

The City Record

Official Publication of the City of Cleveland

April the Sixteenth, 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	Gary M. Paulenske
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 – John Hunt, 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, Acting Commissioner, 1404 E. 9th St.

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

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

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

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

DEPT. OF PUBLIC SAFETY – William M. Denihan, Director, 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 – Michael Cox, Acting Commissioner, Public Auditorium, E. 6th and Lakeside Ave.
Park Maintenance and Properties – Richard L. Silva, Acting Commissioner, Public Auditorium – E. 6th & Lakeside.
Recreation – Michael Cox, Acting Commissioner, Room 8
Research, Planning & Development – M. Fallon, Commissioner, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Terri Hamilton, Director, 3rd Floor, City Hall.
DIVISIONS – Administrative Services – Terrence Ross, Commissioner.
Neighborhood Services – Jack F. Krumhansl, 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, Anthony Costanzo, Sec'y.

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 84

WEDNESDAY, APRIL 16, 1997

No. 4349

CITY COUNCIL

MONDAY, APRIL 14, 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, Sweeney, White.

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

10:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; _____, Vice Chairman; Britt, Coats, Lewis, 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; _____, Vice Chairman; Dolan, Patton, Sweeney, White, Willis.

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio April 14, 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, Skhra, Smith, Sweeney, Westbrook, White, Willis, Zone.

Also present were Mayor White and Directors Carmody, Cunningham, Guzman, Staib, Denihan, Spellman, Nolan, Warren, Lynch, Holland, Willis and Acting Directors Ciaccia, Milton, and Resseger.

Absent: Directors Sobol Jordan, Konicek, and Hamilton.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by The Reverend Eugene W. Ward, Jr., Pastor of Greater Love Missionary Baptist Church. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 589-97.
From the Department of Public Utilities re: 1996 Contracts awarded at the Board of Control. Received.

File No. 590-97.
From the Board of County Commissioners re: Resolution 971320 adopted March 18, 1997. Received.

File No. 591-97.
From the Cleveland Community Courtwatch re: Weekly report - March 13, 1997. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 592-97.
Re: Transfer of Ownership Application - 9813081 - Yamaha Rashid Inc., 6909 Clark Avenue. (Ward 18). Received.

File No. 593-97.

Re: Transfer of Ownership Application - 94009900005 - Robert Ward dba Gentle Persuasion Night Club, 3873-79 East 93rd Street, first floor and basement. (Ward 2). Received.

OATH OF OFFICE

File No. 594-97.

Oath of Office for Joseph W. Jasper, Jr., Commissioner of the Environment, Department of Health. Received.

File No. 595-97.

Oath of Office for Alfred H. Fowler, Board of Examiners of Plumbers. Received.

File No. 596-97.

Oath of Office for Carol K. Johnson, Board of Zoning Appeals. Received.

File No. 597-97.

Oath of Office for Ozzel A. Dobbins, Sr. Board of Zoning Appeals. Received.

File No. 598-97.

Oath of Office for Christopher Carmody, Board of Zoning Appeals. Received.

File No. 599-97.

Oath of Office for Anthony J. Coyne, City Planning Commission. Received.

File No. 600-97.

Oath of Office for Miggie Hopkins, Civil Service Commission. Received.

File No. 601-97.

Oath of Office for Reverend Earl Preston, Jr., Civil Service Commission. Received.

File No. 602-97.

Oath of Office for Reverend Bruce T. Goode, Community Relations Board. Received.

File No. 603-97.

Oath of Office for Raymond Negron, Community Relations Board. Received.

File No. 604-97.

Oath of Office for Anmarie McDonald, Community Relations Board. Received.

File No. 605-97.

Oath of Office for Paula C. Fields, Community Relations Board. Received.

File No. 606-97.
Oath of Office for Eduardo A. Romero, Fair Housing Board. Received.

File No. 607-97.
Oath of Office for Mark M. J. Ruzic, Greater Cleveland Regional Transit Authority. Received.

File No. 608-97.
Oath of Office for Sandra F. Morgan, Landmarks Commission. Received.

File No. 609-97.
Oath of Office for Theodore A. Sande, Landmarks Commission. Received.

File No. 610-97.
Oath of Office for Velma McEwen Strode, Landmarks Commission. Received.

File No. 611-97.
Oath of Office for Michael L. Nelson, Sr., Northeast Ohio Regional Sewer District. Received.

File No. 612-97.
Oath of Office for Reverend Alvin T. Jones, Police Review Board. Received.

File No. 613-97.
Oath of Office for Elvin M. Vauss, Jr., Police Review Board. Received.

File No. 636-97.
Oath of Office for Nancy C. Cronin, Police Review Board. Received.

CONDOLENCE RESOLUTIONS

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

- Res. No. 637-97.** Mecia E. Thomas.
Res. No. 638-97. Vernon R. Thornton.
Res. No. 639-97. Elizabeth Thomas.
Res. No. 640-97. Beatrice Skerotes.
Res. No. 641-97. Lillian Hughley.
Res. No. 642-97. Marilyn G. Zack.
Res. No. 643-97. Addie B. Burks.

CONGRATULATORY RESOLUTIONS

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

- Res. No. 644-97.** Tiger Woods.
Res. No. 645-97. Windom and Pearl Baxter 60th Wedding Anniversary.
Res. No. 646-97. Carl Barnet.
Res. No. 647-97. Louis Stokes (Cleve. Public Library Wing).
Res. No. 648-97. John Marshall High School — American History Class.
Res. No. 649-97. Tri-C Jazz Fest.
Res. No. 650-97. JoAnne Brackeen.
Res. No. 651-97. Gladys Knight.

RESOLUTION OF RECOGNITION

The rules were suspended and the following Resolution was adopted without objection:

- Res. No. 652-97.** Christine Vassily.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 614-97.
By Councilmen Britt, 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 900S, 9004 Beckman Avenue to Fairfax Renaissance Development Corp. or designee.

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. 126-08-042 and 126-08-043, as more fully described in Section 2 below, to Fairfax Renaissance Development Corp. or designee.

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. 126-08-042

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 30 in L. Beckman Re-subdivision of part of Original 100 Acre Lot No. 416 as shown by the recorded plat in Volume 20 of Maps, Page 3 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 126-08-043

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 29 in L. Beckman Re-Subdivision of part of Original 100 Acre Lot No. 416 as shown by the recorded plat in Volume 20 of Maps, Page 3 of Cuyahoga County Records, as appears by said plat, be the same more or less, but subject to all legal highways.

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 Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 615-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into contract without competitive bidding with E.J. Ward, Inc. for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for the Division of Motor Vehicle Maintenance, 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 it is hereby determined that the within commodities are non-competitive and cannot be secured from any source other than E.J. Ward, Inc. Therefore, the Director of Public Service is hereby authorized and directed to make a written contract with said E.J. Ward, Inc. upon the basis of its proposal for the purchase of spare replacement parts for the fuel control terminals and for telephone consultation needed to maintain the terminals, for a one year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Motor Vehicle Maintenance, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 70 SF 300, Request No. 22895.

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

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

Ord. No. 616-97.

By Councilmen Coats, 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 1011 East 149 Street, 1021 East 149 Street and 1043 East 149 Street to Collinwood Community Service Center.

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. 115-16-023, 115-16-021 and 115-16-015, as more fully described in Section 2 below, to Collinwood Community Service Center.

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. 115-16-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 7 in Ben Gray's Subdivision of part of Original Euclid Township Lot Nos. 1 and 2, as shown by the recorded plat in Volume 18 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Easterly side of Gray's Court (now known as East 149th Street) and extending back 112.25 feet on the Northerly line, 110.66 feet on the Southerly line and having a rear line of 40.03 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P.P. No. 115-16-021

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 9 in Gray's Allotment of part of Original Euclid Township Lots Nos. 1 and 2 as shown by the recorded plat in Volume 18 of Maps, Page 9 of Cuyahoga County Records and being 40 feet front on the Easterly line of East 149th Street, 109-06/100 feet deep on the Northerly line 107-47/100 feet deep on the Southerly line and is 40-03/100 feet wide in the rear, as per plat of said allotment recorded in Volume 18 of Maps, Page 9 of Cuyahoga County Records.

P.P. No. 115-16-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in Ben Gray's Subdivision of part of Original Euclid Township Lots Nos. 1 and 2, as shown by the recorded plat in Volume 18 of Maps, Page 9 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 149th Street (formerly Gray's Court) and extending back 97.90 feet on the Southerly line, 99.49 feet on the Northerly line and having a rear line of 40.03 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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 Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 617-97.

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

An emergency ordinance to amend Section 131.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2111-A-69, passed March 9, 1970, relating to the duties of the Director of Public Service, and to supplement said Codified Ordinances thereof, relating to the issuance of minor misdemeanor citations by employees of the 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 Section 131.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2111-A-69, passed March 9, 1970, is hereby amended to read as follows:

Section 131.02 Duties of the Director of Public Service

The Director of Public Service either directly or through the appropriate divisions established in the Department of Public Service, shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; of the construction of all public buildings, except those

pertaining to the Department of Public Utilities. He shall approve all planning and construction of sewers. He shall have charge of the making and preservation of all surveys, maps, plans, drawings and estimates for such public work; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Service; the granting of permits for the use of encroachment upon the public highways in the City as may be provided for by ordinance. **The Director of Public Service and his designees, when commissioned by the Director of Public Safety as special police, may enforce minor misdemeanor offenses related to solid waste collection and disposal through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure.** He shall further perform all other duties pertaining to the Department which may be required of him by ordinance or by the Mayor.

Section 2. That existing Section 131.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2111-A-69, passed March 9, 1970, is hereby repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 551.38 thereof, to read as follows:

Section 551.38 Issuance of Tickets by Employees of the Department of Public Service

In addition to any other means of enforcement provided for in these Codified Ordinances, the Director of Public Service and his designees, when commissioned by the Director of Public Safety as special police, may enforce the minor misdemeanor offenses contained in this chapter through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure.

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, Finance, Law; Committees on Public Service, Legislation, Finance.

Ord. No. 618-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract with Clean-Land Ohio, to conduct a vacant lot maintenance program 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, notwithstanding and as an exception to any ordinance of the City to the contrary, the Director of Parks, Recreation and Properties is hereby authorized

and directed to enter into a contract with Clean-Land, Ohio, for professional services necessary to conduct a vacant lot maintenance program with city residents on the basis of its proposal dated March 27, 1997, payable from Fund No. 01-70-12-0380, Request No. 22474, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, with an option to extend the contract for an additional year, exercisable by the Director, under the same terms and conditions with the compensation to be fixed by the Board of Control.

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 Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 619-97.

By Councilmen Patton and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to remove poles, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 22114)

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

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

Ord. No. 620-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to remove barrels containing toxic traffic paint materials and other services necessary to complete the remediation, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of labor and materials necessary to remove barrels containing toxic traffic paint materials and other services necessary to complete the remediation, in the estimated sum of \$30,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Traffic Engineering and Parking, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 20469)

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

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

Ord. No. 621-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to lease approximately 17,500 square feet of space from The MetroHealth System, at a cost of \$1.00 per year for the initial five-year term, for the headquarters of the Division of Emergency Medical Services, Department of Public Safety.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to lease, by way of sublease, approximately 17,500 square feet of space from The MetroHealth System located on the 9th floor of the building located at 1708 Drive, Cleveland, Ohio.

Section 2. That the rent for said lease shall be one dollar (\$1.00) per year for the initial 5-year term, and if renewed, thereafter at a rate to be negotiated with The MetroHealth System.

Section 3. That said lease shall be for a term of five years, commencing upon execution and expiring 5 years thereafter, with options exercisable by the Director of Public Safety to renew for up to two five-year periods.

Section 4. That said lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises.

Section 5. That said lease shall be for the purpose of providing headquarters for the Division of Emergency Medical Services, Department of Public Safety.

Section 6. That said lease shall contain such other provisions as the Director of Public Safety deems necessary to protect the public interest and effect the purpose described in Section 5 above.

Section 7. That the cost of the lease agreement authorized by this ordinance shall be paid from Fund 60 SF 004.

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.

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

Ord. No. 622-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Loew's Building Ltd., or its designee, to provide economic development assistance to partially finance the renovation of the Loew's Building located at 1515 Euclid Avenue, Cleveland, Ohio 44114.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Loew's Building Ltd., or its designee, to provide economic development assistance to partially finance the renovation of the Loew's Building located at 1515 Euclid Avenue, Cleveland, Ohio 44114.

Section 2. That the terms of said loan shall be determined by the Director of Economic Development in accordance with applicable Federal regulations, State and local law, and said director is authorized to amend said terms, from time to time, as he deems necessary to remain consistent with said laws and regulations.

Section 3. That the costs of said contract shall not exceed Four Hundred Thousand Dollars (\$400,000.00), and shall be paid from Fund No. 17 SF 008, Request No. 23308.

Section 4. That the Director of Economic Development is hereby authorized to accept collateral as said director shall deem adequate in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

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

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

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

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

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

Ord. No. 623-97.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Ohio Department of Natural Resources for the 1997 Cleveland Lakefront Bikeway Phase I Grant; determining the method of making the public improvement of constructing the bikeway and authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to apply for and accept a grant in the amount of \$1,600,000.00, from the Ohio Department of Natural Resources, to conduct the 1997 Cleveland Lakefront Bikeway Phase I Grant, for the purposes set forth in the application and according thereto; that the Director of Parks, Recreation and Properties is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 623-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That, pursuant to Section 167 of the Charter of the City of Cleveland, it is hereby determined to make the public improvement of constructing a bikeway, for the Department of Parks, Recreation and Properties, by contract duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the improvement.

Section 4. That the Director of Parks, Recreation and Properties is hereby authorized and directed to enter into a contract for the making of the above public improvement with the lowest responsible bidder after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of said improvement may be treated as a separate improvement, and each, or any combination, of such trades or components may be the subject of a separate contract upon a unit basis.

Section 5. That the cost of said improvement hereby authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

Section 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 Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 624-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Port Control to enter into contract with Malcolm Pirnie, Inc. for various environmental services of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to enter into contract with Malcolm Pirnie, Inc. for professional services necessary to perform wastewater study sampling, permit negotiating assistance, and other environmental services, as needed on the basis of their proposal dated August 15, 1996, in an amount not to exceed \$300,000.00, payable from Fund No. 60 SF 001, and from any funds or subfunds to which are credited any federal grants, or federal PFC authorization, for the above contract and the proceeds from the sale of air airport revenue bonds issued for a purpose which includes the above contract, Request No. 22572, for the various divisions of the Department of Port Control.

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

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

Ord. No. 625-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more surveyors or firms of surveyors to provide professional services necessary to survey various parcels or portions of parcels of land.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to employ by contract or contracts surveyors or firms of surveyors 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 survey various parcels or portions of parcels of land under the jurisdiction and control of the various divisions of the Department of Port Control.

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

Section 2. That the contract or contracts authorized herein shall be awarded not later than March 31, 1998.

Section 3. That the costs for such services herein contemplated shall be paid from Fund Nos. 60 SF 001 and 60 SF 106, Request No. 22579.

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 Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

Ord. No. 626-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing an directing the purchase by contract of labor and materials necessary to install glass block at the Central Receiving facility, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: labor and materials necessary to install glass block at the Central Receiving facility, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 105, 60 SF 106 and 60 SF 104, Request No. 22580.

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

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

Ord. No. 627-97.

By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Finance, for the Cleveland Municipal Court, to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the Cleveland Municipal Court.

Whereas, in *Argersinger v. Hamlin* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he has been afforded the right to assistance of appointed counsel in his defense; and

Whereas, the City of Cleveland, through the Cleveland Municipal Court, is therefore obligated to provide an indigent defendant appoint-

ed counsel in order to permit the imposition of a sentence including a term of imprisonment; and

Whereas, it is the recommendation of the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, that such indigent defense should be provided by the Legal Aid Society of Cleveland; 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 Director of Finance, for the Cleveland Municipal Court, is hereby authorized and directed to enter into contract with the Legal Aid Society of Cleveland for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided such violation may result in incarceration, for the period of one year beginning January 1, 1997 through December 31, 1997, at the estimated cost of \$775,000.00, payable from Fund No. 01-01-15-0320, Request No. 21816.

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

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

Ord. No. 628-97.

By Councilmen Willis, 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 11898 Beulah Avenue to Estella Taylor.

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. 120-05-134, as more fully described in Section 2 below, to Estella Taylor.

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. 120-05-134

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being the Westerly 38.25 feet of Sublot No. 17 and the Easterly 2 feet of Sublot No. 18 in Geo. M. Hick's Subdivision of part of Original 100 Acre Lot Nos. 387 and 388 as shown by the recorded plat in Volume 14 of Maps, Page 46 of Cuyahoga County Records and being 40.25 feet front on the Northerly side of Beulah Avenue and extending back about 135 46/100 feet on the Westerly line, 137-06/100 feet on the Easterly line and being about 40 feet wide in the rear as appears by said plat be the same more or less, but subject to all legal highways.

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 Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 629-97.

**By Councilman Polensek.
An ordinance to change the Use, Area, and Height Districts of lands on both sides of St. Clair Avenue, N.E. between E. 152 Street and E. 166 Street. (Map Change No. 1909, Sheet No. 7)**

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

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

Beginning at the intersection of the center line of St. Clair Avenue, N.E. and the center line of East 153 Street; thence northwesterly and northerly along said center line of East 153 Street to its intersection with the southwesterly extension of the northwesterly line of Sublot No. 71 in the J. Hale Allotment as recorded in Volume 12, Page 17 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said northwesterly line of said

Sublot No. 71 and continuing northeasterly along the northwesterly lines of Sublots Nos. 72, 73, 74, and 75 in said J. Hale Allotment and along its northeasterly extension to the center line of East 154 Street; thence northwesterly along said center line of East 154 Street to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 4 in the J. Hale Allotment as recorded in Volume 11, Page 20 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 4 to its intersection with the southwesterly line of Sublot No. 1 in the H. A. Draper Re Subdivision as recorded in Volume 45, Page 9 of the Cuyahoga County Map Records; thence northwesterly along said southwesterly line of said Sublot No. 1 and continuing northwesterly along the southwesterly line of Sublot No. 6 in said H. A. Draper Re Subdivision to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 6 and along its northeasterly extension to the center line of East 155 Street; thence southeasterly along said center line of East 155 Street to its intersection with the southwesterly extension of the southeasterly line of a parcel of land conveyed to Joe F. Sr. and Sharon A. Johnson, By Deed as recorded in Volume 41408, Page 6 of the Cuyahoga County Map Records (said southeasterly line of said parcel of land being located approximately one hundred eight (108) feet northwest of the northwesterly line of St. Clair Avenue, N.E.); thence northeasterly along said southwesterly extension and along said southeasterly line of said parcel of land to its intersection with the southwesterly line of Sublot No. 1 in the G.W. Moses and E. D. Burton Subdivision as recorded in Volume 9, Page 33, of the Cuyahoga County Map Records; thence northwesterly along said southwesterly line of said Sublot No. 1 to its intersection with the northwesterly line thereof; thence northeasterly along said northwesterly line of said Sublot No. 1 and continuing northeasterly along the northwesterly lines of Sublots Nos. 2 and 3 in said G. W. Moses and E. D. Burton Subdivision and along its northeasterly extension to the center line of East 156 Street; thence northwesterly along said center line of East 156 Street to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 31 in said G. W. Moses and E. D. Burton Subdivision; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 31 to its intersection with a line located one hundred thirty five (135) feet northeast of the northeasterly line of East 156 Street; thence northwesterly along said line which is parallel to and one hundred thirty five (135) feet northeast of said northeasterly line of East 156 Street to its intersection with the southeasterly line of Sublot No. 54 in the Ruple Heirs Subdivision No. 2 as recorded in Volume 11, Page 52 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly line of said Sublot No. 54 and along its northeasterly extension to the center line of East 157 Street; thence northwesterly along said center line of East 157 Street to its intersection

with the southwesterly extension of the northwesterly line of Sublot No. 58 in said Ruple Heirs Subdivision No. 2; thence northeasterly along said southwesterly extension and along said northwesterly line of said Sublot No. 58 and continuing northeasterly along the northwesterly lines of Sublots Nos. 59, 60, 61, 62, 63, and 64 and along its northeasterly extension to the center line of Whitcomb Road, N.E.; thence northwesterly along said center line of Whitcomb Road, N.E. to its intersection with the southwesterly extension of the southeasterly line of Sublot No. 8 in the Cyrus Ruple Estate Partition C.P.R. as recorded in Volume 156, Page 40 of the Cuyahoga County Map Records; thence northeasterly along said southwesterly extension and along said southeasterly line of said Sublot No. 8 to its intersection with the northeasterly line thereof; thence northwesterly along said northeasterly line of said Sublot No. 8 and continuing northwesterly along the northeasterly lines of Sublots Nos. 7, 6, 5, 4, 3 and 2 in said Cyrus Ruple Estate Partition C.P.R. to its intersection with the southerly line of Sublot No. 39 in the Collin-Ford Allotment as recorded in Volume 57, Page 28 of the Cuyahoga County Map Records; thence easterly along said southerly line of said Sublot No. 39 and continuing easterly along the easterly prolongation of said southerly line of said Sublot No. 39 to its intersection with the northwesterly line of Sublot No. 13 in the St. Clair-London Road Subdivision No. 2 as recorded in Volume 62, Page 7 of the Cuyahoga County Map Records; thence northeasterly along said northwesterly line of said Sublot No. 13 and continuing northeasterly along the northwesterly lines of Sublots Nos. 12 and 11 in said St. Clair-London Road Subdivision No. 2 to its intersection with the easterly line of Sublot No. 7 in said St. Clair-London Road Subdivision No. 2; thence northerly along said easterly line of said Sublot No. 7 and along its northerly extension to the center line of Holmes Avenue, N.E.; thence westerly along said center line of Holmes Avenue, N.E. to its intersection with the southerly extension of a line located fifty (50) feet west of the westerly line of East 162 Street; thence northerly along said southerly extension and along said line which is parallel to and fifty (50) feet west of said westerly line of East 162 Street to its intersection with a line located one hundred sixty (160) feet north of the northerly line of Holmes Avenue, N.E.; thence easterly along said line which is parallel to and one hundred sixty (160) feet north of said northerly line of Holmes Avenue, N.E. and along its easterly extension to the center line of East 162 Street; thence northerly along said center line of East 162 Street to its intersection with the westerly extension of the northerly line of Sublot No. 145 in the Crosby Allotment as recorded in Volume 9, Page 25 of the Cuyahoga County Map Records; thence easterly along said westerly extension and along said northerly line of said Sublot No. 145 to its intersection with a line located one hundred (100) feet east of the easterly line of East 162 Street; thence southerly along said line which is parallel to and one hundred (100) feet east of said easterly line of East 162 Street to its intersection with a line located one hundred

(100) feet northeast of the northeasterly line of Holmes Avenue, N.E.; thence southeasterly along said line which is parallel to and one hundred (100) feet northeast of said northeasterly line of Holmes Avenue, N.E. to its intersection with a line located one hundred (100) feet northwest of the northwesterly line of St. Clair Avenue, N.E.; thence northeasterly along said line which is parallel to and one hundred (100) feet northwest of said northwesterly line of St. Clair Avenue, N.E. and along its northeasterly extension to the center line of East 163 Street; thence southerly along said center line of East 163 Street to the center line of St. Clair Avenue, N.E.; thence northeasterly along said center line of St. Clair Avenue, N.E. to the center line of East 166 Street; thence southeasterly and southerly along said center line of East 166 Street to its intersection with the easterly extension of the northerly line of Sublot No. 16 in the Dorpance Allotment as recorded in Volume 29, Page 22 of the Cuyahoga County Map Records; thence westerly along said easterly extension and along said northerly line of said Sublot No. 16 to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 16 and continuing southerly along the westerly lines of Sublots Nos. 17, 18 and 19 in said Dorpance Allotment to its intersection with the northwesterly line of Sublot No. 18 in the Gund Allotment as recorded in Volume 27, Page 3 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 18 and along its southwesterly extension to the center line of East 165 Street; thence southeasterly along said center line of East 165 Street to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 35 in said Gund Allotment; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 35 to its intersection with the northwesterly line thereof; thence southwesterly along said northwesterly line of said Sublot No. 35 and continuing southwesterly and southerly along the northwesterly and westerly lines of Sublots Nos. 34, 33 and 32 in said Gund Allotment to its intersection with the northwesterly line of Sublot No. 36 in said Gund Allotment; thence southwesterly along the northwesterly line of Sublot No. 36 and continuing southwesterly along the northwesterly lines of Sublots Nos. 37, 38 and 39 in said Gund Allotment to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 39 and along its southerly extension to the center line of Wayside Road, N.E.; thence westerly along said center line of Wayside Road, N.E. to its intersection with the northeasterly extension of a line located one hundred ten (110) feet southeast of the southeasterly line of St. Clair Avenue, N.E.; thence southwesterly along said northeasterly extension and along said line which is parallel to and one hundred ten (110) feet southeast of said southeasterly line of St. Clair Avenue, N.E. to its intersection with a line located eighty nine and eight hundredths (89.08) feet northeast of the northeasterly line of Alhambra Road, N.E.; thence southeasterly along said line which is parallel to and eighty nine and

eight hundredths (89.08) feet northeast of said northeasterly line of Alhambra Road, N.E. to its intersection with a line located one hundred seven and seventy four hundredths (107.74) feet southeast of said southeasterly line of St. Clair Avenue, N.E. and along its southwesterly extension to the center line of Alhambra Road, N.E.; thence southeasterly along said center line of Alhambra Road, N.E. to its intersection with the northeasterly extension of the southeasterly line of Sublot No. 89 in the St. Clair-London Road Subdivision as recorded in Volume 54, Page 24 of the Cuyahoga County Map Records; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 89 and continuing southwesterly along the southeasterly lines of Sublots Nos. 90, 174, 175 and 176 in said St. Clair-London Road Subdivision and along its southwesterly extension to the center line of Rudyard Road, N.E.; thence southeasterly along said center line of Rudyard Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 4 in the Frederick and Louisa Graff Subdivision as recorded in Volume 31, Page 23 of the Cuyahoga County Map Records; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 4 to its intersection with a line located one hundred fifty (150) feet northeast of the northeasterly line of Whitcomb Road, N.E.; thence northwesterly along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Whitcomb Road, N.E. to a point of intersection located one hundred twenty four (124) feet southeast of the southeasterly line of St. Clair Avenue, N.E.; thence southwesterly from said point to a point of intersection located one hundred twenty seven (127) feet southeast of said southeasterly line of St. Clair Avenue, N.E. and along its southwesterly extension to the center line of Whitcomb Road, N.E.; thence northwesterly along said center line of Whitcomb Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 5 in the S. Ulmer Re Subdivision as recorded in Volume 42, Page 22 of the Cuyahoga County Map Records; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 5 to its intersection with the northeasterly line of Sublot No. 1 in the Five Points Allotment as recorded in Volume 63, Page 32 of the Cuyahoga County Map Records; thence southeasterly along said northeasterly line of said Sublot No. 1 to its intersection with the southeasterly line thereof; thence southwesterly along said southeasterly line of said Sublot No. 1 and continuing southwesterly along the southeasterly line of Sublot No. 2 in said Five Points Allotment and along its southwesterly extension to the center line of Rondel Road, N.E.; thence southeasterly along center line of Rondel Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 75 in said Five Points Allotment; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 75 and continuing southwesterly along the northwesterly

line of Sublot No. 80 in said Five Points Allotment and along its southwesterly extension to the center line of Royal Road, N.E.; thence northwesterly along said center line of Royal Road, N.E. to the center line of St. Clair Avenue, N.E.; thence southwesterly along said center line of St. Clair Avenue, N.E. to the center line of Ruple Road, N.E.; thence southeasterly along said center line of Ruple Road, N.E. to its intersection with the northeasterly extension of a line located one hundred sixty (160) feet southeast of said southeasterly line of St. Clair Avenue, N.E.; thence southwesterly along said northeasterly extension and along said line which is parallel to and one hundred sixty (160) feet southeast of said southeasterly line of St. Clair Avenue, N.E. to its intersection with the northeasterly line of Sublot No. 223 in the St. Clair Land Company Subdivision as recorded in Volume 31, Page 23 of the Cuyahoga County Map Records; thence northwesterly along said northeasterly line of said Sublot No. 223 to its intersection with the northwesterly line thereof; thence southwesterly along said northwesterly line of said Sublot No. 223 and along its southwesterly extension to the center line of Stevenson Road, N.E.; thence northeasterly along said center line of Stevenson Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 155 in said St. Clair Land Company Subdivision; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 155 and continuing southeasterly along the northwesterly line of Sublot No. 154 in said St. Clair Land Company Subdivision and along its southwesterly extension to the center line of Evangeline Road, N.E.; thence southeasterly along said center line of Evangeline Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 85 in said St. Clair Land Company Subdivision; thence southwesterly along said northeasterly extension and along said northwesterly line of said Sublot No. 85 and continuing southwesterly along the northwesterly line of Sublot No. 84 in said St. Clair Land Company Subdivision and along its southwesterly extension to the center line of Nathaniel Road, N.E.; thence southeasterly along said center line of Nathaniel Road, N.E. to its intersection with the northeasterly extension of the northwesterly line of Sublot No. 16 in said St. Clair Land Company Subdivision; thence southwesterly along said northwesterly line of said Sublot No. 16 and along its southwesterly extension to its intersection with the northwesterly line of Sublot No. 15 in the William Rolf and A. J. Thieman Subdivision as recorded in Volume 31, Page 13 of the Cuyahoga County Map Records; thence southwesterly along said northwesterly line of said Sublot No. 15 and along its southwesterly extension to the center line of Nye Road, N.E.; thence northwesterly along said center line of Nye Road, N.E. to the center line St. Clair Avenue, N.E.; thence southwesterly along said center line of St. Clair Avenue, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail

Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1909, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That the Use, Area, and Height Districts of lands bounded and described as follows,

Beginning at the intersection of the southeasterly extension of a line located one hundred fifty (150) feet northeast of the northeasterly line of Ivanhoe Road, N.E. and the center line of Yorick Avenue, N.E.; thence southwesterly along said center line of Yorick Avenue, N.E. to the center line of Ivanhoe Road, N.E.; thence northwesterly along said center line of Ivanhoe Road, N.E. to the center line of East 152 Street; thence northerly along said center line of East 152 Street to the center line of Utopia Avenue, N.E.; thence easterly along said center line of Utopia Avenue, N.E. to its intersection with the northerly extension of a line located one hundred twenty five (125) feet west of the westerly line of East 153 Street; thence southerly along said northerly extension and along said line which is parallel to and one hundred twenty five (125) feet west of said westerly line of East 153 Street to its intersection with a line located two hundred forty (240) feet south of the southerly line of Utopia Avenue, N.E.; thence easterly along said line which is parallel to and two hundred forty (240) feet south of said southerly line of Utopia Avenue, N.E. and along its easterly extension to the center line of East 153 Street; thence southerly and southeasterly along said center line of East 153 Street to the center line of St. Clair Avenue, N.E.; thence northeasterly along said center line of St. Clair Avenue, N.E. to its intersection with the center line of Nye Road, N.E.; thence southeasterly along said center line of Nye Road, N.E. to its intersection with the northeasterly extension of a line located one hundred fifty (150) feet southeast of the southeasterly line of St. Clair Avenue, N.E.; thence southwesterly along said northeasterly extension and along said line which is parallel to and one hundred fifty (150) feet southeast of said southeasterly line of St. Clair Avenue, N.E. to its intersection with said line located one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E.; thence southeasterly along said line which is parallel to and one hundred fifty (150) feet northeast of said northeasterly line of Ivanhoe Road, N.E. and along its southeasterly extension to the place of beginning, and as outlined in green on the map hereto attached, be and the same are hereby changed to a Two Family Use District, a 'B' Area District and a '1' Height District.

Section 4. That said changed designation of lands described in Section 3 shall be identified as Map Change No. 1909, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated

for such purpose by the City Planning Commission.

Section 5. That this ordinance shall take effect and be in force from an 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. 630-97.

By Councilman Britt (by request).
An emergency resolution declaring the intention to vacate a portion of East 96th Street.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 96th Street, as hereinafter described, 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 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:

EAST 96TH STREET (66.00 feet wide), and its associated turn-outs extending Northerly from the Northerly line of Cedar Avenue (66.00 feet wide) to the Southerly line of Carnegie Avenue (80.00 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. 631-97.

By Councilman Patmon.
An emergency ordinance consenting and approving the issuance of a permit for the 10th Annual Miles Standish Miler Fun Run on May 29, 1997 (raindate: May 30, 1997), sponsored by the Miles Standish Elementary School.

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 the 10th Annual Miles Standish Miler Fun Run, sponsored by the Miles Standish Elementary School, on May 29, 1997 (raindate: May 30, 1997), beginning at the school, 1000 East 92nd Street, west on Parkgate Rd. to East Blvd., south on East Blvd. to Superior Ave., turn around and head north on East Blvd. to Parkside Rd., north on Parkside Rd. to Parkgate Rd., east on Parkgate Rd. and finish back at the school, provided that the appli-

cant 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. 632-97.

By Councilman Patmon.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Pilgrim Church of Christ to stretch a banner on the northeast corner of East 105th Street and St. Clair Avenue, from the period of April 21, 1997 to April 27, 1997, inclusive, publicizing their Annual Family, Health and Job Fair.

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 Pilgrim Church of Christ to install, maintain and remove a banner across East 105th Street and St. Clair Avenue, for the period from April 21, 1997 to April 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. 633-97.

By Councilman Patton.

An emergency ordinance authorizing the Director of Public Service to issue a permit to Mameco International Inc. to construct, use and maintain a building foundation and a building for industrial expansion which will encroach into the public right-of-way of East 174th Street.

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, an assignable by the Permittee with the consent of the Director of Public Service to Mameco International Inc., 4475 East 175th Street, Cleveland, Ohio 44128; its successors and assigns, to construct, use and maintain a building foundation and building for industrial expansion by Mameco International Inc., which will encroach into the public right-of-way of East 174th Street at the locations more fully described as follows:

PROPOSED ENCROACHMENT AREA WITHIN EAST 174th STREET

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all that portion of East 174th Street (40.00 feet wide), extending Southerly from the Easterly prolongation of the Northerly line of Sublot Number 55 in the Miles-Melbourne Subdivision, recorded in Volume 96, Page 39 of Cuyahoga County Records, to that portion of Manoa Avenue S.E. vacated by the Council of the City of Cleveland by Ordinance Number 1809-77, passed August 29, 1977.

Section 2. That said building foundation and building for industrial expansion will be constructed within the public right-of-way of East 174th Street and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

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. 634-97.**By Councilman Smith.**

An emergency ordinance consenting and approving the issuance of a permit for A Joint Parade on Saturday, May 3, 1997, sponsored by the Arthritis Foundation.

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 Joint Parade, sponsored by the Arthritis Foundation, on Saturday, May 3, 1997, beginning from the Special Events Area at the Powerhouse in the Nautica Entertainment Complex on the west bank of the Flats, proceeding eastbound down Main Avenue to Elm Street, then southbound on Elm Street to Riverbed Street, turning around at Riverbed Street and then continuing northbound on Elm Street to Main Avenue and finally heading westbound on Main Avenue and returning to the Special Events Area at the Powerhouse, 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.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 635-97.**By Councilman Moran.**

An emergency resolution withdrawing objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit to Jeg Lounge Bar Inc. at 4995-97 Denison Avenue, and repealing Res. No. 26-97, objecting to said transfer of ownership, pursuant to a Cooperation Agreement dated April 8, 1997.

Whereas, this Council objected to the transfer of a D2, D2X and D3 Liquor Permit to Jeg Lounge Bar Inc., at 4995-97 Denison Avenue by Res. No. 26-97 adopted January 6, 1997; and

Whereas, this Council wishes to withdraw its objection to the above transfer of ownership and consents to said transfer of ownership based upon and pursuant to a Cooperation Agreement dated April 8, 1997, a copy of which is in the file for this

address in the City Law Department; 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 and D3 Liquor Permit to Jeg Lounge Bar Inc. at 4995-97 Denison Avenue be and the same is hereby withdrawn and Res. No. 26-97, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCES

Ord. No. 1927-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10400-14 Cedar Avenue to Calvary Hill Baptist Church.

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

Ord. No. 1975-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1538 East 84 Street to Michele J. and Elwood E. Clark.

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

Ord. No. 2194-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1458 East 94 Street to Viola Fuller.

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

Ord. No. 2220-96.

By Councilman Skrha.

An emergency ordinance to change the names of Pittsburgh Ave. S.E. from Broadway S.E. to E.

34 St., and E. 34 St. from Pittsburg Ave. to Broadway be changed to "Broadway"; AND Broadway from Pittsburg to E. 34 St. be changed to "Rockefeller Avenue S.E."

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

Ord. No. 46-97.

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

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with Villas of Woodhaven, Limited Liability Company, or its designee, for the acquisition, clearance and redevelopment of certain lands in the East 79th-East 89th-Euclid-Chester Community Development Plan Area.

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

Ord. No. 47-97.

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

An emergency ordinance approving certain amendments to the East 79th-East 89th-Euclid-Chester Community Development Plan to establish the Action Area 2 Action Area therein.

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

Ord. No. 48-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1931, 1937, 1028 East 84 Street; 1908, 1896, 1893, 1917 East 86 Street and 1910 East 87 Street to Fairfax Renaissance Development Corp., or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Recommended by Committees on Community and Economic Development, City Planning, Finance, when amended as follows:

1. In Section 2, at the end, add the following:

"P.P. No. 119-06-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 400, also part of Sublot No. 1 in Crumb, Baslington and Oviat's Allotment of part of Original 100 Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows:

Beginning on the Easterly line of East 86th Street (formerly Glen Park Place) at a point distant 390 feet Northerly measured along said Easterly line from its intersection with the Northerly line of Euclid Avenue, 80 feet wide; thence Northerly along said Easterly line of East 86th Street 32 feet; thence Easterly on a line at right angles to said Easterly line of East 86th Street, 75 feet; thence Southerly and

parallel with said Easterly line of East 86th Street 32 feet; thence Westerly in a direct line 75 feet to the place of beginning be the same more or less, but subject to all legal highways.

P.P. No. 119-06-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being bounded and described as follows, to wit:

Beginning at a point in the West line of Crumb, Baslington and Oviatt's Allotment of a part of Original Lot No. 400 and two feet south of the Northwesterly corner of Sublot No. 5 in said Allotment, thence Southerly along the Westerly line of said Allotment, 29 feet; thence Westerly at right angles, 45 feet to the Easterly line of a proposed Street 40 feet in width, called Glen Park Place; (now known as East 86th Street); thence Northerly along the Easterly line of said Street called Glen Park Place (now known as East 86th Street) 29 feet to a point at right angles from the place of beginning; thence Easterly at right angles, 45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

2. In the title, lines 4 and 5, strike "1028 East 84 Street;" and insert in lieu thereof "1928 East 84 Street; 1899, 1919,".

3. In Section 1, line 4, strike "and 119-06-033" and insert in lieu thereof "119-06-033, 119-06-013 and 119-06-019". Amendments agreed to.

Ord. No. 51-97.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into a contract with Famicos Foundation for the implementation of the Lead Based Paint Abatement on Low and Moderate Income Private Housing Program.

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

1. In Section 1, strike lines 7 and 8 in their entirety and in line 9, strike "plantings," and insert in lieu thereof the following: "covering or replacing lead-based painted surfaces, performing soil treatments, and conducting specialized cleaning,".

2. In Section 1, at the end, add the following sentences: "The Director of Public Health shall notify the member or members of Council in whose ward the remediation occurs. The contract or contracts shall provide that the contractor shall utilize good faith efforts to employ residents of the ward or wards where the remediation occurs.".

Amendments agreed to.

Ord. No. 164-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Aluma-Form, Inc., or its designee, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a facility at 17800 St. Clair Avenue located in the Cleveland Area Enterprise Zone.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Recom-

mended by Committees on Community and Economic Development, City Planning, Finance, when amended as follows:

1. Insert a new Section 5 to read as follows:

"Section 5. That the Director of Economic Development is hereby authorized to charge and accept fees not to exceed maximum allowable under Federal and State Law, and expend such fees to cover costs associated with administering economic development assistance. Such fees shall be deposited to and expended from Fund No. 17 SF 305, Financial Assistance Fees Fund.".

2. Renumber existing "Section 5" to new "Section 6".

3. In the title, line 5, after "Aluma-Form, Inc." strike ", or its designee,"; in Section 1, line 2, and in Section 2, line 3, after "Aluma-Form, Inc." strike ", or its designee(s)".

4. In Section 2, line 6, after "shall" insert the following "not be transferable or assignable by the enterprise to any entity without the prior authorization by this Council, and shall".

5. In Section 4, between "interest" and the period, insert the following: ", including provisions prohibiting (a) the Enterprise from assigning or transferring its rights under the Agreement to any entity without first receiving the approval of Cleveland City Council, and (b) changing the terms of the abatement without first receiving the approval of Cleveland City Council, which approvals shall be evidenced by appropriate legislation". Amendments agreed to.

Ord. No. 171-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Mt. Pleasant Now Development Corporation or designee.

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

Ord. No. 204-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gutter broom sets, for the Division of Streets, Department of Public Service.

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

Ord. No. 216-97.

By Councilmen 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 2209 East 35 Street to Greater Cleveland Habitat for Humanity, Inc.

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

Ord. No. 222-97.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste Management District for the 1997 Solid Waste Code Enforcement Program.

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

Ord. No. 261-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into food and beverage concession agreements; to establish rates for the sale and rental of golf-related merchandise; and the lease by requirement contract of golf carts at Seneca Golf Course and Highland Golf Course for the Department of Parks, Recreation and Properties.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Recommended by Committees on Public Parks, Property and Recreation, Finance; when amended as follows:

1. In the second whereas clause, line 4, after "use of" insert "motorized golf carts and".

2. In Section 2, line 3, after "items;" insert "motorized golf carts."

Amendments agreed to.

Ord. No. 262-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 870-96, passed June 10, 1996, relating to a grant from the Ohio Department of Natural Resources for the 1996 Natureworks - Round 3 Grant.

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

Ord. No. 271-97.

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 the 1997 Child Lead Poison Prevention State Program.

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

Ord. No. 273-97.

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 Federation of Community Planning from Ohio Department of Health for the 1996 Immunization Action Plan Program.

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

1. In the title, line 6, and in Section 1, line 4, strike "1996" and insert in lieu thereof "1997".

Amendment agreed to.

Ord. No. 329-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to consent to assignment of Contract No. 50047 from Eagle International Truck Sales to Wise International Trucks of Ohio, Inc.

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

1. In Section 1, lines 3 and 6, after "Ohio" insert ", Inc."
Amendment agreed to.

Ord. No. 336-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a gift of the construction of a counter-sniper shooting range and a para-military obstacle course from the Greater Cleveland Chapter of the American Red Cross, and authorizing the Director to enter into an agreement with the donor, for the Division of Police, Department of Public Safety.

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

Ord. No. 384-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

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

Ord. No. 385-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

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

Ord. No. 390-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fire hoses, nozzles and fittings, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 430-97.

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 Cairns IRIS for the purchase of thermal imaging systems and necessary appurtenances, for the Division of Fire, Department of Public Safety.

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

1. In the title, at the end, strike the period and insert the following: **"and authorizing acceptance of gifts from various entities to assist in the acquisition of equipment."**

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

"Section 3. That the Director of Public Safety is hereby authorized to accept gifts from Allstate Insurance Co., Montgomery Watson, and ATT Wireless Services, in the amount of \$25,000 each, and such other donations necessary to assist in the acquisition of thermal imaging systems and necessary appurtenances."

3. Renumber existing "Section 3" to new "Section 4".

Amendments agreed to.

SECOND READING EMERGENCY RESOLUTIONS

Res. No. 175-97.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Prospect Court S.E.

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

Res. No. 345-97.

By Councilmen Jackson and Rybka (by departmental request).

An emergency resolution designating the northwest corner of Euclid Avenue and East 36th Street as "Applied Plaza" and designating the building at 3301 Euclid Avenue as "One Applied Plaza".

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 1945-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency resolution authorizing declarations of official intent under U.S. Treasury Regulations with respect to reimbursements from proceeds of tax-exempt obligations for temporary advances made, prior to issuance of those obligations, for payments for airport improvements.

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

1. In Section 2, at the end, add the following sentence:

"The Director of Finance shall notify the Council of the amount of any expenditures reimbursed from the Reimbursement Bonds pursuant to this resolution."

Amendment agreed to.

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

THIRD READING EMERGENCY ORDINANCES PASSED

Ord. No. 2147-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract for the layout, printing and distribution of a flight guide, for the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 2148-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to maintain and repair various keycard systems and closed circuit television equipment, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years.

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

Ord. No. 2149-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install airfield security equipment, for the Division of Cleveland Hopkins International airport, Department of Port Control.

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

Ord. No. 2195-96.

By Councilmen Miller and Rokakis.

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to install a digital printer, for the various divisions of the Department of Port Control.

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

Ord. No. 162-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept a grant from the Cavaliers Charities for the Cavaliers Charities-1997 Recreation Program; and to enter into contract to implement the program.

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

Ord. No. 163-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into contract without competitive bidding with Appraisal Consulting Research and Training, Inc. for the purchase of services necessary to update tree inventory, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties.

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

Ord. No. 217-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

Department of Education for the 1997 Summer Food Program; authorizing and directing the purchase by requirement contract of breakfasts, lunches and snacks for said Program and for food, food products, beverages, condiments and paper products needed for a food service operation to be served at Camp George L. Forbes as part of said Program, and for the Division of Recreation, Department of Parks, Recreation and Properties; and authorizing said Director to contract with ten non-profit organizations for the implementation of said Program.
Read third time. Passed. Yeas 20. Nays 0.

Ord. No. 220-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of medical supplies, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 221-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of photo supplies, for the Division of Police, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 223-97.
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fire extinguishing agents, for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 224-97.
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing a fire sprinkler system in the Central Receiving Building at Cleveland Hopkins International Airport, and authorizing the Director of Port Control to enter into contract for the making of such improvement.

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

Ord. No. 225-97.
By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of paper stock and envelopes, for the Division of Printing and Reproduction, Department of Finance.

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

Ord. No. 257-97.
By Councilmen Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to expend Economic Development Initiatives Grant Funds for the operation of the Empowerment Zone Business Opportunity Program

and to enter into contracts under that program.

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

Ord. No. 259-97.
By Councilmen Patton, Jackson and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Lawrence Industries, Inc., or its designee, to provide economic development assistance to partially finance the acquisition and renovation of a commercial and industrial building located at 4500 Lee Road, Cleveland, Ohio 44128.

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

Ord. No. 265-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of reflective sheeting and sign posts necessary to construct traffic control signs, and installation if necessary, for the Division of Traffic Engineering and Parking, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 266-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic signal and sign material and equipment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

Ord. No. 267-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to paint center and lane lines, for the Division of Traffic Engineering and Parking, Department of Public Safety.

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

Ord. No. 268-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic paint, thermoplastic material and reflective glass beads, for the Division of Traffic Engineering and Parking, Department of Public Safety, for a period not to exceed two years.

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

Ord. No. 269-97.
By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to employ one or more consultants to provide professional services necessary to prepare an analysis of the R.A.P.P. Program.

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

Ord. No. 339-97.

By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance determining the method of making the public improvement of installing and replacing curbing, aprons, ramps for the handicapped, and other concrete work for the various divisions of the Department of Port Control and authorizing the Director of Port Control to enter into one or more requirement contracts for the making of such improvement, for a period not to exceed two years.

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

Ord. No. 340-97.
By Councilmen Smith and Westbrook (by departmental request).

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

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

Ord. No. 342-97.
By Councilmen Smith and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of air filters and labor and materials necessary to provide related services for air handling units for the various divisions of the Department of Port Control, for a period not to exceed two years.

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

Ord. No. 436-97.
By Councilman Westbrook (by departmental request).

An emergency ordinance establishing salary and wage schedules for various classifications, effective as of April 1, 1997, and repealing existing Ordinance No. 486-96, passed April 1, 1996, as amended.

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

Ord. No. 437-97.
By Councilman Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to provide computer programming services for the various divisions of City government.

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 8:45 p.m. to meet on Monday, April 21, 1997 at 7:00 p.m.

Artha Woods

Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 1927-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10400-14 Cedar Avenue to Calvary Hill Baptist Church.

Ord. No. 1975-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1538 East 84 Street to Michele J. and Elwood E. Clark.

Ord. No. 2194-96.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1458 East 94 Street to Viola Fuller.

Ord. No. 2220-96.

By Councilman Skrha.

An emergency ordinance to change the names of Pittsburgh Ave. S.E. from Broadway S.E. to E. 34 St., and E. 34 St. from Pittsburgh Ave. to Broadway be changed to "Broadway"; AND Broadway from Pittsburgh to E. 34 St. be changed to "Rockefeller Avenue S.E."

Ord. No. 46-97.

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

An emergency ordinance authorizing the Director of Community Development to enter into a project agreement with Villas of Woodhaven, Limited Liability Company, or its designee, for the acquisition, clearance and redevelopment of certain lands in the East 79th-East 89th-Euclid-Chester Community Development Plan Area.

Ord. No. 47-97.

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

An emergency ordinance approving certain amendments to the East 79th-East 89th-Euclid-Chester Community Development Plan to establish the Action Area 2 Action Area therein.

Ord. No. 48-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1931, 1937, 1928 East 84 Street; 1899, 1919, 1908, 1896, 1893, 1917 East 86 Street and 1910 East 87 Street to Fairfax Renaissance Development Corp., or designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 119-04-070, 119-04-071, 119-04-073, 119-04-116, 119-04-122, 119-04-125, 119-04-126, 119-06-011, 119-06-018, **119-06-033, 119-06-013 and 119-06-019**, as more fully described in Section 2 below, to Fairfax Renaissance Development Corp., or designee.

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

P.P. No. 119-04-070, 071

Parcel No. 1:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the southerly 35 feet of Sublot No. 7 in Fitch Raymond's Allotment of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat of said allotment in Volume 5 of Maps, Page 47 of Cuyahoga County Records, said part of said Sublot No. 7 has a frontage of 35 feet on the Easterly side of East 84th Street N.E., (formerly Tilden Avenue) and extends back between parallel lines 137 feet, be the same more or less, but subject to all legal highways.

Parcel No. 2:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being part of Sublot No. 7 in Fitch Raymonds Subdivision of part of Original One Hundred Acre Lot No. 399, as shown by the recorded plat in Volume 5 of Maps, Page 47 of Cuyahoga County Records, being more fully described as follows: Beginning in the Easterly line of East 84th Street (formerly Tilden Avenue) at the Northwesterly corner of Sublot No. 7 in Fitch Raymonds Subdivision, as recorded in Volume 5 of Maps, Page 47 of Cuyahoga County Records; thence from said place of beginning Southerly along the Easterly line of East 84th Street 20 feet to a point and the principal place of beginning of the land herein described; thence Easterly parallel with the Northerly line of said Sublot No. 7, 137 feet to the Easterly line of said Sublot No. 7; thence Southerly along said Easterly line of Sublot No. 7, 5 feet; thence Westerly parallel with the Northerly line of Sublot No. 7, 137 feet to the Easterly line of East 84th Street; thence Northerly along the Easterly line of East 84th Street; 5 feet to the principal place of beginning and forming a parcel of land having a frontage of 5 feet on the Easterly side of East 84th Street, and extend back between parallel lines 137 feet, be the same more or less, but subject to all legal highways.

P.P. No. 119-04-073

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a parcel of land 20 feet in width off the South side of Sublot No. 6 and 20 feet in width off the North side of Sublot No. 5 in Fitch Raymond's Subdivision of part of Original 100 Acre Lot No. 399 as the same is recorded in Volume 5, Page 47 of Maps, of land in said County, and making together a frontage of 40 feet on the Easterly side of East 84th Street and a depth of 137 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 119-04-116

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 400, and bounded and described as follows:

Beginning on the Westerly line of East 86th Street, distant Northerly 337 feet from its point of intersection with the Northerly line of Euclid Avenue; thence Westerly on a line parallel to the Northerly line of land in said lot deeded by Josetta A. Comstock and W. C. Comstock, husband, to Charles W. Comstock by deed dated May 2, 1893 and recorded in Volume 541, Page 435 of Cuyahoga County Records, about 65 feet to the Westerly line of land formerly owned by said Josetta A. Comstock; thence Southerly along said Westerly line, 30 feet; thence Easterly on a line parallel to said Northerly line of land conveyed to Charles W. Comstock, about 65 feet to the Westerly line of East 86th Street; thence Northerly along the Westerly line of East 86th Street, 30 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-04-122

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 400, and bounded and described as follows: Beginning on the Westerly line of East 86th Street, at a point 512 feet Northerly from its point of intersection with the Northerly line of Euclid Avenue; thence Westerly on a line at right angles with the Westerly line of said East 86th Street, 65 feet to the Westerly line of said Original One Hundred Acre Lot No. 400; thence Northerly along the Westerly line of said Original One Hundred Acre Lot No. 400, 40 feet; thence Easterly on a line at right angles to the Westerly line of said Original Lot No. 400, 65 feet to the Westerly line of East 86th Street; thence Southerly along the Westerly line of East 86th Street, 40 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-04-125

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 400, bounded and described as follows:

Beginning on the Westerly line of East 86th Street at a point 624 feet Northerly from the Northerly line of Euclid Avenue; thence Northerly 31-1/2 feet; thence Westerly on a line at right angles with said Westerly line of East 86th Street 65 feet to the Westerly line of said Original Lot No. 400; thence Southerly along

said Westerly line Original Lot No. 400, 31-1/2 feet; thence Easterly 65 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-04-126

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of original one hundred acre lot No. 400 and bounded and described as follows: Beginning on the Westerly line of East 86th Street at a point 655.50 feet Northerly from the Northerly line of Euclid Avenue; thence Northerly along the Westerly line of East 86th Street 31.50 feet; thence Westerly on a line at right angles to the Westerly line of East 86th Street 65 feet to the Westerly line of said Original One Hundred Acre Lot No. 400; thence Southerly along the Westerly line of said one hundred acre Lot No. 400, 31.50 feet; thence Easterly 65 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P.P. No. 119-06-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 400 and bounded and described as follows:

Beginning on the easterly line of East 86th Street, 40 feet wide (said easterly line being also the easterly line of land conveyed to the City of Cleveland by deed dated August 1, 1891, and recorded in Volume 508, Page 243 of Cuyahoga County Records) at the southwesterly corner of land conveyed to the County of Cuyahoga, by deed dated April 27, 1948, and recorded in Volume 6480, Page 519 of Cuyahoga County Records; thence southerly along the easterly line of East 86th Street, 34 feet to the southwesterly corner of the third parcel of land conveyed to Max Pevsner by deed dated April 26, 1945, and recorded in Volume 5859, Page 189 of Cuyahoga County Records; thence easterly along the southerly line of the third parcel of land so conveyed, 45 feet to the Westerly line of Crumb, Baslington & Oviatt's Allotment as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records; thence northerly along the westerly line of said Allotment 34 feet to an inner corner of land conveyed to the County of Cuyahoga as aforesaid; thence westerly along the southerly line of land so conveyed to the County of Cuyahoga, 45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

P.P. No. 119-06-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 400, and part of Sublot No. 1 in Crumb Baslington & Oviatt's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Easterly line of East 86th Street, at a point 422 feet Northerly measured along said Easterly line from its point of intersection with the Northerly line of Euclid Avenue, 80 feet wide; thence

Northerly along the said Easterly line of East 86th Street, 32 feet; thence Easterly on a line at right angles with said Easterly line of East 86th Street, 75 feet; thence Southerly on a line parallel with said Easterly line of East 86th Street, 32 feet; thence Westerly 75 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 119-06-033

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 1 and 2 in Crumb, Baslington and Oviatt's Allotment of part of Original One Hundred Acre Lot No. 400, as shown by the recorded plat of said Allotment in Volume 5 of Maps, Page 49 of Cuyahoga County Records. Said parts of said Sublots Nos. 1 and 2 together form a parcel of land bounded and described as follows: Beginning in the Westerly line of East 87th Street (formerly Brookfield Street), at the Northeast corner of said Sublot No. 2; thence Westerly along the Northerly line of said Sublots Nos. 2 and 1, about 147 feet, 8 inches to the Northeast corner of a parcel of land conveyed by H. M. Briggs and wife, to Minnie E. Berner, by deed dated January 18, 1893, and recorded in Volume 540, Page 261 of Cuyahoga County Records; thence Southerly along the Easterly line of the land conveyed to Berner, as aforesaid and along the Easterly line of a parcel of land conveyed by H. M. Briggs and wife, to Ida M. McDermott, by Deed dated March 7, 1893, and recorded in Volume 541, Page 376 of Cuyahoga County Records, 60 feet; thence Easterly parallel with the Northerly line of said Sublots 1 and 2, about 147 feet, 8 inches to the Westerly line of East 87th Street; thence Northerly along the Westerly line of East 87th Street, 60 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 119-06-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 100 Acre Lot No. 400, also part of Sublot No. 1 in Crumb, Baslington and Oviatt's Allotment of part of Original 100 Acre Lot No. 400, as shown by the recorded plat in Volume 5 of Maps, Page 49 of Cuyahoga County Records, together forming a parcel of land, bounded and described as follows:

Beginning on the Easterly line of East 86th Street (formerly Glen Park Place) at a point distant 390 feet Northerly measured along said Easterly line from its intersection with the Northerly line of Euclid Avenue, 80 feet wide; thence Northerly along said Easterly line of East 86th Street 32 feet; thence Easterly on a line at right angles to said Easterly line of East 86th Street, 75 feet; thence Southerly and parallel with said Easterly line of East 86th Street 32 feet; thence Westerly in a direct line 75 feet to the place of beginning be the same more or less, but subject to all legal highways.

P.P. No. 119-06-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being bounded and described as follows, to wit:

Beginning at a point in the West line of Crumb, Baslington and Oviatt's Allotment of a part of Original Lot No. 400 and two feet south of the Northwesterly corner of Sublot No. 5 in said Allotment, thence Southerly along the Westerly line of said Allotment, 29 feet; thence Westerly at right angles, 45 feet to the Easterly line of a proposed Street 40 feet in width, called Glen Park Place; (now known as East 86th Street); thence Northerly along the Easterly line of said Street called Glen Park Place (now known as East 86th Street) 29 feet to a point at right angles from the place of beginning; thence Easterly at right angles, 45 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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.

Ord. No. 51-97.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into a contract with Famicos Foundation for the implementation of the Lead Based Paint Abatement on Low and Moderate Income Private Housing Program.

Whereas, pursuant to Ordinance No. 909-93, passed October 18, 1993, Council authorized the Director of Public Health to apply for and accept a grant from the United States Department of Housing and Urban Development for the Lead Based Paint Abatement on Low and Moderate Income Private Housing Program; 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 Director of Public Health is hereby authorized and directed to enter into a contract or contracts with Famicos Founda-

tion to implement the Lead Based Paint Abatement on Low and Moderate Income Private Housing Program, and specifically for lead hazard control treatments for low and moderate income dwelling units, to include but not be limited to **covering or replacing lead-based painted surfaces, performing soil treatments, and conducting specialized cleaning**, as needed, in a total sum not to exceed \$408,000, payable from Fund No. 13 SF 360. **The Director of Public Health shall notify the member or members of Council in whose ward the remediation occurs. The contract or contracts shall provide that the contractor shall utilize good faith efforts to employ residents of the ward or wards where the remediation occurs.**

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.

Ord. No. 164-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Aluma-Form, Inc., to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to construct a facility at 17800 St. Clair Avenue located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Aluma-Form, Inc. (the "Enterprise") has proposed to construct a new facility at 17800 St. Clair Avenue in the City of Cleveland; and

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

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

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

Section 1. That this Council hereby approves the application of Aluma-Form, Inc., for enterprise

zone incentives on the basis that Aluma-Form, Inc. is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Aluma-Form, Inc., to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to construct a facility at 17800 St. Clair Avenue in Cleveland Ohio; said abatement shall **not be transferrable or assignable by the enterprise to any entity without the prior authorization by this Council, and shall be subject to annual review of the Tax Incentive Review Council.**

Section 3. That the terms of said tax abatement shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 164-97-A.

Section 4. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest, **including provisions prohibiting (a) the Enterprise from assigning or transferring its rights under the Agreement to any entity without first receiving the approval of Cleveland City Council, and (b) changing the terms of the abatement without first receiving the approval of Cleveland City Council, which approvals shall be evidenced by appropriate legislation.**

Section 5. That the Director of Economic Development is hereby authorized to charge and accept fees not to exceed maximum allowable under Federal and State Law, and expend such fees to cover costs associated with administering economic development assistance. **Such fees shall be deposited to and expended from Fund No. 17 SF 305, Financial Assistance Fees Fund.**

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

Ord. No. 171-97.

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

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program to Mt. Pleasant Now Development Corporation or designee.

Ord. No. 204-97.

By Councilmen Coats and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of gutter broom sets, for the Division of Streets, Department of Public Service.

Ord. No. 216-97.

By Councilmen 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 2209 East 35 Street to Greater Cleveland Habitat for Humanity, Inc.

Ord. No. 222-97.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Solid Waste Management District for the 1997 Solid Waste Code Enforcement Program.

Ord. No. 261-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the Director of Parks, Recreation and Properties to enter into food and beverage concession agreements; to establish rates for the sale and rental of golf-related merchandise; and the lease by requirement contract of golf carts at Seneca Golf Course and Highland Golf Course for the Department of Parks, Recreation and Properties.

Whereas, pursuant to Sections 133.02 and 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to manage the City parks and recreation areas, including golf courses, and to enter into concession agreements within the parks; and

Whereas, the Director of Parks, Recreation and Properties wishes to enter into food and beverage concession agreements for Highland and Seneca Golf Courses, and to charge rental fees for the use of **motorized golf carts** and golf pull-carts, and to sell golf-related merchandise; 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, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Parks, Recreation and Properties is authorized and directed to enter into a concession agreement for a term ending December 31, 1997, with the right to terminate without cause with thirty (30) days notice, for the sale of food and beverages, including the acquisition of a liquor license, at the Highland Park and Seneca Park Golf Courses. The funds received by the City from the concession agreements shall be deposited to Fund No. 63 SF 001.

Section 2. That the Director of Parks, Recreation and Properties is authorized and directed to establish and amend rates and charges for the sale and rental of the following items: **motorized golf carts**, golf pull carts, golf balls, golf tees, golf gloves and other golf merchandise; provided that such rates and charges shall conform to rules and the rates promulgated by the Board of Control.

Section 3. That the Director of Parks, Recreation and Properties is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the rental of golf carts, including maintenance and repair, for a period commencing

upon execution of a contract and ending on December 31, 1997, in the approximate amount of \$80,000 for Highland Golf Course and \$65,000 for Seneca Golf Course, to be procured by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Parks, Recreation and Properties.

Bids shall be taken in such a 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 shorter period may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire period. The cost of said contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify thereon the amount of the initial procurement thereunder, which procurement, with all subsequent procurements, 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.

Section 4. That the costs of the contracts authorized in Sections 2 and 3 of this ordinance shall be paid from Fund No. 63 SF 001, Request No. 21411.

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

Ord. No. 262-97.

By Councilmen Johnson and Westbrook (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 870-96, passed June 10, 1996, relating to a grant from the Ohio Department of Natural Resources for the 1996 Natureworks - Round 3 Grant.

Ord. No. 271-97.

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 1997 Child Lead Poison Prevention State Program.

Ord. No. 273-97.

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 Federation of Community Planning from Ohio Department of Health for the 1997 Immunization Action Plan Program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$169,786.00, from the Federation for Community Planning

from Ohio Department of Health, to conduct the 1997 Immunization Action Plan Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 273-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Ord. No. 329-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to consent to assignment of Contract No. 50047 from Eagle International Truck Sales to Wise International Trucks of Ohio, Inc.

Whereas, pursuant to Ordinance No. 250-96, passed April 1, 1996, the Director of Public Safety entered into City Contract No. 50047 with Eagle International Truck Sales for a requirement contract for the purchase of replacement parts and labor for International trucks necessary for such equipment to remain under warranty; and

Whereas, Eagle International Truck Sales, Inc. and Wise International Trucks of Ohio, Inc. by their joint letter dated January 22, 1997, have requested consent of the City to assignment of said Contract No. 50047 to Wise International Trucks of Ohio, Inc., and Wise International Trucks of Ohio, Inc. has stated its intention to undertake the delivery obligations of Eagle International Truck Sales, Inc. under said contract; 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 Director of Public Safety is hereby authorized to consent to the request of Eagle International Truck Sales, Inc. and Wise International Trucks of Ohio, Inc. to assign the delivery obligations of Eagle International Truck Sales, Inc. under Contract No. 50047 for the purchase of International truck parts and labor to Wise International Trucks of Ohio, Inc.

Section 2. That the Director of Public Safety is hereby authorized to execute all documents and do all things necessary and appropriate to effect such consent to assignment. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Ord. No. 336-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a gift of the construction of a counter-sniper shooting range and a para-military obstacle course from the Greater Cleveland Chapter of the American Red Cross, and authorizing the Director to enter into an agreement with the donor, for the Division of Police, Department of Public Safety.

Ord. No. 384-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

Ord. No. 385-97.

By Councilmen Johnson and Westbrook (by departmental request).

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

Ord. No. 390-97.

By Councilmen Polensek and Westbrook (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of fire hoses, nozzles and fittings, for the Division of Fire, Department of Public Safety, for a period not to exceed two years.

Ord. No. 430-97.

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 Cairns IRIS for the purchase of thermal imaging systems and necessary appurtenances, for the Division of Fire, Department of Public Safety and authorizing acceptance of gifts from various entities to assist in the acquisition of equipment.

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 that the within commodities are non-competitive and cannot be secured from any source other than Cairns IRIS, A Division of Cairns & Brother, Inc. Therefore, the Director of Public Safety is hereby authorized and directed to make a written requirement contract for the period of one year with said contractor for thermal imaging systems and necessary appurtenances to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Fire,

Department of Public Safety.

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.

Section 3. That the Director of Public Safety is hereby authorized to accept gifts from Allstate Insurance Co., Montgomery Watson, and ATT Wireless Services, in the amount of \$25,000 each, and such other donations necessary to assist in the acquisition of thermal imaging systems and necessary appurtenances.

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.

RESOLUTIONS

Res. No. 175-97.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Prospect Court S.E.

Res. No. 345-97.

By Councilmen Jackson and Rybka (by departmental request).

An emergency resolution designating the northwest corner of Euclid Avenue and East 36th Street as "Applied Plaza" and designating the building at 3301 Euclid Avenue as "One Applied Plaza".

BOARD OF CONTROL

April 9, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 9, 1997, at 11:00 a.m., with Mayor White presiding.

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

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 235-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Schloss Materials Company for an estimated quantity of Building Materials - item #9 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 the 31st day of January, 1997, pursuant to the authority of Ordinance No. 2205-96, passed January 13, 1997, which on the basis of the estimated quantity would

amount to One Hundred Twenty Thousand Dollars and 00/100 Dollars, (\$120,000.00), (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. 99697

which shall be certified against such contract in the sum of Six Thousand Dollars and 00/100 Dollars, (\$6,000.00).

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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 236-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Woodhill Supply, Inc. for an estimated quantity of Dry cell batteries - items 3, 7, 8, 22 thru 24, 25, 26, 28 and 29 for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on the 19th day of February, 1997, pursuant to the authority of Ordinance No. 2208-96, passed January 13, 1997, which on the basis of the estimated quantity would amount to Three Thousand Two Hundred One and 92/100 Dollars, (\$3,201.92), (Net 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. 00521

which shall be certified against such contract in the sum of Three Thousand Dollars and 00/100 Dollars, (\$3,000.00).

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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 237-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Central Electric Supply Co. for an estimated quantity of Dry cell batteries - items 1, 2, 5, 6, 9 thru 20 and

27 for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on the 19th day of February, 1997, pursuant to the authority of Ordinance No. 2208-96, passed January 13, 1997, which on the basis of the estimated quantity would amount to Fifteen Thousand One Hundred Fifty-Five and 77/100 Dollars, (\$55,155.17), (Net 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. 00522

which shall be certified against such contract in the sum of Five Thousand Dollars 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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.

Absent: None.

Resolution No. 238-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Envirocom Construction, Inc. for an estimated quantity of Lake Road Exterior Maintenance, Window Repair and/or Replacement (all items) for the Division of Cleveland Public Power, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 26th day of February, 1997, pursuant to the authority of Ordinance No. 424-96, passed May 6, 1996, which on the basis of the estimated quantity would amount to Three Hundred Thirty Thousand and no/100 Dollars, (\$330,000.00), (2% 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 03500

which shall be certified against such contract in the sum of Two Hundred Fifty Thousand and no/100 Dollars (\$250,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of

the following subcontractor by Envirocom Construction, Inc. for the above-mentioned requirement contract is hereby approved:

SUBCONTRACTOR	MBE/FBE
Burkshire Construction	25% (FBE)

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 239-97.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Utilicon Corporation for the public improvement of cleaning and cement mortar lining of distribution mains, areas 97-1, 97-2 and 97-3, including a contingency allowance of \$205,424.00 for the Division of Water, Department of Public Utilities, received on March 5, 1997, pursuant to the authority of Ordinance No. 1796-96, passed December 16, 1996, upon a unit basis for the improvement in the aggregate amount of two million two hundred fifty nine thousand six hundred sixty four dollars (\$2,259,664.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors to Utilicon Corporation for the above-mentioned public improvement hereby are approved:

NAME	MBE/FBE
RMC Inc.	15.05% (MBE)
Dan Ray Construction Co.	15.05% (MBE)
Choice Construction	10.05% (FBE)

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 240-97.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of D & M Painting Corporation for the public improvement of rehabilitation of exterior surfaces of the Ledge Water Tower, including a contingency allowance of \$27,040.00, for the Division of Water, Department of Public Utilities, received on March 12, 1997, pursuant to the authority of Ordinance Nos. 248-96 and 1610-96, respectively, passed May 6, 1996 and December 16, 1996, respectively, upon a unit basis for the improvement in the aggregate amount of two hundred ninety seven thousand four hundred forty dollars (\$297,440.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor to D & M Painting Corporation for the above-mentioned public improvement hereby is approved:

NAME	MBE/FBE
Steward Supply	6.7% (MBE)

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 241-97.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that the bid of Utilicon Corporation for the public improvement of cleaning and cement mortar lining of distribution mains, areas 97-4, 97-5 and 97-6, including a contingency allowance of \$178,689.00, for the Division of Water, Department of Public Utilities, received on March 5, 1997, pursuant to the authority of Ordinance No. 1796-96, passed December 16, 1996, upon a unit basis for the improvement in the aggregate amount of one million nine hundred sixty five thousand five hundred seventy nine dollars (\$1,965,579.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractors to Utilicon Corporation for the above-mentioned public improvement hereby are approved:

NAME	MBE/FBE
RMC Inc.	15.26% (MBE)
Dan Ray Construction Co.	15.26% (MBE)
Choice Construction	10.18% (FBE)

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 242-97.

By Director Guzman.
Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 158-97, adopted March 12, 1997, approving the bid of Ohio Industrial Lubricants as the lowest and best for Anti-freeze (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, hereby is rescinded.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 243-97.

By Director Guzman.
Whereas, pursuant to the authority of Ordinance No. 2002-94, passed by Cleveland City Council on December 12, 1994, and Resolution No. 411-95, adopted by the Board of Control of the City on June 14, 1995, the City of Cleveland entered into a contract with Eagle International GMC Truck Sales, Inc. for the purchase of Chevrolet medium duty truck parts and labor (all items), for a total amount of \$20,000.00, Contract No. 48525; and,

Whereas, Eagle International GMC Truck Sales, Inc. and Wise International Trucks of Ohio, Inc. have by their joint letter dated March 7, 1997, requested consent of the City to assignment of said Contract No. 48525 to Wise International Trucks of Ohio, Inc., and Wise International Trucks of Ohio, Inc. has stated its intention to undertake Eagle International GMC Truck Sales, Inc. obligations under said contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the March 7, 1997 request of Eagle International GMC Truck Sales, Inc. and Wise International Trucks of Ohio for consent of the City to the assignment of Contract No. 48525 for the purchase of Chevrolet medium duty truck parts and labor (all items) to Wise International Trucks of Ohio Inc. is hereby granted.

Be it further resolved that the Director of Public Service is hereby authorized to execute all documents and do all things necessary and appropriate to effect such assignment. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

Yeas: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patter-son, Directors Warren and Lynch.
Nays: None.
Absent: None.

Resolution No. 244-97.

By Director Guzman.
Resolved, by the Board of Control of the City of Cleveland that the bid of Sill's Motor Sales, Co. for an estimated quantity of mower parts, items #18 and 27, including labor 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 the 26th day of February, 1997, pursuant to the authority of Ordinance No. 2029-96, passed December 16, 1996, which on the basis of the estimated quantity would amount to approximately Ten thousand five hundred and no/100 Dollars, (\$10,500.00), (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. 092275 which shall be certified against such contract in the sum of Three thousand and no/100 Dollars, (\$3,000.00).

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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 245-97.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of North Coast Distributing, Inc. for an estimated quantity of mower parts, items 8, 16, 20, 22, 23, 25, 26, 27, 33, 36, 39 and 41, including labor 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 the 26th day of February, 1997, pursuant to the authority of Ordinance No. 2029-96, passed December 16, 1996, which on the basis of the estimated quantity would amount to approximately Sixty One Thousand five hundred and no/100 Dollars, (\$61,000.00), (Net 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. 092274

which shall be certified against such contract in the sum of Five thousand and no/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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 246-97.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Mahnen Machinery, Inc. for an estimated quantity of mower parts, items #10, 37, 38 and 40, including labor 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 the 26th day of February, 1996, pursuant to the authority of Ordinance No. 2029-96, passed December 16, 1996, which on the basis of the estimated quantity would amount to approximately Two hundred thirty thousand five hundred and no/100 Dollars, (\$230,500.00), (2% Net 30 Days), (Labor Only), 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 immedi-

ate purchase as the initial amount of such contract of the following:

Requisition No. 092272

which shall be certified against such contract in the sum of Thirty five thousand Dollars, (\$35,000.00).

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

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor to Mahnen Machinery, Inc. for the purchase of mower parts, items #10, 37, 38 and 40, including labor, hereby is approved:

Independent Brokers, Ltd.
MBE - \$5,887.50 - 2.5%

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

Nays: None.
Absent: None.

Resolution No. 247-97.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Brooklyn Tractor and Mower Company for an estimated quantity of mower parts, items #1, 2, 4, 5, 6, 9, 12 thru 15, 17, 19, 21, 28, 29, 30 and 34, including labor 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 the 26th day of February, 1997, pursuant to the authority of Ordinance No. 2029-96, passed December 16, 1996, which on the basis of the estimated quantity would amount to approximately Forty five thousand and no/100 Dollars, (\$45,000.00), (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. 092273

which shall be certified against such contract in the sum of Ten thousand Dollars, (\$10,000.00).

Said requirement contract shall further provide that the Contractor 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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 248-97.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on January 10, 1997 for computer hardware (all items) for

the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 417-96, passed by the Council of the City of Cleveland on April 29, 1996, be and the same are hereby rejected.

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

Nays: None.
Absent: None.

Resolution No. 249-97.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on March 21, 1997 for tire recapping (all items) for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 1969-96, passed by the Council of the City of Cleveland on December 16, 1996, be and the same are hereby rejected.

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

Nays: None.
Absent: None.

Resolution No. 250-97.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Universal Oil, Inc. for an estimated quantity of anti-freeze (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 the 24th day of January 1997, pursuant to the authority of Ordinance No. 1970-96, passed December 2, 1996, which on the basis of the estimated quantity would amount to approximately Forty two thousand five hundred and no/100 Dollars, (\$42,500.00), (2% 30/Net 31 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. 092292

which shall be certified against such contract in the sum of Four thousand two hundred fifty and no/100 Dollars, (\$4,250.00).

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 following subcontractor to Universal Oil, Inc. for the purchase of anti-freeze (all items), hereby is approved:

L. Gray Barrel & Drum
MBE - \$8,658.50 - 20.4%

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

Cunningham, Guzman, Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 251-97.

By Director Denihan.
Be it resolved, by the Board of Control of the City of Cleveland that pursuant to Section 181.19 (b), Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby directed to offer to sell to the police officers listed below, at their fair market value, the service revolvers bearing the serial numbers listed to the right of the respective officer's name.

Adrine, Parker A. Cmdr. Model Smith & Wesson 6906, Serial #TCF0490.
Ament, Anthony, #275 Model Smith & Wesson 5943, Serial #TFR3587.

Caine, Joseph W. Lieut. Model Smith & Wesson 5903, Serial #TCZ2061.

Feterle, William, Lieut. Model Smith & Wesson 5943, Serial #TFK5063.

Forgach, Richard, Lieut. Model Smith & Wesson 5943, Serial #TVA6783.

Good, David, Captain Model Smith & Wesson 5903, Serial #TCZ2054.

Kovacic, Edward, #2407 Model Smith & Wesson 6906, Serial #TCR7755.

Lauerhass, Keith, Lieut. Model Smith & Wesson 5943, Serial #TFK5210.

Lewis, James W., #964 Model Smith & Wesson 6906, Serial #TCY4860.

Rieger, William, #2083 Model Smith & Wesson 5943, Serial #TVA6967.

Rush, Robert, #2236 Model Smith & Wesson 5903, Serial #TCZ2241.

Smith, Tom, #1872 Model Smith & Wesson 6906, Serial #TCU4507.

Waid, Woody, #107 Model Smith & Wesson 5943, Serial #TVB0252.

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

Nays: None.
Absent: None.

Resolution No. 252-97.

By Director Spellman.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R.J. Platten Contracting Co. for the public improvement of Tod Park Site Improvements for all base bid items A1-A67 inclusive, including the 5% contingency line item, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, received on January 30, 1997, pursuant to the authority of Ordinance Nos. 1886-94 and 1284-96, passed October 3, 1994 and October 14, 1996, respectively, upon a unit basis, for the improvement in the aggregate amount of Three hundred forty-one thousand, one hundred thirty-two and 30/100 (\$341,132.30) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the

Board of Control of the City of Cleveland that the following subcontractors for R.J. Platten Contracting Company on the public improvement contract for Tod Park Site Improvement hereby are approved:

SUBCONTRACTORS RESPONSIBILITY

United Ready Mix Concrete Supplies (MBE)

Lito Trucking Trucking & Material (MBE)

Cook Paving Asphalt Work (MBE)

Barrow Sign Signage (FBE)

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

Nays: None.
Absent: None.

Resolution No. 253-97.

By Director Spellman.
Be it resolved by the Board of Control of the City of Cleveland, that the bid of R.J. Platten Contracting Co. for the public improvement of Luke Easter Landscaping Improvements, for base bid items A1, A3-A5, A8, A10-A15, A17-A20, A22, A24, including Alternate bid items 1, 4, 5, and including the adjusted 4% contingency line item, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, received on March 27, 1997, pursuant to the authority of Ordinance Nos. 1455-94 and 762-96, passed November 21, 1994 and May 20, 1996, respectively, upon a unit basis, for the improvement in the aggregate amount of One hundred nineteen thousand, seven hundred eighty-eight and 18/100 (\$119,788.18) Dollars, is hereby affirmed and approved as the lowest responsible bid; and the Director of Parks, Recreation and Properties is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the following subcontractor for R.J. Platten Contracting Company on the public improvement contract for Luke Easter Park Landscaping Improvements hereby is approved:

SUBCONTRACTOR RESPONSIBILITY

Cooper Landscaping Landscaping (MBE)

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

Nays: None.
Absent: None.

Resolution No. 254-97.

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. 007-33-082 located at 3163 West 30th 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, Eladio and Gladys Rodriguez, 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 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 are neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Eladio and Gladys Rodriguez for the sale and development of Permanent Parcel No. 007-33-082 located at 3163 West 30th 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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 255-97.

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 provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 106-09-003 and 106-09-004 under said Land Reutilization Program; and

Whereas, Ordinance No. 2121-96 passed March 24, 1997 authorized the sale of said parcels subject to the direction of the Board of Control; and

Whereas, Hough Area Partners In Progress has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 2121-96 passed March 24, 1997 by the Cleveland City Coun-

cil, the Mayor is hereby authorized to execute an Official Deed for and on behalf of the City of Cleveland with Hough Area Partners In Progress for the sale and development of Permanent Parcel Nos. 106-09-003 and 106-09-004, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

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

Nays: None.
Absent: None.

Resolution No. 256-97.

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. 131-34-036 located at 3644 East 55 Street in Ward 12; 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, Broadway Area Housing Coalition, 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 12 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Broadway Area Housing Coalition for the sale and development of Permanent Parcel No. 131-34-036 located at 3644 East 55 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, Acting

Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 257-97.

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. 008-06-072 located at 1721 Clark Avenue 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, Antonio Ortiz, 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 purchaser of said parcel is neither tax delinquent nor in violation of the Building and Housing Codes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Antonio Ortiz for the sale and development of Permanent Parcel No. 008-06-072 located at 1721 Clark 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, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Directors Warren and Lynch.

Nays: None.
Absent: None.

Resolution No. 258-97.

By Director Konicek.

Whereas, pursuant to the authority of Ordinance No. 1071-93, passed by the Council of the City of Cleveland on June 7, 1993, and Resolution No. 30-94, adopted by the Board of Control on January 19, 1994, the City, through its Director of Public Utilities, entered into an agreement with Morse Diesel International ("Consultant") Contract No. 47152, for program management, construction management and other professional services for the Cleveland Public Power System Expansion Program; now, therefore,

Be it resolved by the Board of

Control of the City of Cleveland that the Director of Public Utilities is hereby authorized to enter into a modification to Contract No. 47152 with Morse Diesel International for the additional program and construction management services required by Cleveland Public Power System Expansion Program on the basis of the Consultant's, March 31, 1997 letter. The compensation for such additional services shall not exceed a total of \$2,800,000.00, thereby increasing the total compensation payable under Contract No. 47152 to \$14,341,159.00. The Modification authorized hereby shall be prepared by the Director of Law and shall include such additional provisions as said Director deems necessary to benefit and protect the public interest.

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

Nays: None.
Absent: None.

Resolution No. 259-97.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 4, 1997, for Mass Excavation and Piling for the Division of Convention Center, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 304-96, passed by the Council of the City of Cleveland on March 8, 1997, be and the same are hereby rejected.

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

Nays: None.
Absent: None.

Resolution No. 260-97.

By Director Spellman.

Whereas, Ordinance No. 2193-97 passed on January 13, 1997 by the Council of the City of Cleveland authorized and directed the Director of Parks, Recreation and Properties to enter into contracts competitively bid for insurance necessary for the construction of the new stadium facility, and directed that the selection of the successful bidder(s) for the contract or contracts of insurance would be made by the Council and would require further legislative action; and

Whereas, pursuant to the authority of said Ordinance No. 2193-97 the City received on March 12, 1997 the bid of Johnson & Higgins of Ohio, Inc., including an Alternate II-B.1 for such insurance for a gross price for the insurance in the aggregate amount of Nine Hundred Eighty-Four Thousand Four Hundred Forty-Four and No/100 Dollars (\$984,444.00); and

Whereas, Council passed Ordinance No. 443-97 on March 24, 1997 authorizing the Director of Parks, Recreation and Properties to enter into contract with Johnson & Higgins of Ohio, Inc., as the lowest and best bidder, to provide such insurance; and

Whereas, said bid of John & Higgins provided for subcontracting to a co-broker, Pinkney-Perry Insurance Agency, Inc.; and

Now therefore, be it resolved, by the Board of Control of the City of Cleveland that the employment of

the following subcontractor by Johnson & Higgins of Ohio, Inc. is hereby approved:

Pinkney-Perry Insurance Agency, Inc.
MBE—\$416,666

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

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 28, 1997

9:30 A.M.

Calendar No. 97-54: 1956 E. 75 St. M&R Management Co., a partnership, owner, c/o Ronald Fuqua, partner, to convert to an adult care center with 13 residents (7 rooming occupancies) and a resident manager the 35' x 45' 3 story frame one family dwelling house on a 50' x 187' (avg.) irregular shaped lot located in a Multi-Family District at 1956 E. 75 St.; the north sideyard being 3' wide instead of 8' as required by Section 357.09 of the Codified Ordinances.

Calendar No. 97-62: 7204 Cedar Ave., S.E.

Pernel Jones Funeral Home Inc., owner, c/o Pernel Jones Sr., to erect a 125' x 56' one story masonry and frame funeral home building and construct additional parking areas on a 306' x 242' irregular shaped corner lot located in a General Retail District and Multi Family District on the southeast corner of E. 71 St.

and Cedar Ave. and extending through to E. 73 St. at 7204 Cedar Ave.; said use in the residence district portion of the property being in excess of the residence use limitations of Section 337.08 but subject to the offstreet parking provisions of Section 349.13 (c) of the Codified Ordinances.

Calendar No. 97-64 4114 John Ave., N.W.

LDJ Foods Inc. dba Marshall McCarron Tavern, c/o L. Ernberger, appeals, under authority of Section 76-6 of the Charter of the City of Cleveland, from the refusal to issue a Pool Room License for the premises at 4114 John Ave. by John A. Hunt, Commissioner of Assessments and Licenses, upon recommendation of William Denihan, Director, Department of Public Safety.

Calendar No. 97-65: 4114 John Ave., N.W.

L. Ernberger dba Marshall McCarron Tavern appeals, under authority of Section 76-6 of the Charter of the City of Cleveland, from the refusal to issue a Coin Operated Amusement Device license for the premises at 4114 John Ave. by John A. Hunt, Commissioner, Division of Assessments and licenses, upon recommendation of William Denihan, Director, Department of Public Safety.

Calendar No. 97-66: 1848 W. 52 St.

Bridge Housing Corp. c/o Randall Shorr, owner, to consolidate sublots #346 and #347 and subdivide said parcel into three 36' x 132' lots and to construct a 21' x 34' two story frame one family dwelling and a 12' x 20' one story frame detached private garage on the northerly proposed lot located in a Two Family District at 1848 W. 52 St.; said lot not being 40' in width nor 4800 square feet in area as required by Section 355.04 and the private garage to be located 7' from the dwelling house to the north instead of 10' therefrom as required by Section 337.23 of the Codified Ordinances.

Calendar No. 97-67: 1850 W. 52 St.

Bridge Housing Corp. c/o Randall Shorr, owner, to consolidate sublots #346 and #347 and subdivide said parcel into three 36' x 132' lots and to construct a 21' x 34' two story frame one family dwelling and a 12' x 20' one story frame private garage on the middle proposed lot located in a Two Family District at 1850 W. 52 St.; said lot not being 40' in width nor 4800 square feet in area as required by Section 355.04 of the Codified Ordinances.

Calendar No. 97-68: 1854 West 52 Street

Bridge Housing Corp. c/o Randall Shorr, owner, to consolidate sublots #346 and #347 and subdivide said parcel into three 36' x 132' lots and to construct a 21' x 34' two story frame one family dwelling and a 14' x 20' one story frame private garage on the southerly proposed lot located in a Two Family District at 1854 W. 52 St.; said lot not being 40' in width as required by Section 355.04 and the irregular shaped front porch of said dwelling to be located 3.33' from the alley line to the south instead of 5' therefrom as required by Section 357.05 and contrary to the setback and yard encroachment provisions of Sections 357.06 and 357.13 of the Codified Ordinances.

Calendar No. 97-69: 4001 Trent Ave., S.W.

Bishop Anthony Pilla, owner, c/o St. Procop Church, Father Mark Payton, Pastor, and Angelia Smith, tenant, to convert to a group home for 20 mentally impaired residents the 105' x 57' two story masonry convent building on the east part of a 315' x 270' corner parcel located in a Two Family District and a Multi-Family District on the southeast corner of W. 41 St. and Trent Ave. and extending through to include the northeast corner of W. 41 St. and Newark Ave. and occupied by the church and school complex at 4001 Trent Ave.; said use as a group home being in excess of the two family use limitations of Section 337.03 and the east sideyard of the building being less than 8' in width as required by Section 357.09 and a portion of the accessory parking to be located within the setback area along Newark Ave. contrary to the limitations of Section 357.14 and said parking area not in conformance with the screening requirements of Section 349.08 and said premises not conforming to the landscape provisions of Section 352.10 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 14, 1997

At the Meeting of the Board of Zoning Appeals, on, Monday, April 7, 1997, the following appeals were heard by the Board, and decided on Monday, April 14, 1997.

The following appeals were **Refused:**

Calendar No. 97-34: 15040 Lorain Avenue.

Gary Myles et al, owners, and Ray Banyas, tenant, to use for a machine shop.

Calendar No. 97-43: 5507 Clark Avenue, S.W.

Joseph Hasrouni, appealed, under authority of Sections 329.01(e) and 329.02(d), from the refusal to approve a lot split.

The following appeals were **Withdrawn:**

Calendar No. 97-48: 3384 West 90th Street.

Calendar No. 97-52: 5712 Harvard Avenue, S.E.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Civil Service Commission**

Room 514, City Hall
Cleveland, Ohio
On Monday, April 21, 1997
1:00 p.m.

Notice is hereby given to all interested parties that the Civil Service Commission will hold a public hearing in Room 514, City Hall, Cleveland, Ohio, on Monday, April 21, 1997, at 1:00 p.m., to consider a modification of Civil Service Rule 4.30:

4.30-F Psychological and/or Psychiatric Examination.

Where included, the psychological and/or psychiatric examination shall be administered by the psychologist and/or psychiatrist examiner designated by the Commission, only to those applicants receiving passing grades on the composite of the other required parts of the examination. Applicants found unsuitable by the psychologist or psychiatrist examiner may, within (10) working days following the placement of notification of such finding in the United States Mail, request a hearing before the Commission which makes the final determination.

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

Freddie J. Fenderson,
President
Civil Service Commission

March 19 and March 26 and April 2
and April 9 and April 16, 1997

CITY OF CLEVELAND BIDS**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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."

THURSDAY, MAY 1, 1997

Interior Renovation at the Third District Police Station Building (17-90 D), for the Department of Public Safety, as authorized by Ordinance Nos. 1278-92 and 2053-91, passed by the Council of the City of Cleveland, July 22, 1992 and February 24, 1992, respectively.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON MONDAY, APRIL 14, 1997, 9:00 A.M. AT THE THIRD DISTRICT POLICE STATION BUILDING, 2001 PAYNE AVENUE, SECOND FLOOR OLD COURTROOM.

New Furniture for the Third District Police Station, for the Department of Public Safety, as authorized by Ordinance Nos. 1278-92 and 2053-91, passed by the Council of the City of Cleveland, July 22, 1992 and February 24, 1992, respectively.

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, APRIL 15, 1997, 9:00 A.M. IN THE DIVISION OF ARCHITECTURE ROOM 517, 601 LAKESIDE AVENUE.

April 2, April 9, April 16 and April 23,
1997

THURSDAY, APRIL 24, 1997

Dorchester Drive Storm Outlet, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2172-94 passed by the Council of the City of Cleveland, February 6, 1995.

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.

New Cleveland Browns NFL Stadium Mass Excavation and Pilings, for

the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2193-96, passed by the Council of the City of Cleveland, January 13, 1997.

BID DOCUMENTS ARE AVAILABLE AT NO COST TO THOSE WHO PURCHASED THE PRIOR PACKAGE AND FOR ONE HUNDRED FIFTY DOLLARS (\$150.00) (NON-REFUNDABLE) FOR THOSE NOW INTERESTED IN BIDDING. ONLY CERTIFIED OR CASHIER'S CHECKS WILL BE ACCEPTED. A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 17, 1997, 10:00 A.M., IN ROOM 514 OF CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO.

April 9 and April 16, 1997

FRIDAY, APRIL 25, 1997

E Z Pack Packer Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 2030-96, passed by the Council of the City of Cleveland, December 16, 1996.

Building Materials - Used Paving Bricks, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2205-96 passed by the Council of the City of Cleveland, January 13, 1997.

April 9 and April 16, 1997

WEDNESDAY, APRIL 30, 1997

Fleet Washing, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 258-96 passed by the Council of the City of Cleveland, June 18, 1996.

Particle Counting System, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 921-94 passed by the Council of the City of Cleveland, June 6, 1994.

Potassium Permanganate, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of the City of Cleveland.

April 9 and April 16, 1997

FRIDAY, MAY 2, 1997

Two (2) Cab and Chassis With Heavy Duty Bodies and Two (2) Cab and Chassis with Medium Duty Dump Bodies, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96, and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

Twenty Seven (27) Tag-Along Air Compressors, Four (4) Tractor/Backhoes and Three (3) Backhoe/Industrial Trailers, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance

nance No. 19-97, passed by the Council of the City of Cleveland, February 10, 1997.

April 9 and April 16, 1997

WEDNESDAY, MAY 14, 1997

Elevator ADA Modifications, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 609-95 passed by the Council of the City of Cleveland, June 5, 1995.

A PRE-BID MEETING WILL BE HELD ON TUESDAY, APRIL 29, 1997, 1:30 P.M. IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135.

April 9 and April 16, 1997

FRIDAY, MAY 2, 1997

Electrical Work, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 260-97, passed by the Council of the City of Cleveland, March 24, 1997.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 24, 1997, 10:00 A.M. AT ESTABROOK RECREATION CENTER, 4125 FULTON ROAD.

Rebuilt Transmissions, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1968-96, passed by the Council of the City of Cleveland, December 16, 1996.

April 16 and April 23, 1997

WEDNESDAY, MAY 7, 1997

Lamps, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2206-96 passed by the Council of the City of Cleveland, January 13, 1997.

Maintenance, Repair and Testing of Elevators, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1934-96 passed by the Council of the City of Cleveland, December 2, 1996.

Maintain and Replace Interior Plants and Landscape Exterior Sites (Phase II-Landscape Exterior Site), for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 627-96 passed by the Council of the City of Cleveland, June 10, 1996.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, APRIL 24, 1997, 2:30 P.M. IN THE BAGGAGE CLAIM CONFERENCE ROOM TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193.

Paper and Cloth Wipers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2207-96 passed by the Council of the

City of Cleveland, January 13, 1997.

April 16 and April 23, 1997

WEDNESDAY, MAY 14, 1997

Southeast Services 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, 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, APRIL 30, 1997, 10:00 A.M. IN AUDITORIUM A OF THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE.

April 16 and April 23, 1997

THURSDAY, MAY 15, 1997

Phase 2 Residential Sound Insulation Program (RSIP) '97 Group "G", for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, passed by the Council of the City of Cleveland, June 19, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, MAY 1, 1996, 10:00 A.M. IN THE TOWER CONFERENCE ROOM, 2ND FLOOR ADMINISTRATION, IN CLEVELAND HOPKINS INTERNATIONAL AIRPORT, PASSENGER TERMINAL BUILDING.

April 16 and April 23, 1997

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 527-97.
By Councilmen Polensek and Coats.

An emergency resolution requesting United States Senators Glenn and DeWine and Congressman Stokes to investigate the Nuclear Regulatory Commission's actions with respect to Advanced Medical Systems license request in connection with its London Road facility.

Whereas, it has come to the attention of the City of Cleveland ("Cleveland") that Advanced Medical Systems Inc. ("AMS") has applied to the Nuclear Regulatory Commission ("NRC") to amend its license to allow the "free" release of ground/surface water that collects

in the foundation drainage system of AMS's London Road facility in the City of Cleveland; and

Whereas, based on information Cleveland has received and over Cleveland's strong objections, Cleveland believes that the NRC is most likely to grant AMS's request to amend its license, which will permit the "free" release of ground/surface water into the combined storm/sanitary sewer without requiring testing be performed prior to any discharge; and

Whereas, Cleveland desires that testing be required to be performed prior to discharge into the combined storm/sanitary sewer to confirm that levels of Cobalt 60 do not exceed the levels set forth in the Settlement Order issued in the federal court case recently settled by the Northeast Ohio Regional Sewer District and AMS; and

Whereas, it is the desire of this Council to request United States Senators Glenn and DeWine and Congressman Stokes require a federal investigation into the NRC's conduct with respect to AMS's license request (USNRC License No. 34-19089-01) to insure to the citizens of Cleveland that all steps are being taken to prevent a health or safety risk to the community or to the environment;

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

Section 1. That this Council request United States Senators John Glenn and Mike DeWine and Congressman Stokes take all necessary steps to require the appropriate federal agency or agencies undertake a federal investigation into the Nuclear Regulatory Commission's conduct and proceedings with respect to Advanced Medical System's request to amend its license to permit the "free" release of ground/surface water that collects in the foundation drainage system of AMS's London Road facility located in the City of Cleveland.

Section 2. That the Clerk of Council transmit copies of this resolution, along with a copy of Cleveland's correspondence to Roy J. Caniano, Deputy Director U. S. Regulatory Commission Region III, dated April 4, 1997, to United States Senators John Glenn and Mike DeWine, Congressman Louis Stokes and Deputy Director Caniano.

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 April 7, 1997.
Effective April 14, 1997.

Res. No. 528-97.
By Councilman Dolan.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 4341 Rocky River Dr.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 4465758, Debra S. Kemp, dba Poppas Beverage, Cleveland, Ohio 44135; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor

outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 4465758, Debra S. Kemp, dba Poppas Beverage, Cleveland, Ohio 44135, 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 April 7, 1997.

Effective April 14, 1997.

Res. No. 529-97.

By Councilman Moran.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 4904 Pearl Rd., and repealing Res. No. 1521-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a Liquor Permit to 4904 Pearl Rd., by Res. No. 1521-96, adopted August 14, 1996; and

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

Whereas, this resolution constitutes an emergency measure provid-

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

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

Section 1. That objection to the renewal Liquor Permit to 4904 Pearl Rd., be and the same is hereby withdrawn and Res. No. 1521-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 7, 1997.

Effective April 14, 1997.

Res. No. 530-97.

By Councilman Moran.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4744 Broadview Rd., and repealing Res. No. 132-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4744 Broadview Rd., by Res. No. 132-97, adopted January 27, 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 C1 and C2 Liquor Permit to 4744 Broadview Rd., be and the same is hereby withdrawn and Res. No. 132-97, 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 April 7, 1997.

Effective April 14, 1997.

Res. No. 531-97.

By Councilman Moran.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 6801 Denison, first floor, and repealing Res. No. 133-97, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 6801 Denison, first floor, by Res. No. 133-97, adopted January 27, 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 consti-

tutes 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 and D3 Liquor Permit to 6801 Denison, first floor, be and the same is hereby withdrawn and Res. No. 133-97, 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 April 7, 1997.

Effective April 14, 1997.

Res. No. 532-97.

By Councilman Paulenske.

An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit to 5400-04 Broadway, 1st Fl. and Bsmt., and repealing Res. No. 2231-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 5400-04 Broadway, 1st Fl. and Bsmt., by Res. No. 2231-96, adopted December 16, 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 D5 Liquor Permit to 5400-04 Broadway, 1st Fl. and Bsmt., be and the same is hereby withdrawn and Res. No. 2231-96, 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 April 7, 1997.

Effective April 14, 1997.

Res. No. 533-97.

By Councilman Robinson.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3608 E. 131st St.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a C1 Liquor Permit to Permit No. 2279537, Double Z Inc., dba Double Z, 3608 E. 131st St., Cleveland, Ohio 44120; and

Whereas, the granting of this application for a liquor permit to

this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 2279537, Double Z Inc., dba Double Z, 3608 E. 131st St., Cleveland, Ohio 44120, 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 April 7, 1997.

Effective April 14, 1997.

Res. No. 534-97.

By Councilman Westbrook.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 9410 Denison Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0673006, Donna Betts, dba Dairy Mart 5 5833, 9410 Denison Avenue, Cleveland, Ohio 44102, to Permit No.

7691071, Salmi Inc., dba Dairy Mart 5833, 9410 Denison Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 0673006, Donna Betts, dba Dairy Mart 5 5833, 9410 Denison Avenue, Cleveland, Ohio 44102, to Permit No. 7691071, Salmi Inc., dba Dairy Mart 5833, 9410 Denison Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 7, 1997.

Effective April 14, 1997.

Ord. No. 2215-96.

By Councilman Rybka (by departmental request).

An emergency ordinance to enact Sections 325.121 and 347.15 of the Codified Ordinances of Cleveland, Ohio, 1976, and to amend Sections

337.10, 343.01, 343.11, 345.01, 345.02 and 345.03, as enacted by various ordinances, all relating to correctional halfway houses.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Sections 325.121 and 347.15 thereof to read, respectively, as follows:

Section 325.121 Correctional Halfway House

"Correctional halfway house" means a premises which provides room and board and correctional oversight, pursuant to a contract to provide those services for the Federal Bureau of Prisons or the Ohio Department of Rehabilitation and Corrections or the Cuyahoga County Court of Common Pleas Department of Probation or any other governmental entity with jurisdiction to provide correctional services, to adults who have been assigned to such facility by either a governmental authority or a court of law. Such premises may be one building or a grouping of buildings located on contiguous properties.

Section 347.15 Correctional Halfway Houses

Correctional halfway houses, as defined in Section 325.121, shall be permitted only in accordance with the following regulations and other applicable regulations of the Codified Ordinances of the City of Cleveland.

(a) **Purpose.** The regulations of this section are intended to provide suitable locations for residential institutions which assist in enabling individuals to live independently, productively and lawfully as members of the larger community, following a period of incarceration or following a conviction for criminal activity. These regulations are also intended to ensure that such institutions are operated in a manner which serves the best interests of their residents, while protecting the safety of residents living in nearby neighborhoods.

(b) **Certificate of Occupancy.** No correctional halfway house shall be established or expanded before issuance by the Commissioner of Building and Housing of a Certificate of Occupancy. The Commissioner shall issue such Certificate only after approval by the Board of Zoning Appeals, as required in division (c) of this section.

(c) **Board of Zoning Appeals Approval.** No Certificate of Occupancy for establishment or expansion of a correctional halfway house shall be issued without approval of such application by the Board of Zoning Appeals, after public notice and a public hearing. In order to ensure compatibility between a proposed correctional halfway house, or expansion thereof, and surrounding properties, the Board may require modifications to a proposal as a condition of its approval. The Board shall determine the suitability of a proposed correctional halfway house, or expansion thereof, at a particular location, through consideration of, among others, the following factors.

(1) conformance of the proposal to

the requirements of this section and to other applicable regulations of the City's Codified Ordinances;

(2) the record of the proposed operator in managing similar facilities; and

(3) the size of the proposed facility as it affects potential over-concentration of a correctional system population in the immediate vicinity.

(d) Permitted Locations. Correctional halfway houses shall be allowed in General Retail Business, Residence-Industry and Semi-Industry zoning districts, in accordance with all applicable regulations.

(1) Separation Standards. No correctional halfway house shall be established on a lot or lots within five hundred (500) feet of a Residential zoning district nor within five hundred (500) feet of the lot or lots occupied by a playground, public park, public recreation center, church or similar place of worship, public library, pre-school, day-care center, kindergarten, special education center, or primary or secondary school, measured in accordance with the standards of division (d)(3) of this section. Specifically, however, along the rear lot line of a property to be occupied by a correctional halfway house, this separation standard may be waived by the Board of Zoning Appeals, if, in the determination of the Board, adequate fencing, buffer areas and/or other barriers are in place or will be put in place to screen and separate the adjoining properties, and to prevent access between the properties.

(2) Spacing Standard. No correctional halfway house shall be established on a lot or lots within two thousand (2,000) feet of a lot or lots occupied by another such facility measured in accordance with the standards of division (d)(3) of this section. Furthermore, not more than two (2) correctional halfway houses shall be located in any Police District.

(3) Measurement Standard. In all instances where this section requires separation or spacing by a specified distance, such distance shall be measured in a geometrical straight line which represents the shortest distance between the lot or lots accommodating the proposed correctional halfway house and the lot or lots or zoning district from which the correctional halfway house is to be separated. Such measurement shall be made using a scaled map, or a survey if deemed necessary, and shall be made without regard to intervening structures, objects, uses, the street grid, landforms, waterways, or any other topographic feature.

(e) Licensing and Supervision. All correctional halfway houses operating in the City of Cleveland shall have all required licenses, including any required for operation of a correctional halfway house. On-site supervision by qualified staff shall be provided for all hours during which residents are on the premises. Security measures shall be sufficient to protect the safety of residents and other citizens in the vicinity of the facility. No correctional halfway house may operate with a total resident population of less than twenty (20) persons, which twenty persons may include individuals not subject to correctional oversight.

(f) Floor Area and Occupancy Standards. A minimum of two hundred (200) square feet of habitable

floor area shall be provided, on average, for each resident of a correctional halfway house, including staff members normally on the premises after 11:00 p.m. A maximum of one hundred (100) residents subject to correctional oversight shall be accommodated at any correctional halfway house.

(g) Parking. A minimum of one off-street parking space shall be provided for every three residents of a correctional halfway house, plus one space for each staff person on duty during the largest shift. Such spaces shall be provided either on or directly adjacent to the property occupied by the facility.

(h) Excluded Residents. Correctional halfway houses shall not admit or accommodate residents who, at the time of their admission or at any time during their stay, exhibit a pattern of violent behavior, nor shall correctional halfway houses admit or accommodate residents who have been convicted of any of the following crimes: murder, rape or felony crimes against children.

(i) Revocation of Certificate. The Commissioner of Building and Housing shall revoke the Certificate of Occupancy issued to a correctional halfway house if it is determined that the facility is no longer licensed as required in this section or if compliance with City regulations or with requirements of the Board of Zoning Appeals is not maintained.

(j) Notification. Upon receipt of an application for a Building Permit or Certificate of Occupancy for a correctional halfway house, the Division of Building and Housing shall send a copy to the Councilmember in whose ward the proposed facility would be located and shall submit a notification of the receipt of the application, including the proposed address, to the Council Clerk for publication in the City Record.

(1) Annual Registration. Prior to issuance of a Certificate of Occupancy for a correctional halfway house, the operator shall submit supervisor and operator information to the Division of Building and Housing. This information shall include the names and phone numbers of all on-site supervisors; the name, address and telephone number of the operator; if the operator is a partnership or a corporation, the names, addresses and telephone numbers of all general partners or officers; if any of the general partners and partnerships or corporations, the names, addresses and telephone numbers of all officers; and the name and address of the statutory agent, if any. The address for corporations and partnerships shall be the principal place of business and the address for natural persons shall be the home address. This information shall be amended upon a change to it, and shall be submitted annually to the Division of Building and Housing by the first day of February.

(2) The address of the proposed site.

(3) The name of the government agency providing or expected to provide a license to the operator; the term of such license; and the expiration date thereof.

(4) The proposed design capacity of the facility in terms of the number of residents and staff on the largest shift.

(5) Written policies of the operator governing admission to residence in the facility, and rules for residents, including rules for the storing and taking of medicine.

(6) A written affidavit from the operator that all residents will have been determined to be capable of functioning adequately in a community setting and will not constitute a reasonably foreseeable danger to the community.

(7) Client groups to be served by type, age range, level of functioning or rehabilitation, nature of past institutionalization or incarceration, present status in treatment and in the correctional system (e.g., with respect to furlough, parole or probation status).

(8) Description of supervision and security arrangements, and a description of arrangements for maintenance of the facility and the grounds.

(9) Description of services to be provided to residents in on-site and off-site locations.

(10) Addresses of all similar facilities currently or previously operated by the proposed operator and the licensing agency.

(11) Plans and statements of all exterior and interior building alterations proposed to accommodate the facility.

(12) Number, size, location and surfacing of all off-street parking spaces, and a statement of the operator's policy on keeping of cars by residents.

(13) Any other information deemed necessary by the Commissioner of Building and Housing to determine compliance with the provisions of this section and other applicable provisions of these Codified Ordinances.

(k) Special Exception. In the case of an application to establish or expand a correctional halfway house in a manner which does not meet the requirements of this code, the Board of Zoning Appeals may approve such application if it determines that the proposed facility, by virtue of existing conditions or safeguards specifically required by the Board, will have no significant adverse impacts on the surrounding area and will meet the needs of the facility's residents.

Section 2. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 337.10, as amended by Ordinance No. 1871-73, passed September 24, 1973,

Section 343.01, as amended by Ordinance No. 2329-89, passed February 4, 1991,

Section 343.11, as amended by Ordinance No. 1205-94, passed June 13, 1994,

Sections 345.01 and 345.02, as amended by Ordinance No. 584-51, passed May 7, 1951,

Section 345.03, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are hereby amended, to read, respectively, as follows:

Section 337.10 Permitted Buildings and Uses in Residence-Office Districts

In a Residence-Office District the following buildings and uses are permitted, provided that no sales,

display or warehousing of merchandise shall be permitted on the premises:

- (a) Apartment houses.
- (b) Apartment hotels.
- (c) The following, if located at lease fifteen feet from the lot lines where the adjoining premises are not used for similar purposes:
 - (1) Administrative and professional office buildings.
 - (2) Hospitals, sanitariums, nursing, rest or convalescent homes, homes for the aged and clinics provided that none of these uses are operated primarily for abortions, the care of contagious diseases, the insane or feeble-minded, epileptics, drug or liquor patients.
 - (3) Junior or senior high schools, colleges and universities that are nonprofit.
 - (4) Dormitories, fraternity or sorority houses when related to an existing nonprofit public or private school, college or university located within the same Residence-Office District.
 - (5) Police and fire stations and other administrative governmental buildings.
 - (6) Nonprofit libraries and museums.
 - (7) Kindergartens, day nurseries, children's boarding homes, orphanages and other child care centers.
 - (8) Public utility buildings, provided that no storage yard or building shall be operated in connection therewith.
 - (9) Research laboratories not involving the manufacture, fabrication, processing or sale of products on or off the premises, provided that such does not create or emit offensive or noxious odors, fumes, dust, smoke, gas, noise or other similar air pollutants.
 - (10) An accessory ethical pharmacy used in connection with and for the exclusive use of the patients in a medical office building or any other permitted use devoted to medical care, provided that there shall be no display or advertising sign visible from the exterior of the building, and further that access to such pharmacy shall be had from within the main building only.
 - (11) Nonprofit lodges.
 - (12) Charitable institutions not for correctional purposes.
- (d) Accessory uses as permitted and as regulated by divisions (a) (8), (a)(9) and (11) of Section 337.23.

Section 343.01 Local Retail Business District

- (a) "Local Retail District" means a business district adjacent to or surrounded on at least three sides by Residence Districts in which such uses are permitted as are normally required for the daily local retail business needs of the residents of the locality only.
- (b) Permitted Buildings and Uses.
The following buildings and uses are permitted in a Local Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses, and there shall be no display of goods in front of a setback building line.
 - (1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in the least restricted Residence District adjacent to any part of such Local Retail Business District.
 - (2) Retail business for local or

neighborhood needs to the following limited extent:

- A. The sale of baked goods, confectionery, dairy products, delicatessen, fruits, vegetables, groceries, meats.
- B. The sale of dry goods and variety merchandise, excluding department stores.
- C. The sale of men's and boys' furnishings, shoes, hats, women's ready-to-wear, furs, millinery, apparel, accessories.
- D. The sale of china, floor covering, hardware, household appliances, radios, paint, wallpaper, materials and objects for interior decorating.
- E. The sale of books, magazines and newspapers, including adult book stores subject to Section 347.07, cigars, drugs, flowers, gifts, music, photographic goods, sporting goods, stationery.
- F. Eating places, lunch rooms, restaurants, cafeterias and places for the sale and consumption of soft drinks, juices, ice cream and beverages, but excluding buildings which provide entertainment or dancing and buildings in which beer and intoxicating liquor are sold for consumption on the premises, provided such building for the sale of beer or intoxicating liquor is within 500 feet of the boundary of a parcel of real estate having situated thereon a school, church, library, nonprofit recreational or community center building or public playground.
- G. Service establishments: barber or beauty shops, custom tailors, laundry agencies, self-service laundries, hand laundries, shoe repair, ice stations and dry cleaning, pressing or tailoring shops in which not more than five persons are engaged in such work or business at any one time, and in which only nonexplosive and nonflammable solvents are used and no work is done on the premises for retail outlets elsewhere and pet shops, provided noise and odors are effectively confined to the premises. As used in this division (b)(2)G., "pet shops" does not include businesses which board dogs or cats overnight or any pet hospital.
- (3) Business offices: real estate, insurance and other similar offices, and the offices of the architectural, clerical, engineering, legal, dental, medical or other established recognized professional, but excluding morticians, undertakers and funeral directors, in which only such personnel are employed as are customarily required for the practice of such business or profession and not exceeding a total of five persons at any one time.
- (4) Automotive services: public garages, provided they conform to the applicable provisions of Sections 343.19 to 343.21 and Chapter 349; and parking lots which conform to the provisions of division (c) of Section 349.13, except that permission from the Board of Zoning Appeals shall not be required.
- (5) Charitable institutions not for correctional purposes.
- (6) Signs: permitted in accordance with the requirements of Chapter 350.
- (7) Other main uses: any other neighborhood store, shop or service similar to the uses listed in this division in type of goods or services sold, in business hours, in the number of persons or cars to be attracted to the premises and in effect

upon the adjoining Residence Districts.

- (8) Accessory uses, only to the extent necessary normally accessory to the limited types of neighborhood service use permitted under this division.

Section 343.11 General Retail Business Districts

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

(b) Permitted Buildings and Uses.

The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses:

- (1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District.
- (2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:
 - A. The sale of food and beverages of all kinds, including sale for consumption on the premises;
 - B. The sale of general merchandise, including sale in department stores;
 - C. The sale of apparel of all kinds;
 - D. The sale of furniture and household goods, including furniture and accessory furniture storage;
 - E. The sale of other goods or merchandise;
 - F. Eating places of all types;
 - G. Service establishments: service establishment permitted in a Local Retail Business District without limitation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises.
 - H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools.

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Service garage.
2. Automobile laundry, provided the premises are located not less than 100 feet from a Residence District.

3. Parking lot.
4. Lot for the sale of new and secondhand motor vehicles or trailers except those of more than two tons net weight provided that all vehicles advertising matter, and all structures, movable or fixed, are kept back of a structurally-sound barrier at least one and one-half feet high located as follows:

a. Where the building line is back of the street line, the barrier shall be located on or back of the setback building line.

b. Where the distance from the street line to the front line's of the nearest buildings at the sides of the premises and within 100 feet of the premises is less than that required by division (I)(4)A.L.A. of this section, the barrier may be erected to a line joining the near front corners of such buildings, or at the average distance of such buildings from the street line.

5. Service station which meets all the requirements and provisions of Section 343.13.

J. House trailer or travel trailer park, as defined in Section 3733.01 of the Revised Code, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval.

K. Signs: signs permitted in accordance with the requirements of Chapter 350.

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises.

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal, provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four feet wide between curbs.

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises.

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display.

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within

the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than 100 square feet of floor area and shall be located at least ten feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one opening not greater than four square feet in size, located not less than four feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for killing, flicking and dressing and shall be not less than twenty-five feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

4. Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less than 300 feet from any Residence District, church, school, playground, library or building of Institutional H Occupancy classification.

P. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts.

Q. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use.

(3) Hotels.

(4) Motels.

(5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.

Section 345.01 Residence-Industry District Defined and Established

(a) As used in this Zoning Code,

"Residence-Industry District" means an industrial area controlled with respect to character of occupancy, manufacturing processes, provision for off-street parking and off-street loading, location of driveways, setbacks from residential boundary lines and from residential streets and treatment of such setback open spaces, so as to protect the character of any adjoining or adjacent residential area.

(b) The Residence-Industry District is hereby created in order to permit lands suitable for industrial use and in locations where such use is consistent with the general plan for the City adopted by the City Planning Commission, including locations which are adjoining or adjacent to a Residence District, to be used for industrial purposes under conditions that will not be detrimental to such Residence District.

Section 345.02 Permitted Buildings and Uses in Residence-Industry District

Within any Residence-Industry District no building or premises shall be erected, altered, used, arranged or designated to be used, in whole or in part for other than one or more of the following specified uses, provided that:

(a) All resulting cinders, dust, flashing, fumes, gases, noises, odors, refuse matter, smoke, vapors and vibrations are effectively confined to the premises;

(b) All materials are stored inside buildings;

(c) Setback building lines to the same extent as required in this Zoning Code for Residence Districts are observed on any street on which the Residence-Industry District adjoins a Residence District, and suitable planting is maintained in the setback area. Side yards and rear yards not less than twenty-five feet are provided at lot lines which are also boundary lines of Residence Districts or of lots used for residences in a Local Retail Business District or Shopping Center district. A chain link fence not less than six feet high is constructed on lot lines which are also boundary lines of Residence districts or of lots used for residences in a Local Retail Business District or Shopping Center District;

(d) There are adequate off-street loading and unloading facilities so designed that any standing vehicle using them is within the property lines and is either not visible from streets or not nearer than fifty feet to streets;

(e) There is adequate off-street car parking for the employees, owners and others coming to the premises on matters incidental to the uses thereof, and adequate off-street parking of trucks in space so located as not to be visible from the streets or not nearer than fifty feet to streets;

(f) Entrance and exit to any building or premises are from a street designated as a major thoroughfare on the general plan adopted by the City Planning Commission or, if the premises in question does not abut such street, then from any street approved by the Board of Zoning Appeals if it finds the probable volume and type of traffic to such premises will not change materially the existing character of such streets nor be detrimental to the adjoining or adjacent residential area;

(g) In the case of nonresidential use, trucking operations are not conducted evenings, nights, Sundays nor on holidays generally observed by business and single-shift industry:

(1) Any use permitted in a Multi-Family District.

(2) Office buildings, loft buildings, telephone exchanges, transformer stations, research laboratories.

(3) Retail tin shops and furnace shops, retail plumbing shops and plumbing supply shops, signs, display or decorating shops, printing shops.

(4) The following uses if located not less than 100 feet from a Residence district; repair garage for repair or painting of motor vehicles, creamery, milk bottling or milk distributing stations.

(5) Operation of any internal combustion engines in connection with any use permitted in the District, provided such engines are equipped and operated only with an effective muffling device.

(6) Carpet cleaning, dry cleaning or dyeing, laundries, cold storage plants, bottling works, ice plants, ice cream plants, cigar factories.

(7) Wholesale, jobbing, distributing or warehouse establishments for such materials as cotton, wool, clothing, fabrics, furniture, hardware, ice, leather, metals other than scrap or junk metals, rubber, shop and store supplies, including the making, assembling, remodeling, repairing, altering, finishing or refinishing of these products or merchandise, provided the processes used comply with the limitations specified in this section.

(8) Machine shops in which only lathes, drill presses, hydraulic presses, shavers, milling machines, planers, grinders and similar tools are used, and no hammering, rolling, spinning, heat treating by other than induction processes or riveting is done and no forges, metal saws other than automatic hack saws, heavy shears, multiple spindle automatic screw machines or other noise or vibration-producing tools or machines are operated.

(9) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.

(10) Hospitals, sanitariums, nursing, rest or convalescent homes.

(11) Any other building or use similar in character and operation and in effect on conforming uses in adjoining more restricted use districts as the buildings or uses here-in permitted.

Section 345.03 Semi-Industry Districts

(a) Definition. As used in this Zoning Code, "Semi-Industry District" means an area usually adjacent to a Retail Business District or more restricted use district, in which storage, wholesaling, passenger or motor-freight transportation terminals, light manufacturing and other semi-industrial operations of such nature as not to be detrimental to an adjacent Retail Business District or more restricted use district, are permitted.

(b) Retail Business Uses, Conditions. Within any Semi-Industry District no building or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one or more of the following specified uses; provided that all resulting cinders, dust, flashing, fumes, gases,

odors, refuse matter, smoke and vapor either are effectively confined to the premises or are disposed of in a manner which will not create a nuisance or hazard to safety or health, and provided further that noise and vibration are effectively prevented from being audible or perceptible at a distance of fifty feet from such premises:

Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in a General Retail Business District. However, after the effective date of this Zoning Code no dwelling house, row house or multiple dwelling, and no building or Institutional H Occupancy Classification, shall be located within 200 feet of the boundary line of an adjoining General or Unrestricted Industry District, and no existing building within 200 feet of such boundary line shall be converted or altered to any such use, except that the Board of Zoning Appeals may, in specific instances, permit such erection, conversion or alteration when the development of the immediately surrounding area is essentially residential in character and the erection or establishment of an additional residence building would not be incompatible with or hamper or obstruct the use of the Semi-Industry District and the adjoining General or Unrestricted Industry Districts for the uses for which they are intended, and except that the Board may grant special permission for temporary dwellings, or for permanent dwellings for a limited number of personnel required to reside on the premises of a permitted use for the safe and proper operation of that use.

(c) Additional Commercial and Semi-Industrial Buildings and Uses

(1) Second-hand truck lot.

(2) Repair garage for repair or painting of motor vehicles, provided that such use is located not less than 100 feet from a Residence District.

(3) Amusement enterprises operated as a business; provided that the Board may, in specific instances, exempt such enterprises from the requirement that noise be effectively prevented from being audible at a distance of fifty feet from such premises where the premises upon which such enterprise is located and operated is sufficiently distant from any existing residential occupancy, and noise is confined to a practicable degree, or where the use is of a temporary nature, or where the audibility of noise beyond the fifty-foot limit would not adversely affect the use of surrounding premises, if the Board determines that the intent and purpose of such requirement are adequately served, under the circumstances.

(4) Operation of internal combustion engines in connection with any use permitted in the District, provided such engines are equipped and operated only with an effective muffling device.

(5) Carpet cleaning.

(6) Dry cleaning or dyeing.

(7) Laundries employing any number of persons.

(8) Cold storage plants.

(9) Bottling works.

(10) Ice plants.

(11) Ice cream plants.

(12) Creamery, milk bottling or milk distributing stations, if such buildings or uses are located not less than 100 feet from a Residence District.

(13) Except where prohibited by

division (a) of Section 347.01, motor freight depots or trucking terminals; provided such buildings or uses are not less than 300 feet from a Residence District and the entrances thereto and exits therefrom are not located where prohibited by division (b) of Section 347.01, and are to or from a permitted street whose near curb, in front of the property, is not less than twenty-two feet from the center line of the street; and provided further than any loading or unloading platform facing such street is not less than eighty feet from the center line of the street and not less than fifty feet behind any setback building line on the street.

(14) Tin shops, furnace shops.

(15) Plumbing shops, plumbing supply shops, blacksmith shops.

(16) Sign, display or decorating shops.

(17) Wagon sheds or stables for any number of the horses.

(18) Wholesale bakeries.

(19) Manufacture of food products.

(20) Manufacture of confections.

(21) Breweries or distilleries.

(22) Cigar factories.

(23) Garment factories.

(24) Printing shops.

(25) Newspaper plants.

(26) Painting or varnishing shops.

(27) Cold mixing or grinding of paint.

(28) Vulcanizing shops.

(29) Woodworking shops.

(30) Monument shops.

(31) Machine shops in which only lathes, drill presses, hydraulic presses, shapers, milling machines, planers, grinders and similar tools are used, and no hammering, rolling, spinning, heat treating by other than induction processes or riveting is done, and no forges, metal saws other than automatic hack saws, heavy shears, multiple spindle automatic screw machines or other noise or vibration-producing tools or machines are operated.

(32) Any other manufacturing or industrial enterprise, operation or process, whether making, assembling, repairing, buffing, finishing, plating, painting, annealing or brazing by electric furnace, polishing, tempering, packing, shipping or storing, of a character, extent and hazard similar to those specified above and not specifically permitted only in a General Industry or Unrestricted Industry District, provided the building or use complies with the requirements of this section relating to the control of cinders, dust, flashing, fumes, gases, odors, refuse matter, smoke, vapor, noise and vibration.

(33) Storage in bulk of, or warehouse for, such materials as building materials, contractors' equipment, cotton, wool, clothing materials, fabrics, feed, furniture, hardware, ice, leather, machinery, metals other than scrap or junk metals, petroleum and other flammable liquids in above-ground tanks of less than 10,000 gallons capacity each, paint and paint materials, pipe, rubber, shop and store supplies, provided that any material stored in unenclosed premises to a height greater than four feet above grade level shall be a surrounded by a substantial seven-foot high wall or fence erected to observe all required building lines. Any lumber used for such wall or fence shall be new sound material surfaced and painted on the outside. There shall be no storage of salvaged lumber or other

used building material, junk, paper, glass, rags, rubber, unclean or unpaired containers or other discarded or salvaged articles or materials either in buildings or on premises, and there shall be no wrecking or dismantling of motor vehicles or storage of vehicles pending wrecking or dismantling on the premises.

(34) Storage of coal in buildings, silos, hoppers or packages and storage of coke, wood or other solid fuel; provided that all dust, dirt and noise incident to such storage or handling are effectively confined to the premises and a fence or wall is provided around unenclosed premises when and as required by division (c)(33) of this section.

(35) Wholesale businesses.

(36) Produce markets.

(37) Poultry raising for profit.

(38) Wholesale sale of poultry or the storage or sale of poultry in crate lots, or the killing of poultry or game in wholesale quantities for persons other than the ultimate consumer, provided that such business is conducted in strict compliance with applicable statutes, laws, ordinances, rules and regulations including those requiring rat proofing, and provided further that the building in which the slaughtering is done, either for wholesale or for retail purposes, is located, arranged, built and equipped as required by division (b)(2) of Section 343.11.

(39) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15.

(40) Any other building or use similar in operation and in effect on adjacent premises in adjoining more restricted use districts as the buildings or uses herein listed.

(41) Signs: Signs permitted in accordance with the requirements of Chapter 350.

(42) An accessory use customarily incident to a use authorized by this section, except that no use prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use in a Semi-Industry District unless authorized under division (c)(43) of this section.

(43) The Board of Zoning Appeals may, after public notice and hearing and subject to appropriate conditions and safeguards, permit the location of a use authorized in a General Industry District on any lot in a Semi-Industry District that adjoins a railroad right of way, or adjoins a nonconforming use which is regularly permitted only in an industrial district.

Section 3. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976,

Section 337.10, as amended by Ordinance No. 1871-73, passed September 24, 1973,

Section 343.01, as amended by Ordinance No. 2329-89, passed February 4, 1991,

Section 343.11, as amended by Ordinance No. 1205-94, passed June 13, 1994,

Sections 345.01 and 345.02, as amended by Ordinance No. 584-51, passed May 7, 1951, and

Section 345.03, as amended by Ordinance No. 3076-A-89, passed December 10, 1990, are hereby repealed.

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

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

Passed April 7, 1997.

Effective April 7, 1997.

Ord. No. 523-97.

By Councilman Paulenske.

An emergency ordinance consenting and approving the issuance of a permit for the 1996 Cleveland Walk on April 27, 1997, sponsored by the March of Dimes.

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 the 1997 Cleveland Walk, sponsored by the March of Dimes, on April 27, 1997, start at South Marginal to East 26th Street, cross the North Marginal, east to E. Ninth St., Checkpoint 1 - Rock Hall, turn left on the west side of E. Ninth St. and cross Lakeside to the south side of the street and turn right (west) Checkpoint 2 - Federal Building of Mall B, go west to Ontario, go south on Ontario to Checkpoint 3 - Public Square, (the quadrant we use will dictate whether we cross Ontario. I would prefer to use the Northeast Quadrant), continue south on Ontario to Eagle, Checkpoint 4 - Gateway in the Plaza between Jacobs Field and Gund Arena, from the plaza at Gateway go east on Eagle to E. Ninth St. and Bolivar, Bolivar to Prospect and to East 14th St., turn left (north) on E. 14th St. to Euclid and the theater district. There is a new plaza at E. 14th and Euclid, this could be Checkpoint 5 - Star Plaza, (if we cannot use the plaza another point in the theater district could be used), cross to the north side of Euclid at the safest point, go east on the north side of Euclid to the plaza at National City Bank - Checkpoint 6, go north on E. Ninth St. and cross St. Clair, turn left (west) on St. Clair to Checkpoint 7 - Public Hall - South Porch, continue west on St. Clair to W. Sixth St., turn left (south) to Superior, turn right (west) on the north side of Superior and go down into the Flats on Superior to the BW-3, Checkpoint 8, go north along the west side of the track to Old River Rd., go north on the west side of Old River Rd. to Checkpoint 9 Fagan's, go east on Front Ave. to W. Ninth St., turn right (south) on W. Ninth St. to Lakeside, turn left (east) on the north side of Lakeside to E. Ninth St., turn left (north) on the east side of E. Ninth St. and turn right into the Municipal Parking Lot to the finish (alternate route: from Checkpoint 3 at Public Square go to West 6th St. Turn left to Superior. Turn right to go down into the Flats. Checkpoint 8 is BW-3. Go north along the west side of the track to Old River Road. Go north to the west side of Old River Road to Checkpoint 9, Fagan's. Go east on Front St. to West 9th. Turn right on West 9th to Lakeside. Turn left to East 9th St. Turn left on the east side of E. 9th St. and turn right into Municipal Parking Lot), provided that the applicant sponsor shall

meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 7, 1997.

Effective April 14, 1997.

Ord. No. 524-97.

By Councilman Melena.

An emergency ordinance consenting and approving the issuance of a permit for a Walk-A-Thon/Pray-A-Thon on September 20, 1997 sponsored by the Office of Religious/Diocese of Cleveland.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Walk-A-Thon/Pray-A-Thon, sponsored by the Office of Religious/Diocese of Cleveland, on September 20, 1997, beginning at St. Colman's parish parking lot and head south on W. 65th St. At Lorain Ave., make a left and head east on Lorain remaining on the north side of the street. Take Lorain Ave. to Commercial Ave., turn left on Commercial Ave., remain on the west side of Commercial Ave. all the way until it becomes Ontario and make a right on Ontario and remain on the west side of Ontario and walk to the square. Make a right at Public Square and go to the southwest quadrant, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 7, 1997.

Effective April 14, 1997.

Ord. No. 525-97.
By Councilman Paulenske.
An emergency ordinance consenting and approving the issuance of a permit for a Cleveland Indians Running Race on April 6, 1997, sponsored by Hermes Race Systems.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio, 1976, this Council consents to and approves the holding of a Cleveland Indians Running Race, sponsored by Hermes Race Systems, on April 6, 1997, beginning on Ontario St. just north of Carnegie Ave., proceeding northbound through Public Square to St. Clair, eastbound on St. Clair to E. 6th St., northbound on E. 6th St. to Lakeside, westbound on Lakeside to W. 3rd St., north on W. 3rd St. around the Stadium to E. 9th St., southbound on E. 9th St. to Eagle, then westbound to Gateway Plaza and the finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 7, 1997.
 Effective April 14, 1997.

Ord. No. 526-97.
By Councilmen Willis and Britt.
An emergency ordinance consenting and approving the issuance of a permit for a Relay Race, the Hudson Relays, on Sunday, April 27, 1997, sponsored by Case Western Reserve University.

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 Relay Race, the Hudson Relays, sponsored by Case Western Reserve University, on Sunday, April 27, 1997, beginning at the rock on the Quad, go through the Quad, over the RTA bridge, cross Adelbert Rd. at the Greenhouse and up the Fribley driveway to the bottom of the elephant stairs, back up to the top of the elephant stairs, down Carlton Rd. to Overlook, past the First Church of Christ Scientist to the intersection of Overlook and Edgehill, down Edgehill on the right side of the road to Murray Hill Rd., take a left at Murray Hill and run to the exchange point at the Greenhouse, cross the RTA bridge and run up Adelbert Rd. to the corner of Euclid, head west on Euclid crossing East Blvd. and go around the lagoon to Martin Luther King, Jr. Dr., continue along Martin Luther King Jr. Dr. to the next exchange point, continue down Martin Luther King, Jr. Dr. and turn right at the entrance to Wade Oval (between the Art and Natural History Museums), take a left going around Wade Oval crossing East Blvd. and continuing down E. 108th St. to the intersection of Wade Park Drive, turn right down Wade Park Drive to the exchange point at the corner of E. 115th St., continue down E. 115th St. and take a right turn at Bellflower to its intersection with Ford (the next exchange point), continue down Bellflower, take a left heading down East Blvd. around Severance Hall to the intersection of Adelbert and Euclid, cross Euclid and proceed to the next exchange point (the rock), which restarts the

loop, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 7, 1997.
 Effective April 14, 1997.

COUNCIL COMMITTEE MEETINGS

Monday, April 14, 1997

Employment, Affirmative Action and Training Committee: 11:00 A.M. — Present: Patmon, Chrm.; Gordon, Jackson, Melena, Polensek. Excused: Robinson, Vice Chrm.; Lewis.

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

Tuesday, April 15, 1997

Community and Economic Development Committee: 10:00 A.M. — Present: Jackson, Chrm.; Britt, Coats, Lewis, Melena, Smith, Willis. Excused: Patton.

Wednesday, April 16, 1997

Aviation and Transportation Committee: 10:00 A.M. — Present: Smith, Chrm.; Dolan, Patmon, Sweeney, White, Willis.

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