

The City Record

Official Publication of the City of Cleveland

October the Sixteenth, Nineteen Hundred and Ninety-Six

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Artha Woods	
Ward	Name
1	Charles L. Patton, Jr.
2	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	James Rokakis
16	Patrick J. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Dale Miller
21	David M. McGuirk

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Charles L. Patton, Jr.	2986 Ripley Road	44120
2	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	Gary M. Paulenske	1020 East 61st Street	44103
14	Helen K. Smith	3016 Carroll Avenue	44113
15	James Rokakis	4685 Dornur Road	44109
16	Patrick J. O'Malley	6111 Brookside Drive	44144
17	Timothy J. Melena	6109 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Dale Miller	4300 West 143rd Street	44135
21	David McGuirk	17101 Amber Drive	44111

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

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

DEPT. OF FINANCE - Martin L. Carmody, Acting 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, Donald L. Haskins, Commissioner, Harvard
 Yards
 Architecture - Kenneth Nobilio, Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Robert O. Staib, Director, Mural Building
 1925 St. Clair Avenue.
DIVISIONS - Health - Juan Molina Crespo, Acting Commissioner, Mural
 Building, 1925 St. Clair Avenue
 Environment - Carolyn Wallace, Acting Commissioner, Mural Building,
 1925 St. Clair Avenue
 Correction - Thomas Hardin, Commissioner, Cooley Farms, 4041 North-
 field 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 - Festus Cassels, Commissioner.
 Neighborhood Development - Terri Hamilton, Commissioner.
 Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

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

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

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

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

CIVIL SERVICE COMMISSION - Room 119, Freddie J. Fenderson,
 President; _____, Vice President; Donna K. Nelson, Secretary;
 Timothy J. Cosgrove, 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, Valerie Schwonek, Chairman;
 Dona Brady, Vice-Chairman; Anna Chatman, Paula Phillips, Tony
 Petkovsek, Anthony Costanzo, Sec'y.

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

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

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

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

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

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

MORAL CLAIMS COMMISSION - Sharon Sobol Jordan, _____,
 Councilmen James Rokakis, Jay Westbrook.

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

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chrm.;
 _____, 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. 83

WEDNESDAY, OCTOBER 16, 1996

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CITY COUNCIL

MONDAY, OCTOBER 14, 1996

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

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

MONDAY—Alternating

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY—Alternating

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

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

WEDNESDAY—Alternating

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

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

The following Committee is subject to Call of the Chairman:

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio October 14, 1996.
The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

Councilmen present: Coats, Jackson, Johnson, Lewis, McGuirk, Melena, Miller, O'Malley, Patton, Paulenske, Polensek, Robinson, Rokakis, Rybka, Smith, Westbrook, White, Willis, Zone.

Also present were Chief of Staff Sheffield McClain and Directors Carmody, Konicek, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Willis, Morrison and Acting Directors Horvath, Danily.

Absent: Mayor White, Directors Sobol Jordan, Axelrod, Acting Director Whitner.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Rev. Wesley I. Reid, Pastor of Lee Memorial A.M.E. Church, Pledge of Allegiance.

MOTION

On the motion of Mr. Coats, the Clerk was instructed to correct the journal of October 7, 1996, meeting of the Council as recorded in City Record Volume 83 at page 1923 to reflect that Ordinance No. 1433-96 did not receive second reading and remains before the Council's Committee on Finance and that the reading of the minutes of the last meeting be dispensed with and the journal approved.

COMMUNICATION

File No. 1870-96.
From the Division of Purchases and Supplies re: Emergency Requisition (RE-83735) for McCafferty Health Center Improvements. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1871-96.

Re: Transfer of Location Application - 33033020002 - Gourmet Express, Inc. dba Fruit Baskets by Maury, 3865 Carnegie Avenue. (Ward 5). Received.

File No. 1872-96.

Re: Transfer of Ownership Application - 2843728 - Charee Fountain, 15721 Waterloo Road, first floor and basement. (Ward 11). Received.

File No. 1873-96.

Re: Stock Application - 79892400005 - Serv-A-Rack, Inc., dba Dave's Discount, 6723 Denison Avenue. (Ward 16). Received.

File No. 1874-96.

Re: Transfer of Ownership Application - 1573924 - Club Lexus, Inc. dba Club Lexus, 2943-45 East 55th Street and second floor. (Ward 12). Received.

File No. 1875-96.

Re: Transfer of Location Application - 5297403 - Loretta's Restaurant, Inc. dba Loretta's, 1028 Euclid Avenue. (Ward 13). Received.

STATEMENT OF WORK ACCEPTED

File No. 1876-96.

From the Department of Public Health re: Contract No. 48492 for the improvement at Tremont Health Center (re-roofing). Received.

REPORTS

File No. 1877-96.

Cleveland Summit on Education/Human Services Work Team - Report to the Strategy Council (July 16, 1996). Received.

File No. 1878-96.

From the Cleveland Public Library re: 1995 Annual Report. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1892-96. John J. Sinclair.

Res. No. 1893-96. Joe Doe.

Res. No. 1894-96. Wilma Jean Norris Cade.

Res. No. 1895-96. Mrs. Ezekiel F. Seabrook.

Res. No. 1896-96. John Powell.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1897-96. Teresa N. Abick.

Res. No. 1898-96. Jean Klosowski-Jasinski.

Res. No. 1899-96. Dominican Sisters of Czech Guild.

RESOLUTION OF RECOGNITION

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

Res. No. 1900-96. Carol King Johnson.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1879-96.

By Councilman Paulenske.

An emergency ordinance authorizing and directing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 1440 St. Clair Avenue to Mike D. White, or his designee.

Whereas, Mike D. White has offered to purchase City-owned property hereinafter described and has submitted a proposal for said property to continue to be used for accessory off-street parking for the tenants of the Euclid Blueprint Building located at 1474-78 St. Clair Avenue, and the tenants of the surrounding properties; 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 and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described property is no longer needed for public use: 1440 St. Clair Avenue, Cleveland, Ohio and identified as Permanent Parcel No. 102-06-026.

Section 2. That the proposal of Mike D. White for the use of Permanent Parcel No. 102-06-026 as accessory off-street parking for the tenants of the Euclid Blueprint Building located at 1474-78 St. Clair Avenue and the tenants of the surrounding properties is hereby approved, and that by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized and directed to sell said property to Mike D. White, or his designee, for the sale price of \$115,000.00, said sale price is hereby determined to be the fair reuse value of the property taking into account the condition subsequent set forth in Section 3 herein.

Section 3. That the Mayor shall convey the property described in Section 1 of this ordinance by Official Deed of the City of Cleveland, which Deed shall contain a condition subsequent that the subject property shall comply with all applicable requirements of the Codified Ordinances of the City of Cleveland, 1976, relating to surface parking.

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 Community Development, City Planning Commission, Finance, Law; Commit-

tees on Community and Economic Development, City Planning, Finance.

Ord. No. 1889-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Ryan White Planning and Evaluation Project, and to enter into contract with Case Western Reserve University to implement the program.

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

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

Section 1. That the Director of Public Health is hereby authorized to apply for and accept a grant in the amount of \$15,000, from the Ohio Department of Health, to conduct the Ryan White Planning and Evaluation Project, 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. 1889-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Public Health is hereby authorized to enter into contract with Case Western Reserve University to implement said program, and that said contract is payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 1890-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a Pilot and Demonstration Program grant under Title IV Part D of the Job Training Partnership Act from the U.S. Department of Labor and enter into a contract with Youth Opportunities Unlimited for the Quantum Opportunities Project.

Whereas, under the authority of Title IV Part D of the Job Training Partnership Act (JTPA), the Employment and Training Administration of the U.S. Department of Labor ("DOL/ETA") has made available Year Two (2) funds for demonstration projects to replicate and formally evaluate a successful model by the Ford Foundation, known as the Quantum Opportunities Project (QOP) to service delivery areas under JTPA, which need

to have the local public school district as a co-applicant and identify a community based organization to operate the demonstration; and

Whereas, DOL/ETA has awarded a grant to the City of Cleveland for this purpose; 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 Personnel and Human Resources is hereby authorized to accept a grant from the National Partnership and Special Training Programs, Pilot and Demonstration Programs, for a Quantum Opportunities Project (QOP), under JTPA Title IV Part D from the U.S. Department of Labor for delivery of allowable program services to eligible individuals, and to credit said grant to Fund No. 15 SF 057, in the amount of Two Hundred Thousand Dollars (\$200,000.00). That the Director of Personnel and Human Resources is hereby authorized to file all papers and execute all documents necessary to accept and receive the funds under said grant.

Section 2. That the following sums in Section 1 herein are hereby appropriated as follows to provide for administration of the QOP program:

Personnel and Related Expenses	\$ 20,000.00
Other Expenses	+ 180,000.00
Total	\$ 200,000.00

Section 3. That the Director of Personnel and Human Resources is further authorized to enter into a contract with Youth Opportunities Unlimited in the amount of Three Hundred Eighty Thousand Dollars (\$380,000.00) (\$200,000.00 of which are required matching funds from the Youth Training Program, JTPA Title II Part C 82%).

Section 4. That the cost of said contract will be paid from Fund Nos. 15 SF 057 and 15 SF 065.

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.

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 1891-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to enter into various contracts for Training Services For The Disadvantaged and Employment and Training Assistance For Dislocated Workers under the Job Training Partnership Act.

Whereas, the Job Training Partnership Act of 1982, Public Law 97-300, as amended by the Job Training Reform Amendments of 1992, Public Law 102-367 ("JTPA"), is a New Federalism program, the purpose of which to "establish programs to prepare youth and adults facing serious barriers to employ-

ment for participation in the labor force by providing job training and other services that will result in increased employment and earnings, increased educational and occupational skills, and decreased welfare dependency, thereby improving the quality of the workforce and enhancing the productivity and competitiveness of the Nation"; and

Whereas, the United State Department of Labor has allotted JTPA funds to the Ohio Bureau of Employment Services ("OBES") which in turn has issued allocations under JTPA Titles II and III to the City of Cleveland, which has developed its annual job training and substate plan with OBES for Program Year 96, for the period of July 1, 1996 to June 30, 1997; and Ordinance No. 1451-96, passed September 30, 1996 by the Council of the City of Cleveland authorizes the Director of Personnel and Human Resources to accept such allocations; and

Whereas, the Director of Personnel and Human Resources desires to enter into several contracts with various service deliverers and set aside amounts of allocations to pay tuition for "enrollment of individual participants in classroom training", 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 Personnel and Human Resources is hereby authorized to enter into Occupational Skills Training contracts for Training Services For The Disadvantaged, Title II and Employment and Training Assistance For Dislocated Workers, Title III with the following educational institutions: American Red Cross, Breakwall Corporation dba Total Technical Institute, Inc., The Brentley Institute, Inc., Bryant & Stratton Business Institute, Cleveland Industrial Training Center, Cleveland Institute of Medical-Dental Assistants, Cuyahoga Community College, King College of Business, Inc. dba Sawyer College of Business, Meadowmark Computer Service, Inc., Modern Secretary, Inc. dba Sawyer College of Business, Polaris Career Center, and West Side Institute of Technology.

Section 2. That the cost of the contracts in Section 1 shall not exceed Six Hundred Forty Six Thousand Seven Hundred Twenty Dollars (\$646,720.00), and will be paid from Fund Nos. 15 SF 061, 15 SF 062, 15 SF 066, 15 SF 065, and 15 SF 063.

Section 3. That the Director of Personnel and Human Resources is hereby authorized to enter into contracts with the following service deliverers in amounts not to exceed those listed below, for the delivery of the Adult Training Program, Title II Part A - 77%:

for Basic Education Skills Remedial Education, and GED Preparation Training Activities:

The Merrick House	\$49,350.00
MetroHealth Medical Center	\$15,000.00

Section 4. That the cost of the contracts in Section 3 shall not exceed Sixty Four Thousand Three Hundred Fifty Dollars (\$64,350.00), and will be paid from Fund No. 15 SF 061.

Section 5. That the Director of Personnel and Human Resources is hereby authorized to enter into a contract with the following service deliverer in amounts not to exceed that listed below:

for In-School Youth Activities:

Jewish Family Service Association of Cleveland, Ohio	\$99,450.00
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Section 6. That the cost of the contract in Section 5 shall not exceed Ninety Nine Thousand Four Hundred Fifty Dollars (\$99,450.00), and will be paid from Fund No. 15 SF 066.

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

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1880-96.

By Councilman Jackson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Triedstone Baptist Church to stretch a banner in front of the church, 3782 Community College Avenue, for the period from October 15, 1996 to November 15, 1996, inclusive, publicizing its Anniversery.

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 the Triedstone Baptist Church to install, maintain and remove a banner in front of the church, 3782 Community College Avenue, for the period from October 15, 1996 to November 15, 1996, 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. 1881-96.

By Councilman Johnson.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Second New Hope Missionary Baptist Church to stretch a banner in front of the church, 2917 East 116th Street, for the period from October 15, 1996 to October 29, 1996, inclusive, publicizing its Anniversary.

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 the Second New Hope Missionary Baptist Church to install, maintain and remove a banner in front of the church, 2917 East 116th Street, for the period from October 15, 1996 to October 29, 1996, 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. 1882-96.

By Councilman McGuirk.
An emergency ordinance consenting and approving the issuance of a permit for a Mission Walk on October 27, 1996, sponsored by St. Mary's Romanian Orthodox Church. 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 Mission Walk, sponsored by St. Mary's Romanian Orthodox Church, on October 27, 1996, beginning at the church, 3256 Warren Road, proceed south on Warren to Triskett, Triskett to Lorain, Lorain to Rocky River Drive, Rocky River Drive to Edgecliff, Edgecliff to Warren and finish at the church, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police or safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 1883-96.

By Councilman Paulenske.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Rock & Roll Hall of Fame to hang a Christmas tree on a pole 30 feet above Erieside Avenue for the period from November 30, 1996 to January 4, 1997, inclusive, to publicize Christmas.

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. Pursuant to the provision of Section 503.05 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service be and he hereby is authorized and directed to issue a permit to the Rock & Roll Hall of Fame to hang a Christmas tree on a pole 30 feet above Erieside Avenue (which pole is the property of the Rock & Roll Hall of Fame) for the period from November 30, 1996 to January 4, 1997, inclusive. Said Christmas tree shall be approved by the Director of Public Service 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. No commercial advertising shall be printed or permitted on said Christmas tree and said Christmas tree 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.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1884-96.

By Councilman Miller.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 16800 Brookpark Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 1294751, Cart Ride Corp., 16800 Brookpark Road, Cleveland, Ohio 44135, to Permit No. 9324188, W.P.T. Inc., 16800 Brookpark Road, 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 transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 1294751, Cart Ride Corp., 16800 Brookpark Road, Cleveland, Ohio 44135, to Permit No. 9324188, W.P.T. Inc., 16800 Brookpark Road, 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.

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

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

Res. No. 1885-96.

By Councilman O'Malley.

An emergency resolution objecting to the stock transfer of a C2 and C2X Liquor Permit to 6723 Denison Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a C2 and C2X Liquor Permit to Permit No. 7989240-0005, Serv-A-Rack Inc., dba Dave's Discount, 6723 Denison Avenue, Cleveland, Ohio 44109; 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 stock transfer of a C2 and C2X Liquor Permit to Permit No. 7989240-0005, Serv-A-Rack Inc., dba Dave's Discount, 6723 Denison Avenue, Cleveland, Ohio 44109, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Sec-

tion 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1886-96.

By Councilman Paulenske.

An emergency resolution withdrawing objection to the stock transfer of a D5 and D6 Liquor Permit to 711-15 Vincent Avenue, first and second floor bars, and repealing Res. No. 1360-96, objecting to said stock transfer.

Whereas, this Council objected to the stock transfer of a D5 and D6 Liquor Permit to 711-15 Vincent Avenue, first and second floor bars, by Res. No. 1360-96, adopted July 17, 1996; and

Whereas, this Council wishes to withdraw its objection to the above stock transfer and consents to said stock transfer; 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 stock transfer of a D5 and D6 Liquor Permit to 711-15 Vincent Avenue, first and second floor bars, be and the same is hereby withdrawn and Res. No. 1360-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate stock transfer thereof.

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

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

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

Res. No. 1887-96.

By Councilman Smith.

An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 4423 Detroit Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Per-

mit No. 9116881, 2623 Woodhill Inc., dba Central Market, 2623 Woodhill Road, first floor, Cleveland, Ohio 44104, to Permit No. 3757066, Nader H. Henen, 4423 Detroit Avenue, Cleveland, Ohio 44113; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 9116881, 2623 Woodhill Inc., dba Central Market, 2623 Woodhill Road, first floor, Cleveland, Ohio 44104, to Permit No. 3757066, Nader H. Henen, 4423 Detroit Avenue, Cleveland, Ohio 44113, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 1888-96.

By Councilman Zone.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 12207 Lorain Road.

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. 8799239, Taqueria Mexico Tacos Inc., dba Mi Pueblo, 12207 Lorain Road, Cleveland, Ohio 44111; 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. 8799239, Taqueria Mexico Tacos Inc., dba Mi Pueblo, 12207 Lorain Road, Cleveland, Ohio 44111, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING
EMERGENCY ORDINANCES**

Ord. No. 1285-96.

By Councilmen Polensek and McGuiirk (by departmental request).

An emergency ordinance to renumber Section 135.47 of the Codified Ordinances of Cleveland, Ohio, as enacted by Ordinance No. 370-96, passed June 10, 1996, to new Section 135.54.

Approved by Directors of Public Safety, Law; Recommended by Committee on Public Safety, Legislation.

Ord. No. 1447-96.

By Councilman McGuiirk (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.031, relating to urinating in public and/or defecating in public, and imposing a penalty therefor.

Approved by Director of Law; Recommended by Committee on Legislation, when amended as follows:

1. In the title, strike lines 5, 6 and 7 in their entirety, and insert in lieu thereof **"indecent exposure."**

2. In Section 1, at Section 605.031, lines 1 and 2, strike **"Urinating and/or Defecating in Public; Penalty"** and insert in lieu thereof **"Indecent Exposure; Penalty"**.

3. In Section 1, at Section 605.031(a), in lines 1 and 2, strike "cause inconvenience, annoyance, or alarm to another by imprudently exposing" and insert in lieu thereof **"expose"**; and in line 3, strike "to urinate and/or defecate".

4. In Section 1, at Section 605.031(b)(1), line 2, strike "alfresco".

5. In Section 1, at Section 605.031(b)(3), strike the period and insert in lieu thereof **"; and"**; and following division (b)(3) insert a new division (b)(4) to read as follows:

"(4) Does not despoil public property or public conveniences."

6. In Section 1, at Section 605.031, insert a new division (c) to read as follows:

"(c) As used in this section, "private parts" means the genitals, pubic region, buttocks and female breasts below a point immediately above the areola."

7. In Section 1, at Section 605.031, reletter existing division "(c)" to read division **"(d)"**.

Amendments agreed to.

**THIRD READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 920-96.

By Mayor White and Councilmen Polensek and Rokakis.

An emergency ordinance authorizing the Mayor to apply for and accept a grant from the United States Department of Commerce, Minority Business Development Center for the operation of the 1996-97 Minority Business Development Center.

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

Ord. No. 1183-96.

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

An emergency ordinance authorizing the Director of Community Development to enter into a lease with Kamm's Development Corporation for the parking lot located on Albers Avenue.

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

Ord. No. 1282-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving the City Hall building; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects or engineers to provide professional services related to this improvement.

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

Ord. No. 1284-96.

By Councilmen Johnson and Rokakis (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, expanding or otherwise improving parks, recreation facilities, the West Side Market parking lot and park maintenance buildings; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of consultants to provide professional services related to this improvement.

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

Ord. No. 1303-96.

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

An emergency ordinance authorizing and directing the Director of Public Utilities to enter into agreements with the State of Ohio, through its Director of Transportation, for the adjustment of existing waterline facilities, as necessitated by the improvements to I-480, Snow Road, Chardon Road, East Aurora Road and Solon Road, in various communities.

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

Ord. No. 1306-96.

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

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with various agencies for implementation of the Housing Opportunities for People with AIDS Program.

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

Ord. No. 1320-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating or otherwise improving McCafferty Health Center; authorizing the Director of Parks, Recreation and Properties to enter into contract for the making of such improvement; and authorizing said director to employ one or more firms of architects, engineers and/or asbestos consultants to provide professional services related to this improvements.

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

Ord. No. 1440-96.

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

An emergency ordinance authorizing the Director of Public Safety to enter into and execute a Lease for land at the northwest corner of East 55th Street and Carnegie Avenue with Encore Manufacturing Corporation and Koch Showalter Company for a term not to exceed one year, with an option to renew one term not to exceed one additional year.

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

Ord. No. 1467-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing East 55th Street from Blanche Avenue to Woodland Avenue; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

Ord. No. 1468-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing Bessemer Avenue from East 65th Street to East 88th Street; authorizing the Director of Public Service to employ professional design engineering services to design the public improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commission of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement.

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

Ord. No. 1469-96.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the southeast corner of Union Avenue and East 82nd Street.

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

Ord. No. 1471-96.

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

An emergency ordinance determining the method of making the public improvement of rehabilitating and reconstructing portions of Arlington Avenue, East 123rd Street and East 125th Streets; authorizing the Director of Public Service to employ professional design engineering services to design the pub-

lic improvement; authorizing the Director of Public Service to enter into contract for the making of such improvement; authorizing said director to enter into such other agreements necessary to complete this improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as necessary to make the public improvement.

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

Ord. No. 1619-96.

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

An emergency ordinance authorizing the Director of Community Development to enter into contract with Schilling Square Development, L.L.C., or its designee, for various pre-development and development activities for the Detroit Manor Building project. CDBG Year XXI.

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

MOTION

By Councilman Coats, seconded by Councilman Polensek and unanimously carried, that the absence of Councilwoman Pat Britt be and is hereby authorized.

MOTION

The Council adjourned at 8:15 p.m. to meet on Monday, October 21, 1996 at 7:00 p.m.



Clerk of Council

THE CALENDAR

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

ORDINANCES

Ord. No. 1285-96.

By Councilman McGuirk (by departmental request).

An emergency ordinance to renumber Section 135.47 of the Codified Ordinances of Cleveland, Ohio, as enacted by Ordinance No. 370-96, passed June 10, 1996, to new Section 135.54.

Ord. No. 1447-96.

By Councilman McGuirk (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 605.031, relating to **indecent exposure**.

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 Section 605.031 thereof to read as follows:

Section 605.031 Indecent Exposure; Penalty

(a) No person shall recklessly expose his or her private parts in a public place.

(b) It is an affirmative defense to this section that the offender:

(1) Is answering an urgent call of nature; and

(2) Takes reasonable precautions against discovery; and

(3) Is not imprudent in choosing a site; and

(4) Does not despoil public property or public conveniences.

(c) As used in this section, "private parts" means the genitals, pubic region, buttocks and female breasts below a point immediately above the areola.

(d) Whoever violates this ordinance is guilty of a minor misdemeanor.

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.

BOARD OF CONTROL

October 9, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 9, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 678-96.

By Acting Director Carmody.

Resolved by the Board of Control of the City of Cleveland, that pursuant to Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, Cleveland, Ohio 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 1996 in the amount \$15,736.13, hereto attached and made a part hereof, is hereby received, approved and ordered filed.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent:None.

Resolution No. 679-96.

By Acting Director Carmody.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 13, 1996 for Natural Gas for the Various Divisions of City Government, Department of Finance, pursuant to

the authority of Ordinance No. 50-95, passed by the Council of the City of Cleveland on February 13, 1995, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent:None.

Resolution No. 680-96.

By Acting Director Carmody.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 25, 1996 for Paint and Paint Supplies (Automotive Paint) for the Various Divisions of City Government, Department of Finance, pursuant to the authority of Ordinance No. 642-96, passed by the Council of the City of Cleveland on May 13, 1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent:None.

Resolution No. 681-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 1228-95, passed by the Council of the City of Cleveland on January 29, 1996, Board of Control Resolution No. 495-96, adopted July 24, 1996, approving the bid of Valley Ford Truck Sales, Inc. as lowest and best for four (4)4-door, four wheel drive chassis with full length cabs, all items, for the Division of Water, Department of Public Utilities, is hereby amended by adding "and Ordinance No. 918-96, passed by the Council of the City of Cleveland on June 18, 1996," after the words "Ordinance No. 1228-95, passed January 29, 1996".

Be it further resolved that all other provisions of said Resolution No. 495-96 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent:None.

Resolution No. 682-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that Board of Control Resolution No. 496-96, adopted July 24, 1996, approving the Public Improvement by Requirement Contract bid of Precision Electric, Inc. for System Expansion Program E6, Substation Equipment Schedule A and B for the Division of Cleveland Public Power, Department of Public Utilities, is hereby amended to read as follows:

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Precision Electric, Inc. for an estimated quantity of System Expansion Program E6, Substation

Equipment Schedules A and B, (all items), except for such terms and conditions as are not acceptable to the Director of Law, 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 16th day of May, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to One Million Five Hundred Thirty Eight Thousand Six Hundred Fifty Two Dollars and Forty Cents (\$1,538,652.40), 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 goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 85386 which shall be certified against such contract in the sum of One Hundred Twenty Thousand Dollars and no/cents (\$120,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement 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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 683-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that Board of Control Resolution No. 497-96, adopted July 24, 1996, approving the Public Improvement by Requirement Contract bid of Central Electric Company for System Expansion Program E6, Substation Equipment Schedule D for the Division of Cleveland Public Power, Department of Public Utilities, is hereby amended to read as follows:

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Central Electric Company for an estimated quantity of System Expansion Program E6, Substation Equipment Schedule D (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 16th day of May, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Two Million Seven Hundred Fifty Nine Thousand Three Hundred Forty Seven Dollars and no/Cents (\$2,759,347.00), 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 goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 85387 which shall be certified against such contract in the sum of Six Hundred Fifty Thousand Dollars and no/cents (\$650,000.00).

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

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 684-96.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Foxboro Company, except for such terms and conditions as are not acceptable to the Director of Law, for an estimated quantity of System Expansion E-6, Substation Equipment Schedule E, 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 22nd day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 16, 1993 on the basis of the estimated quantity would amount to One Hundred Fifty One Thousand Six Hundred Sixty Seven and no/100 Dollars, (\$151,667.00), (Net), 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. 88774 which shall be certified against such contract in the sum of Fifty Thousand and no/100 Dollars, (\$50,000.00).

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

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 685-96.

By Director Cunningham.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 16, 1996 for Speedwalk building asbestos abatement for the Division of Cleveland Hopkins International Airport, Department of Port Control, pursuant to the authority of Ordinance No. 929-96, passed by the Council of the City of Cleveland on June 18,

1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 686-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of A & H Equipment Co. for an estimated quantity of Leach packer parts and labor (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 23rd day of August, 1996, pursuant to the authority of Ordinance No. 533-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Forty thousand and no/100 Dollars, (\$40,000.00), (2%-30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Service is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 091925 which shall be certified against such contract in the sum of Six thousand and no/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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 687-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Ganley Chrysler Plymouth, Incorporated for an estimated quantity of Chrysler, Dodge, Plymouth & Jeep parts & labor (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 23rd day of August, 1996, pursuant to the authority of Ordinance No. 528-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Thirty Thousand and no/100 Dollars, (\$30,000.00), (1%-15 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. 091924

which shall be certified against such contract in the sum of Four thousand and no/100 Dollars, (\$4,000.00).

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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent:None.

Resolution No. 688-96.

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 Lubricants (all items) (part A regular lubricants) 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 30th day of August, 1996, pursuant to the authority of Ordinance No. 1017-96, passed June 18, 1996, which on the basis of the estimated quantity would amount to approximately One Hundred Fifty Four Thousand Nine Hundred Ninety Two and 65/100 Dollars, (\$154,992.65), (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. 091912

which shall be certified against such contract in the sum of Eighteen thousand and no/100 Dollars, (\$18,000.00).

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 Universal Oil, Inc. for the purchase of Lubricants (All Items), (Part A regular lubricants) hereby is approved:

L. Gray Barrell & Drum Company
\$11,670.00
MBE - 7.5%

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

Resolution No. 689-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid

of Frank Blackmon for an estimated quantity of lubricants (all items) (part B - synthetic lubricants) 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 30th day of August, 1996, pursuant to the authority of Ordinance No. 1017-96, passed June 18, 1996, which on the basis of the estimated quantity would amount to approximately Forty thousand six hundred sixty nine and 45/100 Dollars, (\$40,669.45), (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. 091911

which shall be certified against such contract in the sum of Four Thousand and no/100 Dollars, (\$4,000.00).

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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent:None.

Resolution No. 690-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of American Merchandising Services, Inc. for an estimated quantity of lubricants (all items) (part C - windshield washer solvent) 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 30th day of August, 1996, pursuant to the authority of Ordinance No. 1017-96, passed June 18, 1996, which on the basis of the estimated quantity would amount to approximately Two thousand two hundred and no/100 Dollars, (\$2,200.00), (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. 091910

which shall be certified against such contract in the sum of One Thousand Five Hundred and no/100 Dollars, (\$1,500.00).

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, Director Sobol

Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent:None.

Resolution No. 691-96.

By Director Guzman.

Resolved, by the Board of Control of the City of Cleveland that the bid of Jack Doheny Supplies Ohio, Incorporated for an estimated quantity of Elgin Sweeper Parts and Labor (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 23rd day of August, 1996, pursuant to the authority of Ordinance No. 531-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to approximately Ninety five and no/100 Dollars, (\$95,000.00), (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. 091913

which shall be certified against such contract in the sum of Fifteen thousand Dollars, (\$15,000.00).

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, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent:None.

Resolution No. 692-96.

By Director Guzman.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 23, 1996 for Blaw Knox power parts and labor for the Division of Motor Vehicle Maintenance, Department of Public Service, pursuant to the authority of Ordinance No. 532-96, passed by the Council of the City of Cleveland on May 20, 1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent:None.

Resolution No. 693-96.

By Director Staib.

Resolved by the Board of Control of the City of Cleveland that the bid of PEI Specialized Commercial Coaches, except for such terms and conditions as are not acceptable to the Director of Law, for the follow-

ing: lease of a medical mobile unit for the term commencing December 1, 1996 and expiring September 30, 1997, with an option to purchase at the end of the lease term, for the Division of Health, Department of Public Health, received on the 13th day of September, 1996, pursuant to the authority of Ordinance No. 1039-96, passed June 18, 1996, which on the basis of order quantities would amount to \$115,750.00 is hereby approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into contract for such items.

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent: Mayor White.

Resolution No. 694-96.

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.

Bartley, William T. Sgt., Model Smith & Wesson 6906, Serial #TCY3353

Hace, Donald F., #1502, Model Smith & Wesson 5943, Serial #TVA6822

Lentz, Edward, Lieut., Model Smith & Wesson 5943, Serial #TYR6011

Parkinson, Thomas, #215, Model Smith & Wesson 6906, Serial #TCA8433

Preston, Robert, #1500, Model Smith & Wesson 5903, Serial #TCP9342

Ricketti, Guy, Commander, Model Smith & Wesson 5943, Serial #TVA6799

Strobl, John H., #9417 Model Smith & Wesson 5943, Serial #TFK5070

Schwelgien, Arthur, Sgt., Model Smith & Wesson 6906, Serial #TCU3124

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent: Mayor White.

Resolution No. 695-96.

By Director Spellman.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of R. DiLillo & Co. for the public improvement of Woodland Recreation Center Site Improvements, for Base Bid Items 1-36, 39-60, including Alternate Bid Items 3 & 4, and including the revised 3% contingency line item, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, received on August 21, 1996, pursuant to the authority of Ordinance No. 1455-94, passed November 21, 1994, upon a unit basis, for the improvement in the aggregate amount of Three hundred eighty-five thousand, seven hundred twen-

ty-four and 44/100 (\$385,724.44) 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 to R. DiLillo & Co. for the public improvement contract for Woodland Recreation Center Site Improvements hereby are approved:

SUBCONTRACTORS RESPONSIBILITY

United Ready Mix
Concrete & Related
Materials
(MBE)

Cook Paving
Asphalt
(MBE)

Alexa Trucking
Trucking
(MBE)

Barrow Sign
Signage
(FBE)

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent: Mayor White.

Resolution No. 696-96.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that all bids received on August 21, 1996 for Willard Park Site Improvements for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, pursuant to the authority of Ordinance No. 2046-91, passed by the Council of the City of Cleveland on October 28, 1991, be and the same are hereby rejected.

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.

Absent: Mayor White.

Resolution No. 697-96.

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 Nos. 126-25-034 and 126-25-035 located at 2745 and 2743 McCurdy Street in Ward 4; 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, James Macon, abutting/adjacent landowner, has pro-

posed to the City to purchase and develop said parcels; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has consented to the proposed sale;

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

3. The proposed purchaser of said parcels 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 James Macon for the sale and development of Permanent Parcel Nos. 126-25-034 and 126-25-035 located at 2745 and 2743 McCurdy Street, in accordance with the Land Reutilization Program in such manner as best carries out the intent of said Program.

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 698-96.

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 No. 120-13-077 under said Land Reutilization Program; and

Whereas, Ordinance No. 1195-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Northeastern Neighborhood Development Corporation or designee has proposed to the City to purchase and develop said parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1195-96 passed August 14, 1996 by the Cleveland City Council, the Mayor is hereby authorized to execute an official deed for and on behalf of the City of Cleveland with Northeastern Neighborhood Development Corporation or designee for the sale and development of Permanent Parcel No. 120-13-077 as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcel shall be \$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: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 699-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Concord Nurseries, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 8B, 9B, 31B, 33B, 35B and 37B for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Thirty Seven Thousand Seven Hundred Seven and no/100 Dollars, (\$37,707.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 88759

which shall be certified against such contract in the sum of Thirty Two Thousand Ninety One and no/100 Dollars, (\$32,091.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 700-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Barnes Nursery, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 4B and 71B for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Sixteen Thousand Four Hundred Fifty Nine and no/100 Dollars, (\$16,459.00), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for

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

Requisition No. 88758

which shall be certified against such contract in the sum of Thirteen Thousand Three Hundred Sixty Two and no/100 Dollars, (\$13,362.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 701-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of J & S Landscape Co. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 4A, 6A, 7A and 8A for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Thirty Eight Thousand Three Hundred Sixty Four and no/100 Dollars, (\$38,364.00), (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. 88762

which shall be certified against such contract in the sum of Thirty Eight Thousand Three Hundred Sixty Four and no/100 Dollars, (\$38,364.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 702-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Lake County Nursery, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 2B, 7B, 14B, 17B, 19B, 26B, 39B, 45B, 50B, 51B, 53B, 56B, 57B, 59B, 62B, 64B, 69B,

70B, 73B and 75B, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to One Hundred Fifty Nine Thousand Four Hundred Seventy Six and no/100 Dollars, (\$159,476.00), (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. 88763

which shall be certified against such contract in the sum of Fifty Five Thousand Six Hundred Four and no/100 Dollars, (\$55,604.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.

Absent: Mayor White, Director Axelrod.

Resolution No. 703-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cooper Landscaping, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 3A, 14A, 15A, 33A, 37A and 49A, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Seventy Two Thousand One Hundred Forty Six and no/100 Dollars, (\$72,146.00), (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. 88760

which shall be certified against such contract in the sum of Fifty Seven Thousand Three Hundred Twenty Six and no/100 Dollars, (\$57,326.00).

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

Yeas: Director Sobol Jordan, Act-

ing Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.
Absent: Mayor White, Director Axelrod.

Resolution No. 704-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Horticultural Associates, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 11B, 15B, 18B, 20B, 22B, 25B, 29B, 32B, 38B, 46B, 49B, 63B, 66B, 68B and 76B, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to One Hundred Fifty Eight Thousand Twenty Seven and no/100 Dollars, (\$158,027.00), (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. 88761 which shall be certified against such contract in the sum of Forty Seven Thousand Six Hundred Thirty Seven and no/100 Dollars, (\$47,637.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.
Absent: Mayor White, Director Axelrod.

Resolution No. 705-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Schichtel's Nursery, Inc. for an estimated quantity of System Expansion Residential Reforestation Fall 1996, item nos. 3B, 6B, 47B and 72B, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of six (6) months beginning with the date of execution of a contract received on the 14th day of August, 1996, pursuant to the authority of Ordinance No. 1071-93, passed June 7, 1993, which on the basis of the estimated quantity would amount to Sixty Three Thousand Two Hundred Sixteen and no/100 Dollars, (\$63,216.00), (Net 60 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. 88766

which shall be certified against such contract in the sum of Sixty Three Thousand Two Hundred Sixteen and no/100 Dollars, (\$63,216.00).

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

Yeas: Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj.

Nays: None.
Absent: Mayor White, Director Axelrod.

Resolution No. 706-96.

By Director Cunningham.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 629-96, passed by the Cleveland City Council on June 10, 1996. The Osborn Engineering Company ("Consultant") is hereby selected upon the nomination of the Director of Port Control to provide peer review of engineering design of the new parking structure and an analysis of the structural condition of the existing parking structure at Cleveland Hopkins International Airport for the Department of Port Control.

Be it further resolved that the Director of Port Control is hereby authorized to enter into a written contract with The Osborn Engineering Co. based on its proposals dated September 27, 1996. The fee for such services shall be an amount not to exceed two hundred twenty thousand and no/100 dollars (\$220,000.00).

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Directors Konicek, Cunningham, Guzman, Staib, Acting Director Holland, Director Spellman, Acting Director Ross, Director Nolan, Acting Director Balraj, Director Axelrod.

Nays: None.
Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers.

Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 28, 1996

9:30 A.M.

Calendar No. 96-181: 17910 Lake Shore Blvd., N.E.

H & S Custom Services Inc., owner, c/o Max Hryniak, and Mark McGraw, tenant, to attach a 3' x 6' double-faced business identification "Mark's Time Out Grille" sign to the front wall of the 64' x 64' one and two story masonry nonconforming stores and suites building located in a Multi-Family District on the northeast corner of Lake Shore Blvd. and Harland Ave. at 17910 Lake Shore Blvd.; said proposed sign being 18 square feet instead of the 12 square feet maximum of Section 350.14 of the Codified Ordinances.

Calendar No. 96-187: 13820 Lorain Ave.

Riser Foods Inc., owner, c/o Tom Rego, to erect various pole and wall signs on the 233' x 1718' (avg.) parcel located in a Semi-Industry District and a General Industry District and occupied by a supermarket known as 13820 Lorain Ave.; said signs to be in excess of the size and height provisions of Sections 350.15 and 350.20 of the Codified Ordinances.

Calendar No. 96-188: 5401-03 Bridge Ave., N.W.

H. G. Crouch, owner, to convert to two dwelling units the ground floor storeroom of the 40' x 70' two story masonry nonconforming store and 5 dwelling units building on a 40' x 120' corner lot located in a Multi-Family District on the southwest corner of W. 54 St. and Bridge Ave. at 5401-03 Bridge Ave.; the floor area to be in excess of the lot area contrary to the .5 maximum of Section 355.04 and the interior sideyards being 5' instead of 8' wide contrary to Section 357.09 and said conversion being subject to the substitution provisions of Section 359.01 of the Codified Ordinances.

Calendar No. 96-189: 4515-17 Clark Ave., S.W.

Bogdan Miskovic, owner, to convert to two dwelling units the ground floor bar of the 30' x 78' two story frame bar and 4 dwelling units building located in Semi-Industry District on a 36' x 132' lot at 4515-17 Clark Ave.; the interior sideyards being 3' instead of 8' wide as required by Section 357.09 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 14, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, October 7, 1996, the following appeals were heard by the Board, and decided on Monday, October 14, 1996.

The following appeals were **Granted:**

Calendar No. 96-163: 1024 Nathaniel Road, N.E.

Raymond L. Pasquale, owner, and Daniel L. Day, prospective purchaser, to convert to two dwelling units. (Conditional Grant)

Calendar No. 96-171: 3601 Sackett Avenue

Marie Sperner et al, owners, appealed, under authority of Section 329.01 and Section 329.02 from the refusal to approve the lot split.

Calendar No. 96-172: 3430 Rocky River Drive, N.W.

Sisters of St. Joseph, owner, to construct a 30 dwelling units building.

The following appeals were **Refused:**

Calendar No. 96-169: 17644-48 Lake Shore Blvd., N.E.

Phillip B. Einhorn Inc., owner, c/o Phillip Einhorn, and Dave Trenton, tenant, to install a 24' x 14' painted advertising sign.

Calendar No. 96-170: 1438 St. Clair Ave., N.E.

Frank Spencer, owner, and St. Clair Restaurant Inc., tenant, c/o James C. Berkey, to erect a 6' x 24' and 6'8"x 11' one story vestibule addition.

The following appeals were **Postponed:**

Calendar No. 96-175: 2165 E. 89th St to November 11, 1996.

Calendar No. 96-176: 3741 Ridge Rd., S.W. to October 28, 1996.

Calendar No. 96-177: 3400-24 Brookpark Rd., S.W., to October 28, 1996.

The following appeal was **Dismissed:**

Calendar No. 96-190: 6513-17 Superior Avenue.

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 Council Committee
on City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, October 16, 1996
1:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, October 16, 1996, at 1:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 1047-96.

By Councilman Britt.
An ordinance to change the Use, Area, and Height Districts of lands north of Quincy Avenue, S.E. between E. 88 Street and E. 89 Street. (Map Change No. 1907, Sheet No. 5)

Ord. No. 1048-96.

By Councilman Polensek.
An ordinance to change the Use District of lands on both sides of Grovewood Avenue, N.E. between E. 167 Street and E. 172 Street. (Map Change No. 1908, Sheet No. 7)

Ord. No. 1197-96.

By Councilman Polensek.
An ordinance to change the Use District of lands on the southerly side of Lake Shore Boulevard, N.E. between E. 169 Street and E. 174 Street. (Map Change No. 1911, Sheet No. 7)

Ord. No. 1198-96.

By Councilman Polensek.
An ordinance to change the zoning of lands on both sides of Waterloo Road, N.E. between Shiloh Road, N.E. and west of E. 152 Street and between E. 160 Street and E. 162 Street. (Map Change No. 1909, Sheet No. 7)

Ord. No. 1199-96.

By Councilman Zone.
An ordinance to change the Use, Area, and Height Districts of lands north of Lorain Avenue on the west side of W. 110 Street. (Map Change No. 1910, Sheet No. 2)

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

Edward W. Rybka,
Chairman
Committee on City Planning

October 9 and October 16, 1996

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office

of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

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

THURSDAY, OCTOBER 24, 1996

Rehabilitation of West 187th Street from Puritas Avenue to Sunset Avenue, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 928-95 and 709-96, passed by the Council of the City of Cleveland, June 12, 1995 and June 18, 1996, respectively.

A DEPOSIT OF FIFTY (\$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.

October 2 and October 9 and October 16, 1996

THURSDAY, OCTOBER 24, 1996

Equipment and Services for 800 MHz Radio System Enhancements, for the Office of Radio Communications, Department of Public Utilities, as authorized by Ordinance No. 1227-95, passed by the Council of the City of Cleveland, June 18, 1996.

Paint and Paint Supplies (Automotive Paints), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 642-96, passed by the Council of the City of Cleveland, May 13, 1996

October 9 and October 16, 1996

FRIDAY, OCTOBER 25, 1996

Computer Hardware and Software, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1163-96, passed by the Council of the City of Cleveland, July 17, 1996.

Various Automotive and Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1015-96, passed by the Council of the City of Cleveland, June 18, 1996.

October 9 and October 16, 1996

WEDNESDAY, OCTOBER 30, 1996

Catch Basin Cleaning Machine Body Replacements, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1033-96, passed by the Council of the City of Cleveland, July 17, 1996.

Computer Equipment and Supplies, for the Division of Air Pollution Control, Department of Public Health, as authorized by Ordinance No. 2106-95, passed by the Council of the City of Cleveland, December 18, 1995.

October 9 and October 16, 1996

THURSDAY, OCTOBER 31, 1996

The Rehabilitation of Hough Avenue/Mt. Sinai Drive from East 55th Street to East 105th Street, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 926-95, passed by the Council of the City of Cleveland, June 12, 1995.

A DEPOSIT OF FIFTY (\$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.

October 9 and October 16, 1996

FRIDAY, NOVEMBER 1, 1996

Diesel Fuel, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1102-96, passed by the Council of the City of Cleveland, July 17, 1996.

October 9 and October 16, 1996

WEDNESDAY, OCTOBER 30, 1996

Natural Gas, for the Various Divisions of the City Government, Department of Finance, as authorized by Ordinance No. 50-95, passed by the Council of the City of Cleveland, February 13, 1995.

October 16 and October 23, 1996

THURSDAY, NOVEMBER 7, 1996

Cleveland Convention Center Exterior Facade Restoration and Little Theater Wall Repair, for the Division of Architecture, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 11-95, passed by the Council of the City of Cleveland.

A DEPOSIT OF FIFTY (\$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, OCTOBER 29, 1996, 9:00 A.M. AT THE CLEVELAND CONVENTION CENTER, 500 LAKESIDE AVENUE (ENTER VIA ARCHED ENTRANCE).

Computer Hardware and Software Maintenance, for the Department of Finance on behalf of the Cleveland Municipal Court, as authorized by Ordinance No. 1095-95, passed by the Council of the City of Cleveland, July 19, 1995.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 31, 1996, 11:00 A.M. IN THE CIJIS COMPUTER TRAINING ROOM, 3RD FLOOR, 1200 ONTARIO AVENUE, CLEVELAND, OHIO.

October 16 and October 23, 1996

FRIDAY, NOVEMBER 8, 1996

One (1) Low Profile Dump Truck with Central Hydraulics System, Spreader and Plow Hitch, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 12, 1995.

Blaw Knox Paver, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 532-96, passed by the Council of the City of Cleveland, May 20, 1996.

October 16 and October 23, 1996

FRIDAY, NOVEMBER 15, 1996

New Parking Structure and Associated Appurtenances at Cleveland Hopkins International Airport, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 1107-96, passed by the Council of the City of Cleveland.

PLANS AND SPECIFICATIONS MAY BE PURCHASED FOR \$250.00 (CERTIFIED CHECK, CASHIER'S CHECK OR MONEY ORDER ONLY) AFTER OCTOBER 21, 1996. THE AMOUNT IS NON-REFUNDABLE. A PRE-BID MEETING WILL BE HELD ON MONDAY, OCTOBER 28, 1996, 1:30 P.M., IN THE "B" CONCOURSE CONFERENCE ROOM, CLEVELAND HOPKINS AIRPORT INTERNATIONAL AIRPORT TERMINAL.

October 16 and October 23, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 375-96.

By Councilman Melena.
An emergency resolution urging the Mayor and the Administration to plan for the utilization of clean material from the demolition of Cleveland Municipal Stadium to expand the Cuyahoga County Com-

missioners Reef or build new reefs in order to create the largest freshwater artificial reef system in the world.

Whereas, since the late 1700's the Japanese have successfully used artificial reef technology to create and enhance coastal fishing grounds; and

Whereas, the Western Basin of Lake Erie is known as the "Wall-eye Capital of the World" because this area produces more walleye per hectare than any other lake in the world; and

Whereas, the Western Basin is shallow and dotted with islands and natural reefs which provide necessary habitat for many fish species including bass, perch and walleye; and

Whereas, the Central Basin is deeper, larger and lacks the necessary near shore productive bottom structures nature provided the Western Basin; and

Whereas, since the central basin lacks the near shore structures necessary to fish habitats the Central Basin fishing areas are not within safe running distance for smaller boats; and

Whereas, in the 1980's the North Central Ohio Sea Grant Committee caused the creation of artificial reefs in Lake Erie off the coast of Lorain and Cuyahoga Counties; and

Whereas, in 1984 the Cuyahoga County Commissioners contributed \$62,500.00 towards the artificial reef off the Cuyahoga County Coast; and

Whereas, said artificial reef is known as the "Cuyahoga County Commissioner's Reef"; and

Whereas, in 1984, the Cuyahoga County Commissioners estimated that the artificial reef off the Cuyahoga County Coast was expected to inject over 50 million dollars into the local economy; and

Whereas, studies of the Cuyahoga County Commissioner's Reef have shown the reef to have exceeded expectations in its impact on fishing in the Central Basin; and

Whereas, an expansion of the existing artificial reef systems in the Western Basin will further concentrate fish within a given area near shore; and

Whereas, artificial reef expansion will create permanent habitats for many fish species by providing food, shelter, protection and a spawning area; and

Whereas, the expansion of near shore permanent fish habitat will benefit the Cleveland economy through non-local anglers' expenditures of gas, food, bait, tackle and overnight lodging; and

Whereas, if the proposed settlement between the NFL and the City of Cleveland is approved, Cleveland Municipal Stadium will be demolished and a new facility will be built to house the Cleveland Browns NFL franchise; and

Whereas, in order to demolish Municipal Stadium lead and asbestos abatement of the structure must be completed prior to demolition; and

Whereas, upon demolition of the structure, a huge quantity of clean brick and concrete rubble will need to be transported off site and disposed of; and

Whereas, the brick and concrete rubble created by the proposed demolition of Municipal Stadium would only need to be transported across the street to the Port of

Cleveland and hauled to a reef site for use in expansion of the reef system; and

Whereas, the use of the brick and concrete rubble for expansion of the artificial reef system will save hundreds of thousands of dollars in the current demolition budget for the proposed stadium; and

Whereas, the use of said concrete and brick rubble to build artificial reef structures will save scarce landfill resources and create an asset at minimal cost which will survive for many generations beyond the proposed facility; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that plans for a new artificial reef to benefit the Cleveland area should proceed simultaneously with plans for the future of Cleveland Municipal Stadium; now, therefore,

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

Section 1. That this Council urges the Mayor and the Administration to plan for the utilization of clean material from the demolition of Cleveland Municipal Stadium to expand the Cuyahoga County Commissioners Reef or build new reefs in order to create the largest freshwater artificial reef system in the world.

Section 2. That the Clerk of Council is hereby directed to transmit a copy of this resolution to the Cuyahoga County Board of Commissioners.

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

Adopted September 30, 1996.
Effective October 9, 1996.

Res. No. 1851-96.
By Councilman Johnson.
An emergency resolution objecting to the transfer of ownership and location of a C2 and C2X Liquor Permit to 12916 Forest Avenue, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 6619509, Ozass Market & Deli Inc., 1192 Parkwood Drive, first floor, Cleveland, Ohio 44108, to Permit No. 8773165-0005, T & J Beverage Co., dba T & J Beverage Store, 12916 Forest Avenue, first floor and basement, 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 transfer of ownership and location of a C2 and C2X Liquor Permit from Permit No. 6619509, Ozass Market & Deli Inc., 1192 Parkwood Drive, first floor, Cleveland, Ohio 44108, to Permit No. 8773165-0005, T & J Beverage Co., dba T & J Beverage Store, 12916 Forest Avenue, first floor and basement, 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 October 7, 1996.
Effective October 14, 1996.

Res. No. 1852-96.
By Councilman Willis.
An emergency resolution withdrawing objection to the renewal of a liquor permit at 11108 Primrose Avenue, and repealing Res. No. 1549-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a liquor permit at 11108 Primrose Avenue by Res. No. 1549-96, 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 providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That objection to the renewal of a liquor permit at 11108 Primrose Avenue be and the same

is hereby withdrawn and Res. No. 1549-96, 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 October 7, 1996.
Effective October 14, 1996.

Res. No. 1853-96.
By Councilman O'Malley.
An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit to 4926 Denison Avenue, and repealing Res. No. 1505-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 4926 Denison Avenue by Res. No. 1505-96, adopted August 14, 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 C1 and C2 Liquor Permit to 4926 Denison Avenue be and the same is hereby withdrawn and Res. No. 1505-96, 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 October 7, 1996.
Effective October 14, 1996.

Ord. No. 1286-96.
By Councilmen McGuirk and Rokakis (by departmental request).
An emergency ordinance to amend Sections 181.09, 181.11, 181.13 and 181.14 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances relating to purchases.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 181.09, as amended by Ordinance No. 2855-80, passed March 9, 1981,

Section 181.11, as amended by Ordinance No. 627-68, passed March 18, 1968,

Section 181.13, as amended by Ordinance No. 999-70, passed June 8, 1970, and

Section 181.14, as amended by Ordinance No. 627-68, passed March 18, 1968, are hereby amended to read, respectively, as follows:

Section 181.09 Purchases Not Exceeding \$1,000.00

Notwithstanding, and as an exception to the requirements set forth in Section 181.08, whenever any office or department requisitions articles, commodities, supplies, material or equipment which is seldom needed and is not stocked in the storerooms or warehouses of the City and which costs a total of one thousand dollars (\$1,000.00) or less, the Commissioner of Purchases and Supplies is authorized to procure such articles, commodities, supplies, material or equipment by noncompetitive purchase in the market for the best price obtainable, provided the approval of the Director of Finance is first obtained.

Section 181.11 Noncompetitive Purchases; Purchase of Coal

The Commissioner of Purchases and Supplies is hereby authorized to make noncompetitive purchases for the best price obtainable in the following circumstances:

(a) When the purchase is for the purpose of determining the fitness or suitability of any product to meet the special requirements of the City and is limited to the smallest amount sufficient for such test purposes, in no event more than one thousand dollars (\$1,000.00).

(b) Where emergency repairs or necessary replacement parts are required immediately for the continued operation of any automotive or other equipment involving an expenditure of not more than ten thousand dollars (\$10,000.00).

(c) When the director of the department involved requisitions the purchase of any commodity or article by brand name setting forth the reasons why no other commodity or article except the one specified is suitable for the intended use, when the amount involved is less than one thousand dollars (\$1,000.00) and the director of finance has approved such purchase, and with the additional approval of the Mayor when the amount is more than one thousand dollars (\$1,000.00) but not more than ten thousand dollars (\$10,000.00).

(d) The purchase of coal for the various divisions of the City shall be based upon the certified copy of the analysis of the coal made by a recognized independent testing laboratory which shall be filed with the bid and made a part thereof, and the specified satisfactory burning quality of the coal in the equipment for which purchased. Conformity of the coal to the certified analysis shall be determined by chemical tests conducted by the City and the satisfactory burning quality of the coal shall be determined by test in use in the equipment for which the coal is purchased. Failure of the coal to meet the chemical test and the burning test shall be cause for rejection of the bid. The delivery of coal not meeting the chemical test and the satisfactory burning quality shall be cause for cancellation of the contract if a contract is awarded. The costs incurred by the City in making all chemical tests shall be charged to the bidder or con-

tractor in the event that the coal tendered does not meet such tests. For the purpose of determining conformity to the chemical analysis and satisfactory burning quality of any coal proposed to be sold to the City, the bidder may be required to supply from one to ten car loads of such coal.

Section 181.13 Purchases of Surplus Federal Commodities

The Commissioner of Purchases and Supplies is hereby authorized and directed to purchase from the United States or any instrumentality or agency thereof charged with the disposal of surplus commodities, any materials, supplies or equipment which may be determined by the Board of Control to be necessary or desirable for any of the several departments of the City at the price fixed by the United States or such instrumentality or agency thereof. When any department receives a Federal grant, the Commissioner may utilize procurement sources available throughout the General Services Administration Agency of the United States prior to private source procurement in the expenditure of Federal grant money. All purchases under this section of ten thousand dollars (\$10,000.00) or less shall first be authorized by the Board of Control and a written report of every such purchase shall be filed with Council forthwith.

Section 181.14 Purchase of Materials Produced by State-Owned Institutions

The Commissioner of Purchases and Supplies is hereby authorized to purchase from the State such materials, supplies or equipment as may be manufactured or produced in any of the State-owned institutions as the Board of Control shall determine necessary or desirable for any of the several departments of the City at the prices fixed by the proper authority of the State. However, all such purchases in addition to the authorization by the Board shall, if more than ten thousand dollars (\$10,000.00), be authorized by the Council.

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

Section 181.09, as amended by Ordinance No. 2855-80, passed March 9, 1981,

Section 181.11, as amended by Ordinance No. 627-68, passed March 18, 1968,

Section 181.13, as amended by Ordinance No. 999-70, passed June 8, 1970, and

Section 181.14, as amended by Ordinance No. 627-68, passed March 18, 1968, are hereby repealed.

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

Passed September 30, 1996.
Effective October 9, 1996.

**Ord. No. 1461-96.
By Councilmen Polensek and Rokakis (by departmental request).**

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from

the Ohio State Board of Emergency Medical Services for the 1996-97 EMS E.M.T. Training Program.

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

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

Section 1. That the Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$29,996.00, from the Ohio State Board of Emergency Medical Services, to conduct the 1996-97 EMS E.M.T. Training Program, for the purposes set forth in the application and according thereto; that the Director of Public Safety is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1461-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

Passed October 7, 1996.
Effective October 14, 1996.

**Ord. No. 1616-96.
By Councilman Rokakis (by departmental request).**

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to install and design the placement of new and reconditioned furniture, and to make repairs to existing countertops and to design placement of new and existing counters and spaces, for the Department of Finance, on behalf of the office of the Clerk of the Cleveland Municipal Court, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance, on behalf of the office of the Clerk of the Cleveland Municipal Court 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 install and design the placement of new and reconditioned furniture, and to make repairs to existing countertops and to design placement of new and existing counters and spaces 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 Department of Finance, on behalf of the office of the Clerk of the Cleveland Municipal Court. Bids shall be taken in such manner as to permit an

award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22641)

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

Passed October 7, 1996.

Effective October 14, 1996.

Ord. No. 1617-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the payment of membership dues of the City of Cleveland in 1997 for NOACA.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to cause payment of 1997 membership dues of the City of Cleveland, to be made to NOACA, from Fund No. 01-99-98-0232, Request No. 23201.

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 October 7, 1996.

Effective October 14, 1996.

Ord. No. 1618-96.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of various security equipment, for the Department of Finance, on behalf of the office of the Clerk of Cleveland Municipal Court, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance, on behalf of the office of

the Clerk of Cleveland Municipal Court 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 security equipment, including but not limited to restricted access systems and camera monitors in the estimated sum of \$35,000, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Director of Finance, on behalf of the office of the Clerk of Cleveland Municipal Court. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than 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 22640)

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

Passed October 7, 1996.

Effective October 14, 1996.

Ord. No. 1848-96.
By Councilman Jackson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Triedstone Baptist Church to stretch a banner in front of the church, 3782 Community College Avenue, for the period from January 1, 1997 to February 1, 1997, inclusive, publicizing its Anniversary.

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 the Triedstone Baptist Church to install, maintain and remove a banner in front of the church, 3782 Community College Avenue, for the period from January 1, 1997 to February 1, 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.

Passed October 7, 1996.

Effective October 14, 1996.

Ord. No. 1849-96.
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 1540, 1544, 1546 East 86th Street to Lena Faye Hogue.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 106-22-024, 106-22-025 and 106-22-026, as more fully described in Section 2 below, to Lena Faye Hogue.

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. 106-22-024

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. 391 and bounded and described as follows:

Beginning on the Westerly line of East 86 Street at a point 391 feet (Southerly measured along said Westerly line from the Southerly line of Wade Park Avenue N.E.; thence Southerly along said Westerly line of East 86th Street, 40 feet; thence Westerly on a line parallel to Wade Park Avenue N.E., 134 feet; thence Northerly on a line parallel to the Westerly line of East 86th Street, 40 feet; thence Easterly 134 feet to the place of beginning, being further known as Parcel No. 217 in L. M. Southern's proposed Wade Park Avenue allotment of part of Original One Hundred Acre Lots Nos. 383 and 391, be the same more

or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 106-22-025

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. 391 and bounded and described as follows:

Beginning at a point in the Westerly line of East 86th Street, (formerly Marcey Avenue) 431 feet Southerly from the Southerly line of Wade Park Avenue, N.E., thence Southerly along the Westerly line of East 86th Street, 40 feet; thence Westerly parallel with Wade Park Avenue, N.E., 134 feet; thence Northerly parallel with East 86th Street, 40 feet; thence Easterly parallel with Wade Park Avenue, N.E., 134 feet to the place of beginning and being further known as Parcel No. 207 in the L.M. Southern's proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Subject to Restrictions, terms and conditions recorded in Miscellaneous Volume 111, Page 9 and in Miscellaneous Volume 111, Page 43 of Cuyahoga County Records.

Zoning Ordinances, if any.

P.P. No. 106-22-026

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. 391 and bounded and described as follows:

Beginning at a point in the Westerly line of East 86th Street (formerly Marcey Avenue) 471 feet Southerly from the intersection of said Westerly line with the Southerly line of Wade Park Avenue, N.E.; thence Southerly along the Westerly line of East 86th Street 40 feet; thence Westerly parallel with the Southerly line of Wade Park Avenue, N.E., 134 feet; thence Northerly parallel with the Westerly line of East 86th Street 40 feet; thence Easterly parallel with the Southerly line of Wade Park Avenue, N.E., 134 feet to the place of beginning, and being further known as Sublot No. 211 in L.M. Southern's Proposed Wade Park Avenue Allotment of part of Original One Hundred Acre Lot Nos. 383 and 391, be the same more or less, but subject to all legal highways.

Zoning Ordinance, if any.

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

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

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

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives

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

Passed October 7, 1996.
Effective October 14, 1996.

**Ord. No. 1850-96,
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 6304-08 and 6312 Lexington Avenue to Christopher and Francine Hawkins.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s), 104-21-011 and 104-21-012, as more fully described in Section 2 below, to Christopher and Francine Hawkins.

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. 104-21-011

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being parts of Sublot Nos. 53 and 55 in the Luther and Arvilla Moses Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records, bounded and described as follows:

Beginning on the Southerly line of Lexington Avenue, N.E. (formerly Moses Avenue) at the Northeasterly corner of said Sublot No. 55; thence Westerly along the Southerly line of Lexington Avenue N.E. 45 feet to the Northeasterly corner of land conveyed to Sanley Rodo, by deed dated September 18, 1928 and recorded in Volume 3774, Page 380 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to Rodo, 100.50 feet; thence Easterly and parallel to the Southerly line of Lexington Avenue, N.E. 45 feet to the Easterly line of Sublot No. 55; thence Northerly along the Easterly line of said Sublot No. 55, 100.50 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 104-21-012

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Northerly 102 feet of Sublot No. 57 in Luther and Arvilla Moses' Subdivision of part of Original One Hundred Acre Lot No. 340 as shown by

the recorded plat in Volume 5 of Maps, Page 48 of Cuyahoga County Records, and being parcel of land 40 feet front on the Southerly side of Lexington Avenue, N.E. (formerly Lexington Avenue) and extends back of equal width 102 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

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

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

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

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

Passed October 7, 1996.
Effective October 14, 1996.

COUNCIL COMMITTEE MEETINGS

Monday, October 14, 1996

Public Health Committee: 9:30 A.M. — Present: Robinson, Chrm.; Miller, Vice Chrm., Jackson, Melena, O'Malley. Excused: Britt, Zone.

Public Service Committee: 11:00 A.M. — Present: Coats, Chrm.; Johnson, McGuirk, Melena, Smith, Westbrook, White. Excused: O'Malley, Vice Chrm., Britt.

Tuesday, October 15, 1996

Community and Economic Development Committee: 10:00 A.M. — Present: Jackson, Chrm.; Paulenske, Vice Chrm.; Britt, Coats, Lewis, Melena, Patton, Smith, Willis.

Wednesday, October 16, 1996

Aviation and Transportation Committee: 10:00 A.M. — Present: Miller, Chrm.; Paulenske, Vice Chrm., McGuirk, Patton, White, Willis. Excused: Rokakis.

City Planning Committee (Zoning): 1:30 P.M. — Present: Rybka, Chrm.; Britt, Vice Chrm., O'Malley, Paulenske, White, Zone. Excused: Rokakis.

City Planning Committee: 2:00 P.M. — Present: Britt, Vice Chrm., O'Malley, Paulenske, White, Zone. Excused: Rybka, Chrm.; Rokakis.

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Change the use Area and Height Districts (O 1199-96) 1965

Change use district of land — Lake Shore Blvd. between E. 169th Street and E. 174 Street
(O 1197-96)..... 1965

Change zoning lands on both sides of Waterloo Road N.E. between Shiloh Road - West of E.
152 Street and between E. 160th Street (O 1198-96)..... 1965

PPPP