenue

Paul Palmentera, owner, and Kamms Corners Auto Body Inc. c/o Paul Palmentera-pres., tenant, appeals to erect a 48' x 50' one story masonry irregular shaped extension to the front west part of the 80' x 120' one story masonry irregular shaped nonconforming repair garage building and to use for accessory off-street parking and storage of vehicles the west part of the 200' x 138' irregular shaped corner parcel located in a General Retail District on the northeast corner of Melbourne Ave. and Lorain Ave. at 15630 Lorain Ave.; said addition and storage being contrary to the retail limitations of Section 343.11 and said uses abutting a residence district to the north instead of 100' therefrom as required by Section 345.03(c)(2) and contrary to the expansion limitations of Section 359.01 and a portion of the parking area to be within the 15' specific setback building line area on Lorain Ave. contrary to the limitations of Sections 357.07 and 357.14 but subject to the approval authority regulated by Section 357.14(b) and not in conformance with the 10' transition strip on the north property line as required by Sections 352.08 and 352.09 and not in total conformance with the 6' landscape strip required along Melbourne Ave. by Section 352.10 of the Codified Ordinances.

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

Jimmie Williams, owner, appeals to enclose the 27' x 8' ground floor front porch of the 27' x 40' 2-story

frame nonconforming two-family dwelling house on a 40' x 100' lot located in a One-Family District at 573 East 114th Street; said use as a two-family being contrary to the one-family use limitations of Section 337.02 and said enclosure being contrary to the setback and enclosure limitations of Sections 357.06 and 357.13(b)(4) and contrary to the expansion limitations of Section 359.01 of the Codified Ordinances.

Calendar No. 97-205: 4699 Marcie Drive, S.W.

Earl and Marylou Sheets, owners, appeal to change use to an adult day care for a maximum of five persons (Monday thru Friday from 7:00 a.m. to 6:00 p.m.) a portion of the first floor of the 40' x 42' two-story frame one-family dwelling house on a 73' x 182' irregular shaped lot located in a One-Family District at 4699 Marcie Drive; said use being contrary to the residence use limitations of Sections 337.02 and 337.23 and the south side yard being 3' and the north 13' instead of each being 30' as required for the approval authority of Section 337.02(f)(3) of the Codified Ordinances.

Calendar No. 97-206: 1448 West 32nd Street

Athletic Ventures of Ohio Inc. c/o Oscar Hagopian, Vice President, owner, appeals to erect a 35' x 95' two-story extension (for a new pool, exercise rooms and dressing rooms) to the north wall of the 60' x 95' 2-story masonry "L" shaped nonconforming health club building all on a 110' x 116' irregular shaped parcel located in a Two-Family District at 1448 West 32nd Street; said use being contrary to the residence limitations of Section 337.03 and the expansion limitations of Section 359.01 and not in conformance with the setback requirements of Section 357.04 and the rear yard and side yard requirements of Sections 357.08 and 357.09 and the total floor area to be increased to over 1.2 times the lot area instead of not more than 50% of the lot area as limited by Section 355.04 and said addition to remove existing on-site parking and not comply with required off-street parking under Sections 349.02, 349.03 and 349.04 and not in conformance with the landscaping transition strip required on the north, east and west property lines by Sections 352.08 and 352.09 of the Codified Ordinances.

Calendar No. 97-214: 1601 East 30th Street

Asia Plaza Company Inc., owner, c/o Steve Hom, appeals to construct a 24-car parking lot (accessory to the retail and industrial uses at 2999 Payne Avenue) on the 60' x 160' vacant parcel located in a Two-Family District and known as 1601 East 30th Street; said use as a parking lot being contrary to the residence limitations of Section 337.03 but subject to the off-street parking provisions regulated by Section 349.13(c) and not in total conformance with the landscaped transition strip required on the south and east property lines by Sections 352.03, 352.08, 352.09 and 352.10 of the Codified Ordinances.

HUNTER MORRISON,
Acting Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 22, 1997

At the Meeting of the Board of Zoning Appeals on, Monday, September 15, 1997, the following appeals were heard by the Board, and, on Monday, September 22, 1997 were decided by the Board.

The following appeals were **Granted:**

Calendar No. 97-175: 2003 Englundale Avenue, S.W.

The MetroHealth System, owner, c/o Zoltan Balogh, appealed, from the decision of the Commissioner of Buildings for permission to construct and use as a temporary (until July 2000) employee 216 car parking lot. (granted conditionally)

Calendar No. 97-175: 5440 South Marginal Road, N.E.

Richard M. Osborne Sr., owner, and Liberty Self-Stor, tenant c/o Katherine Davis, appealed, to erect a 40' 8" x 26' 8" two-story masonry and frame office and one dwelling unit building.

The following appeal was **Refused:**

Calendar No. 97-194: 8514 Rosewood Avenue, S.E.

Bill and Debra Porter, owners, appealed, to change use to three dwelling units.

The following appeal was **Dismissed:**

Calendar No. 97-208: 7115-7119 Lorain Avenue.

The following appeals were **Postponed:**

Calendar No. 97-199: 17215 Throckley Avenue, S.E. to October 6, 1997.

Calendar No. 97-200: 9822 Heath Avenue, S.E. to October 6, 1997.

Calendar No. 97-198: 4268 East 71st Street to November 17, 1997.

The following appeal was also heard on September 15, 1997 and **Refused:**

Calendar No. 97-154: 4463 West 30th Street

Thomas Crawford, dba Top Cat Firearms, appealed, under Section 76-6 of the Charter of the City of Cleveland from the REFUSAL to issue a Firearms Dealer's License.

HUNTER MORRISON,
Acting Secretary

SPECIAL HEARING NOTICE OF BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
September 16, 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:

Board Members Present:

Joseph F. Denk, Chairman
John W. Bows
James G. Williams
Arthur Saunders
James F. Sullivan, Alternate Member

* * *

Docket A-334-97.

RE: Appeal of City of Cleveland (Cleveland Browns Football Stadium), Owner of the Property located on the premises known as 1085 West 3rd Street from an ADJUDICATION ORDER 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 grant the following variances:

1(A3) — SECTION 1013.3:

To grant the variance to the travel distances presented, noting that the total distance is approximately 20% greater than Code allowances.

2 (A4) — SECTION 013.5:

To grant the variance to the exit width requirements, noting the proximity to the field as an emergency egress and the general lack of experience of hazard in similar facilities.

3 (A5) — SECTION 1013.5.2:

To grant the variance to the seat-row widths, noting the proximity to the field and the lack of experience of hazard in similar facilities.

4(B) — SECTION 1023.1:

To grant the variance to the exit signs, noting that they are not required at obvious exits and noting that the directions to the exit signs will be present and that all closed exit doors will have exit signs.

5(F) — SECTION 1005.1:

To grant the variance and permit the oversized manually operated security gates to be installed, noting that staff must and will be present to assist in any emergencies and normal exiting and noting the favorable experience with this type of an exiting situation.

6(F) — SECTION 1011.1.2:

To grant the variance and permit the use of the gates as exits, again noting that the staff will man these areas and allow them to function properly.

7(F) — SECTION 1017.3:

To grant the variance and permit the doors to be eight feet wide, noting again that staff is present and the ease of operation of the doors and that the larger clear width is a benefit during exiting.

8(F) — SECTION 1017.4.1:

To grant the variance and permit the use of the oversized gates, noting that they will be staff operated.

9(F) — SECTION 1017.4.1.1:

To grant the variance and permit the cage bolts to be used to secure the gates, noting that they can be locked in the opened position and that staff will be available to operate, and that they are required for security.

10(H),(1) — SECTION 603.1:

To grant the variance and permit the walls in the toilet rooms and concession rooms to be non-rated partitions, noting that any hazard presented to the adjacent space is not significant.

11(H),(1) — SECTION 1013.7:

To grant the variance to the requirement for a one-hour rated construction, concurring with the specific exception taken in NFPA 102 of Para. 4-8. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

12(I) — SECTION 1013.2.2:

To grant the variance to delete the requirement for automatic sprinklers in the toilet rooms, noting that they are generally open rooms with minimum fire loads. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

Yeas: Messrs. Denk, Williams, Saunders, Sullivan. Nays: Mr. Bowes.

13(C) — SECTION 603.1:

To grant the variance to the requirement for fire-rating of the steel structural elements, noting the separation of the steel from the stadium areas which may contain a fire load; also noting that the hazard of the deformation of the steel is non-existent based on fire models.

14(D) — SECTION 1021.4.3:

To grant the variance to the requirement for a railing when the height between successive platforms does not exceed 24 inches. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

JOSEPH F. DENK,
CHAIRMAN

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

Re: Report of the Meeting of
September 17, 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-93-97.

RE: Appeal of Midtown Industrial Warehouse, Inc., Owner of the Property located on the premises known 1146 East 152nd Street from a NOTICE OF VIOLATION of the Chief of the Division of Fire dated April 4, 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 DENY the Appellant's appeal request for a phasing plan and additional time in view of a lack of compliance with the request of the Board and the Division of Building and Housing,

and to REMAND the property at 1146 East 152nd Street to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Bowes.

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

* * *

Docket A-121-97.

RE: Appeal of Steve & Samantha Andera, Owners of the Residential Property located on the premises known as 3161 East 45th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated May 9, 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 six months (6 mos.) in which to complete abatement of the violations, noting that satisfactory progress must be maintained. 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 April 1, 1998. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Dockets A-122-97.

RE: Appeal of Schmidt Mortgage Company, Mortgagee of the Residential Property located on the premises known as 2346 Woodhill Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE of the Commissioner of the Division of Building and Housing dated April 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 Appellant three months (3 mos.) in which to abate the violations, the property is REMANDED to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-124-97.

RE: Appeal of Nancy A. O'Neill, Owner of the Residential Property located on the premises known as 3102 West 111th Street from a NOTICE OF VIOLATION — UNSAFE STRUCTURE of the Commissioner of the Division of Building and Housing dated May 21, 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 thirty days (30 das.) in which to obtain a plan to be submitted to the Division of Building and Housing for stabilization and assured safety of the structure, and to permit the property to be occupied during that period of time. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Saunders.

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

* * *

Docket A-125-97.

RE: Appeal of Sal Catalano (Trustee), Trustee of the Property located on the premises known as 1407 East 40th Street (aka 1398 East 41st Street) from a FORTHWITH CONDEMNATION NOTICE of the Commissioner of the Division of Building and Housing dated May 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 FORTHWITH CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by requiring the Appellant to obtain permits within thirty days (30 das.), and to grant the Appellant six months (6 mos.) in which to abate the violations; 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 FORTHWITH 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 April 1, 1998. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Docket A-136-97.

RE: Appeal of Sardis Baptist Church, Owner of the Property located on the premises known as 7113 Cedar Avenue from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated June 3, 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 7113 Cedar Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

Docket A-138-97.

RE: Appeal of L.E. Ernsberger, Owner of the Residential Property located on the premises known as 4114-16 John Avenue from a NOTICE OF VIOLATION - STORAGE OF ALCOHOL/2ND FLOOR RESIDENCE of the Commissioner of the Division of Building and Housing dated May 21, 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 find that the use of the second floor, is in fact, a combination A-3/R-2 (lower is A-3, upper is R-2); and that the second floor is not suitable for expansion of the tavern usage and is a residential occupancy. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Williams.

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

* * *

Docket A-140-97.

RE: Appeal of Katz Metal Group, Owner of the Property located on the premises known as 6700 Morgan Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated May 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 grant the Appellant thirty days (30 das.) in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Fire 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-168-97.

RE: Appeal of Source One Mortgage Services Corp., Mortgagee of the Residential Property located on the premises known as 1867 West 57th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated May 1, 1996, 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 four months (4 mos.) in which to secure permits and abate the violations; the property is to remain boarded and secured and the grounds immediately cleaned and maintained. 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

February 1, 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-269-97.

RE: Appeal of Frank Zigman, Owner of the Property located on the premises known as 768 East 200th Street from a NOTICE OF VIOLATION - HVAC of the Commissioner of the Division of Building and Housing dated June 3, 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 and permit the fan to remain as installed, noting that it is not a reported nuisance; and granting the variance to the property line requirement, noting that the adjacent property is owned by the Appellant and the violator. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-272-97.

RE: Appeal of Strathavan Construction Corporation, Owner of the Residential Property located on the premises known as 10505 Harvard Avenue from a PERMIT EXTENSION of the Commissioner of the Division of Building and Housing dated June 3, 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 granting the Appellant's request for a three month (3 mo.) "Extension of Time" on the permit in which to complete abatement of the violations; the property is REMANDED at this time to the Division of Building and Housing for supervision and further action. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-287-97.

RE: Appeal of Brian O'Donnell, Owner of the Residential Property located on the premises known as 1140-46 East 105th Street from an NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated July 14, 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 find that there is no ordinance or code requiring that the window sizes be increased or lowered to forty-four inches (44 ins.), the windows may remain as they have been presented by the Appellant. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

Docket A-288-97.

RE: Appeal of Ola Christopher, Owner of the Residential Property located on the premises known as 3233 East 123rd Street from a CONDEMNATION NOTICE of the Commissioner of the Division of Building and Housing dated June 20, 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 six months (6 mos.) in which to obtain permits and abate the violations; and to require that the property be maintained 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 April 1, 1998. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-289-97.

RE: Appeal of Juan Chahda & The Alpha Company, Owner of the Property located on the premises known as 16700 St. Clair Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 3, 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 that permits be obtained within seven days (7 das.) and that the property be properly boarded as agreed to within thirty days (30 das.), that the grounds remain debris free at all times and groomed; the property is REMANDED 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. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-290-97.

RE: Appeal of Juan Chahda & The Alpha Company, Owner of the Property located on the premises known as 16600 St. Clair Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 3, 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 that permits be obtained within seven days (7 das.) and that the property be properly boarded as agreed to

within thirty days (30 das.), that the grounds remain debris free at all times and groomed; the property is REMANDED 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. Denk, Bowes, Williams, Saunders, Sullivan. Nays: None.

* * *

Docket A-319-97.

RE: Appeal of Kevin & Kathy Brown, Owners of the Residential Property and Proposed Swimming Pool located on the premises known as 17508 Glenshire Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 21, 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 and permit the pool to be installed as proposed, noting the concurrence of the adjacent neighbors. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

* * *

Docket A-335-97.

RE: Appeal of Laura A. Serafin, Owner of the Residential Property located on the premises known as 312 Overlook Park Drive from a NOTICE OF NONCONFORMANCE 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 variance and permit the construction and occupancy of the dormer area on the third floor. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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-120-97—Advanced Medical Systems, Inc.
- A-301-97—Bryan H. Waddell
- A-308-97—David Muntaser
- A-312-97—Nafez Assad
- A-318-97—Ohio Savings Plaza
- A-320-97—Expo Pagers
- A-321-97—Amer Assad/Mom's Inc.
- A-322-97—United Church of Christ Hotel Venture
- A-327-97—Oberlin Farms Dairy, Inc.
- A-328-97—Don & Julie Maloney

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

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:

September 3, 1997

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

* * *

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

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, October 8, 1997
1:00 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, October 8, 1997, at 1:00 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 942-97.

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

Ord. No. 1223-97.

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

Ord. No. 1329-97.

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

Ord. No. 1331-97.

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

Ord. No. 1332-97.

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

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

EDWARD W. RYBKA,
Chairman
Committee on City Planning

September 24, 1997 and October 1, 1997

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 1, 1997

Rockefeller Lagoon Reconstruction Site

Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 1284-96, 2120-96, 556-97, passed by the Council of the City of Cleveland October 14, 1996, November 26, 1996 and May 5, 1997, respectively.

A DEPOSIT OF TWENTY-FIVE DOLLARS (\$25.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

September 17, 1997 and September 24, 1997

THURSDAY, OCTOBER 9, 1997

Continental Airlines, Inc., Cleveland 2000/Bid Package 2 Concourse D Civil Site Work. Cleveland International Airport. Plans and specifications may be obtained from the offices of Morse Diesel International, ROC Building, 5900 South Cargo Road, Cleveland, Ohio 44135, for the refundable deposit of Two Hundred Fifty Dollars (\$250.00).

A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 25, 1997, 10:00 A.M. AT THE AFOREMENTIONED LOCATION. BIDS WILL BE RECEIVED AT CONTINENTAL AIRLINES, INC., ATTENTION: BILL FRAZER (ROC BUILDING SAME ADDRESS) UNTIL 3:00 P.M., THURSDAY, OCTOBER 9, 1997.

General Office Renovation and Furniture for City Hall, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1282-96.

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

A PRE-BID MEETING WILL BE HELD ON TUESDAY, SEPTEMBER 30, 1997, 2:00 P.M., AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE — ROOM 517, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

September 17, 1997 and September 24, 1997

FRIDAY, OCTOBER 10, 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.

Six (6) 3-Wheel, Front High Dump, Street Sweepers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 8918-96, 1476-96, 323-97 and 1113-97, passed by the Council of the City of Cleveland.

Hydraulic Side-Dumping Trailer with Steel Bins, for the Division of Waste Collection and Disposal, Department of Public Service, as authorized by Ordinance No. 1025-97, passed by the Council of the City of Cleveland, June 16, 1997.

September 17, 1997 and September 24, 1997

FRIDAY, OCTOBER 24, 1997

Southeast Service and Maintenance Facility at Twinsburg Township, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2109-90, passed by the Council of the City of Cleveland on November 19, 1990.

A DEPOSIT OF TWO HUNDRED FIFTY DOLLARS (\$250.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND

SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 1, 1997, 10:00 A.M. IN AUDITORIUM A OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO.

September 17, 1997 and September 24, 1997

THURSDAY, OCTOBER 9, 1997

Sewer Test Tee Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 643-90, passed by the Council of the City of Cleveland, June 11, 1990.

A MANDATORY PRE-BID MEETING WILL BE HELD ON WEDNESDAY, OCTOBER 1, 1997, 10:00 A.M. AT 12302 KIRBY AVENUE, CLEVELAND, OHIO.

Phase III — Reconstruction of Maplewood Drive for the Consolidated Rental Car Facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 561-97, passed by the Council of the City of Cleveland, June 2, 1997.

A NON-REFUNDABLE DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 2, 1997, 10:00 A.M. IN THE SHERATON HOTEL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

September 24, 1997 and October 1, 1997

WEDNESDAY, OCTOBER 17, 1997

Laboratory Equipment, Testing and Analytical Services; ION Chromatograph and Accessories, for the Division of Water, Department of Public Utilities, as authorized by Section 129.28 of the Codified Ordinances of the City of Cleveland, 1976.

Lining Cement, Mortar Cement and Sand, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

September 24, 1997 and October 1, 1997

THURSDAY, OCTOBER 23, 1997

Electronic Meter Reading Devices, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 335-97, passed by the Council of the City of Cleveland, May 5, 1997.

A MANDATORY PRE-BID CONFERENCE WILL BE HELD ON THURSDAY, OCTOBER 16, 1997, 10:00 A.M. IN THE DIRECTOR'S CONFERENCE ROOM AT THE DIVISION OF WATER, CARL B. STOKES BUILDING, 1201 LAKESIDE AVENUE.

September 24, 1997 and October 1, 1997

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1677-97.**

By Councilman Skrha.

An emergency resolution objecting to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit to 700 St. Clair Avenue W.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 2760874, 5304 Detroit Inc. Sol Tushman RCVR 1st Fl. & Bsmt. & Patio, 5304 Detroit Ave., Cleveland, Ohio 44113, to Permit No. 26239710005, Fairview Hospitality Inc., 700 St. Clair Ave. W, Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a D1, D2, D3, D3A and D6 Liquor Permit from Permit No. 2760874, 5304 Detroit Inc. Sol Tushman RCVR 1st Fl. & Bsmt. & Patio, 5304 Detroit Ave., Cleveland, Ohio 44113, to Permit No. 26239710005, Fairview Hospitality Inc., 700 St. Clair Ave. W, Cleveland, Ohio 44113; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 8, 1997.
Effective September 17, 1997 with-
out the signature of the Mayor.

Res. No. 1678-97.
By Councilman Skrha.
An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 1276-80 W. 6th St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Permit No. 0418591, Della Baltimore, 10408-12 Union Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 9555006, West 6th Street Partners Inc., 1276-80 W. 6th St., Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Permit No. 0418591, Della Baltimore, 10408-12 Union Ave. 1st Fl. & Bsmt., Cleveland, Ohio 44113, to Permit No. 9555006, West 6th Street Partners Inc., 1276-80 W. 6th St., Cleveland, Ohio 44113; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she hereby is directed to

transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

Adopted September 8, 1997.
Effective September 17, 1997 with-
out the signature of the Mayor.

Res. No. 1679-97.
By Councilman Skrha.
An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, and repealing Res. No. 1102-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, by Res. No. 1102-97, adopted June 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 D1, D2, D3, D3A and D6 Liquor Permit to 1012 Sumner Court, be and the same is hereby withdrawn and Res. No. 1102-97, 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.

Adopted September 8, 1997.
Effective September 17, 1997.

Res. No. 1747-97.
By Councilman Melena.
An emergency resolution withdrawing objection to the transfer of ownership of a C2 and C2X Liquor Permit to 5901 Detroit Avenue, and repealing Res. No. 2159-96 objecting to said transfer of ownership.

Whereas, this Council objected to transfer of ownership of a C2 and C2X Liquor Permit to 5901 Detroit Avenue, by Res. No. 2159-96, adopted December 2, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a C2 and C2X Liquor Permit to 5901 Detroit Avenue, and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 15, 1997.
Effective September 23, 1997.

Res. No. 1748-97.
By Councilman Skrha.
An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X, D3 and D6 Liquor Permit to 3528 Payne Avenue, 1st Fl., and repealing Res. No. 917-97 objecting to said transfer of ownership.

Whereas, this Council objected to transfer of ownership of a D2, D2X, D3 and D6 to 3528 Payne Avenue 1st Fl., by Res. No. 917-97, adopted May 5, 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 D2, D2X, D3 and D6 Liquor Permit to 3528 Payne Avenue, 1st Fl., be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

Adopted September 15, 1997.
Effective September 23, 1997.

Ord. No. 1450-97.
By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 1998 general obligation bond issue for road and bridge improvements.

Whereas, pursuant to Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; and

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

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

Section 1. That the Mayor is hereby authorized to apply for the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvement projects:

1. East 40th Street, Phase II (from Central Avenue to Crayton Avenue)

2. East 55th Street, Phase II (from Woodland Avenue to Superior Avenue)

3. Pearl Road (from Brookpark Road to I-71, or portions thereof)

4. Bellaire Road (from West 130th Street to West 105th Street)

5. Culverts: Guardian, Harold, Nagy, Erwin, Gilmore, Longmeade, Milligan, Leilla, Summerland, Emery, and St. John over Big Creek

Section 2. That the Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's 1998 general obligation bond issue for bridge and road improvements.

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

Passed September 15, 1997.

Effective September 23, 1997.

Ord. No. 1472-97.

By Councilman Westbrook (by departmental request)

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

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two (2) years for the necessary items of microfiche processing in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two (2) years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22982)

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

Passed September 15, 1997.

Effective September 23, 1997.

Ord. No. 1640-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract with Michael Benza & Associates for professional services necessary to design the public improvement of rehabilitating East 55th Street, Phase II, from Woodland Avenue to Superior Avenue, for the Division of Engineering and Construction, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to enter into contract with Michael Benza & Associates for professional services necessary to design the public improvement of rehabilitating East 55th Street, Phase II, from Woodland Avenue to Superior Avenue on the basis of its proposal dated April 24, 1997, in the total sum of \$360,400, payable from Fund Nos. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21956, for the Division of Engineering and Construction, Department of Public Service.

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

Passed September 15, 1997.

Effective September 23, 1997.

Ord. No. 1643-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating East 89th Street Bridge over N & S and RTA; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this

improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public 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 hereby determined to make the public improvement of rehabilitating East 89th Street bridge over N & S and RTA, including paving, grading, drainage, curbing, sidewalks, lighting, street-scaping, traffic signals, and other necessary appurtenances (the "Improvement"), for the Division of Engineering and Construction, Department of Public Service, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

Section 2. That the Director of Public Service is hereby authorized and directed to enter into contract for the making of the Improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 3. That the Director of Public Service is hereby authorized to enter into such other agreements as are necessary to complete the planning and construction of the Improvement, which agreements shall contain such terms and conditions as the Director of Law determines shall best protect the public interest.

Section 4. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is hereby authorized to acquire for right-of-way purposes such real property as is necessary to make the Improvement. The consideration to be paid for such property shall not exceed its appraised value.

Section 5. That the Director of Public Service is hereby authorized to execute on behalf of the City all documents necessary to acquire such property and to employ and pay all fees for title companies, surveys, escrows, appraiser, and all other costs necessary for the acquisition of such property.

Section 6. That the costs of the Improvement, services and property acquisition herein contemplated shall be paid from Fund No. 20 SF 302, 20 SF 312, 20 SF 322, 20 SF 334, and 20 SF 342, Request No. 21957.

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

Passed September 15, 1997.

Effective September 23, 1997.

**COUNCIL COMMITTEE
MEETINGS****Monday, September 22, 1997**

Employment, Affirmative Action and Training Committee (Joint with Finance Committee): 1:00 P.M. — Present: Patmon, Chairman; Robinson, Vice Chairman; Gordon, Lewis, Melena, Moran, Polensek.

Finance Committee (Joint with Employment, Affirmative Action and

Training Committee): 1:00 P.M. — Present: Westbrook, Chairman; Polensek, Vice Chairman; Coats, Lewis, Patmon, Robinson. Excused: Britt, Johnson, Rybka, Smith.

Aviation and Transportation Committee (Joint with Finance Committee): 2:00 P.M. — Present: Smith, Chairman; Sweeney, Vice Chairman; Dolan, Patmon, Skrha, Willis, White.

Finance Committee (Joint with Aviation and Transportation Commit-

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

Wednesday, September 24, 1997

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

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