

The City Record

Official Publication of the City of Cleveland

July the Fourteenth, Nineteen Hundred and Ninety-Nine

Mayor	
Michael R. White	
President of Council	
Jay Westbrook	
Clerk of Council	
Cecelia R. Huffman	
Ward	Name
1	Joseph T. Jones
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	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Michael C. O'Malley
17	Timothy J. Melena
18	Jay Westbrook
19	Joseph J. Zone
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	Joseph T. Jones	15601 Lotus Drive	44128
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	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3032 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Michael C. O'Malley	6710 Brookside Drive	44144
17	Timothy J. Melena	6110 West Clinton Avenue	44102
18	Jay Westbrook	10513 Clifton Boulevard	44102
19	Joseph J. Zone	3323 West 130th Street	44111
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

Clerk of Council - Cecelia R. Huffman, 216 City Hall, 664-2840.
First Assistant Clerk - Sandra Franklin.

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Laura Ann Williams, Director, Office of Equal Opportunity
Milan T. Polacek, Executive Assistant for Legislative Affairs

DEPT. OF LAW - Cornell P. Carter, Director, Lessie M. Milton, Chief Counsel, Room 106
George A. Pace, Jr., Chief Asst. Prosecutor; Criminal Branch - Justice Center, 8th Flr., Court Towers, 1200 Ontario Street
Karen E. Martines, Law Librarian, Room 100

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

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

DEPT. OF PORT CONTROL - Solomon F. Balraj, Director,
Cleveland Hopkins International Airport, 5300 Riverside Drive;
Cleveland Hopkins International Airport - Mark D. Vanloh, Commissioner
Burke Lakefront Airport - Michael C. Barth, Commissioner

DEPT. OF PUBLIC SERVICE - Mark Ricchiuto, Director, Room 113
DIVISIONS - Waste Collection and Disposal - Randell T. Scott, Acting Commissioner, 5600 Carnegie Avenue.
Streets - Randell T. Scott, Commissioner, Room 25
Engineering and Construction - Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Acting Commissioner, Harvard Yards
Architecture - Paul Burik, Acting Commissioner, Room 517

DEPT. OF PUBLIC HEALTH - Michelle Whitlow, Acting Director, Mural Building, 1925 St. Clair Avenue
DIVISIONS - Health - Cheri Hahn, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Environment - Robin Puriani-Rogers, Acting Commissioner, Mural Building, 1925 St. Clair Avenue
Correction - Thomas Hardin, Commissioner, Cleveland House of Corrections, 4041 Northfield Road

DEPT. OF PUBLIC SAFETY - Henry Guzmán, Director, Room 230.
DIVISIONS - Police - Martin L. Flask, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street
Fire - Kevin G. Gerrity, Chief, 1645 Superior Avenue
Traffic Engineering & Parking - Mark Ricchiuto, Acting Commissioner, 4150 East 49th Street, Building #1
Dog Pound - John Baird, Chief Dog Warden, 2690 W. 7th Street
Emergency Medical Service - Bruce Shade, Commissioner, 1708 South Pointe Drive

DEPT. OF PARKS, RECREATION & PROPERTIES - Nicholas P. Jackson, 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 - _____, Commissioner, East 49th & Harvard

Parking Facilities - Dennis Donahue, 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 - Mark Fallon, Commissioner, 1501 N. Marginal Road, Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT - Linda M. Hudecek, Director, 3rd Floor, City Hall.
DIVISIONS - Administrative Services - Terrence Ross, Commissioner.
Neighborhood Services - Louise V. Jackson, Commissioner.
Neighborhood Development - Donald T. Moss, Commissioner.
Building & Housing - Lisa Thomas, Commissioner, 5th Floor, City Hall.

DEPT. OF PERSONNEL AND HUMAN RESOURCES - Jeffrey K. Patterson, Director, Room 121

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

DEPT. OF AGING - Susan E. Axelrod, Director, Room 122

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

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

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

BOARD OF ZONING APPEALS - Room 516, Carol Johnson, Chairman; Members; Chris Carmody, Anna Chatman, Ozell Dobbins, Tony Petkovsek, Eugene Cranford, Jr., Secretary.

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

BOARD OF REVISION OF ASSESSMENTS - Law Director Cornell P. Carter, President; Finance Director Martin L. Carmody, Jr., Secretary; Council President Jay Westbrook.

BOARD OF SIDEWALK APPEALS - Service Director Mark Ricchiuto; Law Director Cornell P. Carter; Councilman Roosevelt Coats.

BOARD OF REVIEW - (Municipal Income Tax) - Law Director Cornell P. Carter; Utilities Director Michael Konicek; Council President Jay Westbrook.

CITY PLANNING COMMISSION - Room 501 - Hunter Morrison, Director; Anthony J. Coyne, Acting Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Edward D. Small, Councilman Odelia V. Robinson.

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

MORAL CLAIMS COMMISSION - Law Director Cornell P. Carter; Chairman; Finance Director Martin L. Carmody, Jr.; Council President Jay Westbrook; Councilman Roosevelt Coats; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS - Samuel Montfort, Chairman; Donald Baulknigh, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS - Joseph Gyorky, Chairman; Earl S. Bumgarner, Alfred Fowler, Jozef Valencik, _____, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION - Room 519 - Richard Schanfarber, Chairman; Paul Volpe, Vice Chairman; Paul Burik, James Gibans, Sandra Morgan, Hunter Morrison, Theodore Sande, Galen Schuerlein, Randall Shorr, Councilman Craig E. Willis, Councilman Joe Cimperman, Robert Keiser, Executive Secretary.

**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 Colleen C. Cooney	14A
Judge C. Ellen Connally	15C
Judge Sean C. Gallagher	12B
Judge Mabel M. Jasper	14D
Judge Mary E. Kilbane	14C
Judge Kathleen A. Keough	12C
Judge Ralph J. Perk, Jr.	14B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	13A
Judge Gerald F. Sweeney	13D
Judge Robert J. Triozzi	12A

Earle B. Turner - Clerk of Courts, Linda M. DeLillo-Court Administrator, Robert C. Townsend, II-Bailiff; Kenneth Thomas-Chief Probation Officer, Michelle L. Paris-Chief Magistrate

The City Record



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Vol. 86

WEDNESDAY, JULY 14, 1999

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CITY COUNCIL

MONDAY, JULY 12, 1999

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1998-2001

MONDAY

9:30 A.M.—**Public Parks, Property & Recreation Committee:** Jones, Chairman; White, Vice Chairman; Britt, Polensek, Sweeney, Willis, Zone.

MONDAY—Alternating

11:00 A.M.—**Public Service Committee:** Sweeney, Chairman; Melena, Vice Chairman; Britt, Cintron, Johnson, Jones, O'Malley, Patmon, Polensek.

11:00 A.M.—**Employment, Affirmative Action & Training Committee:** White, Chairman; Cintron, Vice Chairman; Gordon, Johnson, Lewis, O'Malley, Rybka.

MONDAY

2:00 P.M.—**Finance Committee:** Johnson, Chairman; Westbrook, Vice Chairman; Cintron, Coats, Gordon, Lewis, Melena, Patmon, Robinson, Sweeney, Willis.

TUESDAY

9:00 A.M.—**Community and Economic Development Committee:** Jackson, Chairman; Robinson, Vice Chairman; Cimperman, Cintron, Coats, Gordon, Jones, Lewis, Rybka.

TUESDAY—Alternating

1:00 P.M.—**Public Health Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Britt, Cintron, Dolan, Jackson, Robinson.

1:30 P.M.—**Legislation Committee:** Zone, Chairman; Johnson, Vice Chairman; Britt, Cimperman, Jackson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M.—**Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Cimperman, Dolan, Lewis, Patmon, White.

10:00 A.M.—**Public Safety Committee:** Coats, Chairman; Zone, Vice Chairman; Gordon, Jackson, Jones, Melena, O'Malley, White, Willis.

WEDNESDAY—Alternating

1:30 P.M.—**Public Utilities Committee:** Willis, Chairman; Coats, Vice Chairman; Britt, Jones, Melena, O'Malley, Robinson, Rybka, Sweeney.

1:30 P.M.—**City Planning Committee:** Robinson, Chairman; Cimperman, Vice Chairman; Dolan, Jackson, O'Malley, White, Willis.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

July 7, 1999

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, July 7, 1999, at 11:00 a.m., with Director Carter presiding.

Present: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Absent: Mayor White and Director Balraj.

Others: William A. Moon, Commissioner, Purchases and Supplies, Laura A. Williams, Director, Office of Equal Opportunity.

On motion, the following resolutions were adopted.

Resolution No. 424-99.

By Director Carmody.
Resolved, by the Board of Control of the City of Cleveland that the bid of Miami Systems Corporation/Shelby Division for an estimated quantity of Income Tax Forms (all items) for the Division of Taxation, Department of Finance, for the

period of two (2) years beginning with the date of execution of a contract, received on May 26th, 1999, pursuant to the authority of Ordinance No. 1939-98, passed December 7th, 1998, which on the basis of the estimated quantity would amount to Three Hundred Forty-Three Thousand Two Hundred Sixty-One and 53/100 Dollars (\$343,261.53) (Net), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 2711
which shall be certified against such contract in the sum of Fifty Thousand and 00/100 Dollars (\$50,000.00).

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: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 425-99.

By Director Konicek.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on May 13, 1999, for Outdoor Lighting Program item nos. 1, 2, 3, 7 thru 11, 23, 24, 27, 28, 31, 32, 35, 36, 39 and 40, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority Ordinance No. 508-98, passed by the Council of the City of Cleveland on May 18, 1998, be and the same are hereby rejected.

Yeas: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 426-99.

By Director Konicek.
Be it resolved by the Board of Control of the City of Cleveland that the bid of John Keaton, d.b.a. Westside Lighting for an estimated quantity of Outdoor Lighting Program (Installation), item nos. 25, 26, 29, 30, 33, 34, 37, 38, 41, 42 and 43 for the Division of Cleveland Public

Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on May 13, 1999, pursuant to the authority of Ordinance No. 508-98, passed May 18, 1998, on the basis of the estimated quantity would amount to Thirty Eight Thousand Fifty and No/100 Dollars (\$38,050.00) (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 requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0509 which shall be certified against such contract in the sum of Ten Thousand and No/100 Dollars (\$10,000.00).

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: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 427-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of R & R Construction for an estimated quantity of Outdoor Lighting Program (Installation), item nos. 19, 20, 21, 22 and 43, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on May 13, 1999, pursuant to the authority of Ordinance No. 508-98, passed May 18, 1998, on the basis of the estimated quantity would amount to Forty Nine Thousand Seven Hundred Fifty and No/100 Dollars (\$49,750.00) (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 requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0508 which shall be certified against such contract in the sum of Twelve Thousand Dollars (\$12,000.00).

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: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 428-99.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Cascade Lighting, Inc. for an estimated quantity of Outdoor Lighting Program (Material), item nos. 4, 5, 6, 13, 14, 15, 16 and 17 for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one (1) year beginning with the date of execution of a contract, received on May 13, 1999, pursuant to the authority of Ordinance No. 508-98, passed May 18, 1998, on the basis of the estimated quantity would amount to Twenty Six Thousand Eight Hundred Sixty-Three and 25/100 Dollars (\$26,863.25) (1% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 0507 which shall be certified against such contract in the sum of Nine Thousand Dollars (\$9,000.00).

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: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 429-99.

By Director Whitlow.

Resolved by the Board of Control of the City of Cleveland that the bid of Schneider Laboratories for the following: Analysis of soil and dust samples (all items) for the Division of Environment, Department of Public Health, received on the 30th day of December, 1998, pursuant to the authority of Ordinance No. 432-98, passed October 19, 1998, which on the basis of the order quantity would amount to \$25,000.00 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: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 430-99.

By Directors Jackson and Patterson.

Whereas, pursuant to Ordinance No. 185-99 passed on March 22, 1999, and Resolution No. 147-99, adopted March 24, 1999 by the Board of Control of the City of Cleveland, the Director of Parks, Recreation & Properties and the Director of Personnel and Human Resources entered into a contract with Ameri-Temp, Inc. for the purpose of supplementing the regularly employed staff of several departments of the

City of Cleveland in order to provide professional services necessary to supply temporary and seasonal personnel for the seasonal programs of the Department of Parks, Recreation & Properties; and

Whereas, Ordinance No. 745-99, passed on April 26, 1999, amended Ordinance No. 185-99 to include additional funding sources, now; therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 147-99, adopted March 24, 1999, is hereby amended by adding the words "as amended by Ordinance No. 745-99, passed April 26, 1999," after "Ordinance No. 185-99, passed March 22, 1999," where appearing.

Be it further resolved that all other terms and provisions of said Resolution No. 147-99 not hereby amended shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 431-99.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 106-05-078 and 106-05-079 under said Land Reutilization Program; and

Whereas, Ordinance No. 1035-99 passed June 7, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Virgil B. Long has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 1035-99, passed June 7, 1999, 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 Virgil B. Long for the sale and development of Permanent Parcel Nos. 106-05-078 and 106-05-079, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

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

Yeas: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 432-99.

By Director Hudecek.

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

Whereas, City has acquired Permanent Parcel Nos. 008-01-032 and 008-01-033 under said Land Reutilization Program; and

Whereas, Ordinance No. 269-99 passed May 24, 1999, authorized the sale of said parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Greater Cleveland Habitat for Humanity Incorporated has proposed to the City to purchase and develop said parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to the authorization of Ordinance No. 269-99, passed May 24, 1999, 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 Greater Cleveland Habitat for Humanity Incorporated for the sale and development of Permanent Parcel Nos. 008-01-032 and 008-01-033, as described in said Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of said program.

Be it further resolved that the consideration for said parcels shall be \$1.00 (each), which amount is hereby determined to be not less than the fair market value of said parcels for uses in accordance with the Land Reutilization Program.

Yeas: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

Nays: None.
Absent: None.

Resolution No. 433-99.

By Director Carmody.

Whereas, by Resolution No. 377-99, adopted June 23, 1999, pursuant to the authority of Ordinance No. 1744-97, passed October 20, 1997, this Board of Control approved the bid of Business Smarts, Inc. as the lowest and best for the purchase of the City's requirements for an Alpha server through the Department of Finance; and

Whereas, in said Resolution No. 377-99 the contracting department director was incorrectly stated as the Director of Community Development, and the initial requisition number was omitted; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 377-99, adopted June 23, 1999, affirming and approving the bid of Business Smarts, Inc. as the lowest and best for the purchase of an Alpha Server is hereby amended by changing the contracting department director to Director of Finance, where appearing, and by adding after the words "Requisition No.", the words "RE No. 1129."

Be it further resolved that all other provisions of said Resolution No. 377-99 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Directors Carter, Carmody, Konicek, Ricchiuto, Whitlow, Guzman, Jackson, Hudecek and Patterson, Acting Directors Huth and Alexander.

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, JULY 26, 1999

9:30 A.M.

Calendar No. 99-164: 2983 Hampton Road (Ward 4)

Rysar Properties, owner c/o Stuart Friedman, agent, appeal to construct a 53' x 42' one family two-story dwelling house with an attached garage on an approximate 123' x 63' irregular shaped parcel located in a One-Family District on the northeasterly side of Hampton Road at 2983 Hampton Road; said construction being contrary to the Yards and Courts Regulations of Section 357.06(C) where the required front yard setback is 50' and 25' is proposed, but subject to the Variance Powers Restricted Regulations where the Board of Zoning Appeals shall have no power to authorize as a variance, as stated in Section 329.04 of the Codified Ordinances.

Calendar No. 99-165: 3670 East 112th Street (Ward 3)

Desiree Mines, owner, appeals to change the use of an existing 25' x 40' two family, two-story dwelling house into a 3-dwelling house by modifying the third floor attic space into a livable space and situated on a 115' x 44' irregular shaped parcel and located in a Two-Family District on the west side of East 112th Street at 3670 East 112th Street; said change of use being contrary to the Residential District Regulations of Section 337.03, where a three dwelling house is not permitted in a Two-Family District and contrary to the Area Requirements Regulations

of Section 355.04(a), where the maximum gross lot area required is 7,200 sq. ft. and 4,542.5 sq. ft. is proposed and contrary to the Yards and Courts Regulations of Section 357.09(b)(2), where an 8' sideyard is required and a 2'-6" sideyard is proposed on the north side of the property and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(a), where 3 off-street parking spaces are required and two spaces are proposed, but subject to the non-conforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-166: 3483 West 135th Street (Ward 19)

St. Vincent DePaul, owner c/o Father John Manning, appeals to change the use of an existing 80' x 65' three-story masonry "L" shaped dormitory building into a kindergarten facility situated on an acreage corner parcel located in a One-Family District at the northeast corner of West 135 Street and Lorain Avenue at 3483 West 135th Street; said change of use being contrary to the Residential District Regulations where day nurseries and kindergartens are subject to the review and approval of Board of Zoning Appeals as stated in Section 337.02(f)(3)(C) of the Codified Ordinances.

Calendar No. 99-167: 17960 Lakeshore Boulevard (Ward 11)

Mark McGraw, owner, appeals to change the use of an existing 46' x 24' one-story masonry building into parking and auto detailing, all situated on an approximate 168' x 85' parcel and located in a Multi-Family District on the south side of Lakeshore Boulevard at 17960 Lakeshore Boulevard; said change of use being contrary to the Residential District Regulations of Section 337.08 where parking or auto detailing are not permitted in a Multi-Family District and Section 343.11 where parking and auto detailing are permitted in a Semi-Industry District, provided that the auto detailing portion is located not less than 100' from a residence district, and contrary to the Landscaping and Screening Requirements where a 6' landscaping strip is required along Lakeshore Boulevard and an 8' landscaping strip is required along the rear and both sides of the property as regulated by Section 352.10 of the Codified Ordinances.

Calendar No. 99-168: 7305-7321 Superior Avenue (Ward 7)

JCW Inc. c/o John C. Wheeler, owner, appeals to construct an approximate 69' x 40' two-story masonry lease space building and a 47' x 24' one-story masonry lease space building, a 50' x 24' one-story lease space building and an approximate 40' x 115' one-story masonry Laundromat/Game Room building, all connected to create a Mini-Mall and all located on a 141' x 236' corner parcel at East 74th Street between Myron Avenue and Superior Avenue at 7305-7321 Superior Avenue; said construction being contrary to the Residential District Regulations of Section 337.08, where a Laundromat and Retail Businesses are not permitted in a Multi-Family District and Section 343.11 where a Laundromat and Retail Businesses are

first permitted in a Local Retail Business District, provided not more than 5 persons are engaged in such work or business at one time, and contrary to the Off-Street Parking and Loading Requirements, where 20 parking spaces are required and 18 are provided and approximately 7' is provided for driveway apron from property line and 15' is required as stated in Section 349.07 of the Codified Ordinances.

Calendar No. 99-169: 2031 West 87th Street (Ward 18)

Deborah Sturgill Reddick, owner, appeals to enclose an existing 24' x 7'-6" front porch of an existing 24' x 32' single-story house situated on a 35' x 115' parcel located in a Two-Family District on the east side of West 87th Street at 2031 West 87th Street; said enclosure being contrary to the Yards and Courts Regulations where the proposed projection of the porch is 7'-6" and the maximum projection allowed is 4' as stated in Section 357.13(b)(4) of the Codified Ordinances.

Calendar No. 99-170: 4950 Lorain Avenue (Ward 14)

Nicolae E. Ludu Guy, owner, appeals to change the use of an existing 45' x 33' one-story masonry service station building into an auto repair garage and to attach a new 18'-8" x 14' one-story masonry office building addition to the north of the existing service station building situated on an approximate 101' x 145' irregular shaped triangular corner parcel located in a Local Retail District at the northeast corner of West 50th Street and Lorain Avenue at 4950 Lorain Avenue; said change of use and proposed addition being contrary to the Business District Regulations of Section 343.01, where an auto repair garage is not permitted in a Local Retail District, but first permitted in a Semi-Industry District, provided it is 100' from a Residence district as stated in Section 345.03(C)(2) but subject to the substitution of nonconforming use limitations of Section 359.01(a) of the Codified Ordinances.

Calendar No. 99-171: 3199 West 25th Street (Ward 14)

Ralph Gonzales, owner, and Michael Hall, tenant, appeal to change the use of an existing 145' x 33' two-story masonry storage and auto dealership building into an auto repair garage with 9 parking spaces where the proposed auto repair garage is located in a Semi-Industry District and situated on an approximate 196' x 91' corner parcel at the corner of Althen Avenue and West 25th Street at 3199 West 25th Street; said change of use being contrary to the Industrial District Regulations where an auto repair garage is required to be 100' from a residence District and contrary to the Off-Street Parking and Loading Requirements of Section 349.04(g) where 15 parking spaces are required and 9 are provided, and the proposed parking is in a Multi-Family District, and a parking lot in a Residence District requires the Board of Zoning Appeals approval as stated in Section 349.13(c) of the Codified Ordinances.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JULY 12, 1999

At the meeting of the Board of Zoning Appeals on Monday, July 12, 1999, the following appeals were heard by the Board:

The following appeals were **Approved**

Calendar No. 99-149: 2499 East 84th Street

Fairfax Homes Development L.P., owner c/o Vickie Eaton-King, and Capri Homes c/o George Fragapane, agent, appealed to erect an 18' x 35' one-family dwelling house with a 12' x 24' attached garage on a 40' x 130' parcel in a Multi-Family District.

Calendar No. 99-150: 2484 East 84th Street

Fairfax Homes Development L.P., owner c/o Vickie Eaton-King, and Capri Homes c/o George Fragapane, agent, appealed to erect an 18' x 36' one-family dwelling house with a 12' x 24' attached garage on a 40' x 130' parcel in a Multi-Family District.

Calendar No. 99-151: 3914 Broadway Avenue

G.W. Cobb Company c/o William Cobb, owner, appealed to construct a 60' x 60'-8" masonry and pre-engineered metal one-story building addition to an existing 108'-8" x 60'-8" one-story masonry building which is attached to an existing masonry building in a Semi-Industry and Unrestricted Industry District; said approval subject to installation of landscape screening, paving and drainage of off-street parking lot area.

Calendar No. 99-154: 8013 Townsend Avenue

Fairfax Homes Development L.P., owner c/o Vickie Eaton-King, and Capri Homes c/o George Fragapane, agent, appealed to erect an 18' x 36' one-family dwelling house with a 12' x 24' attached garage on a 40' x 150' parcel in a Multi-Family District.

Calendar No. 99-155: 8016 Keyes Avenue

Fairfax Homes Development L.P., owner c/o Vickie Eaton-King, and Capri Homes c/o George Fragapane, agent, appealed to erect an 18' x 36' one-family dwelling house with a 12' x 24' attached garage on a 40' x 150' parcel in a Multi-Family District.

The following appeal was **Denied:**

Calendar No. 99-146: Appeal of APCOA, Inc.

APCOA, Inc. appealed under Section 76-6 and the Charter of the City of Cleveland from the denied request for an abatement of penalties assessed for late filing of APCOA's January Parking Tax according to Section 196.04 of the Codified Ordinances.

The following appeals were **Dismissed:**

Calendar No. 99-129: 9614 Denison Avenue

Robert P. Gillespie, owner, appealed to change the use of a two-story building into four dwelling units in a Multi-Family District.

Calendar No. 99-148: 5512 Memphis Avenue

Ken Wayne and Kathy Sokol, owners, appealed to construct approximately 75 linear feet of 4'-6" high wooden fencing and approximately 52 linear feet of 6' 0" high wooden fencing on a 52' x 125' parcel in a Local Retail District.

The following appeal was **Postponed:**

Calendar No. 99-147: 5315 Fleet Avenue postponed to August 9, 1999.

Calendar No. 99-121: 4220 Pearl Road postponed to August 9, 1999. Postponed to August 2, 1999.

On Monday, July 12, 1999, in Executive Session:

The following appeals were heard on Tuesday, July 6, 1999, and said decisions to **Grant** were approved and adopted by the Board on July 12, 1999:

Calendar No. 99-139: 419 Railway Avenue

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appealed to construct a 24' x 41'-4" three-story, one family dwelling house with lower level garage and utility room on a 30' x 88' corner lot as one unit of a townhouse project in a B-Multi-Family District.

Calendar No. 99-140: 415 Railway Avenue

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appealed to construct a 22' x 42' three-story, one family dwelling house with lower level garage and utility room on a 22' x 86' lot as one unit of a townhouse project in a B-Multi-Family District.

Calendar No. 99-141: 411 Railway Avenue

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appealed to construct a 22' x 42' three-story, one family dwelling house with lower level garage and utility room on a 22' x 86' lot as one unit of a townhouse project in a B-Multi-Family District.

Calendar No. 99-142: 407 Railway Avenue

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appealed to construct a 22' x 42' three-story, one family dwelling house with lower level garage and utility room on a 22' x 85' lot as one unit of a townhouse project in a B-Multi-Family District.

Calendar No. 99-143: 403 Railway Avenue

Tremont Ridge, Phase I, Limited Partnership, owner c/o Keith Sutton, appealed to construct a 24' x 42' three-story, one family dwelling house with lower level garage and utility room on a 22' x 86' lot as one unit of a townhouse project in a B-Multi-Family District.

Calendar No. 99-144: 2149 West 5th Street

Michael McBride, owner, appealed to construct a 52' x 52' two-story masonry two family dwelling house with rehearsal studio and two car attached garage on a 89' x 120' triangular corner parcel in a Multi-Family District.

Calendar No. 99-86: 4961 Old Grayton Road

Ullrich Family Ltd. Partnership, owner, and AT&T Wireless, tenant c/o Ron Russo, appealed to install a 43' tall monopole style antenna tower and a 20' long x 11' 6" wide prefabricated radio equipment building and approximately 132 linear feet of 8' high chain link fencing topped with barbed wire in a Semi-Industry District; approval upon condition that monopole tower is 42'; that appellant maintains a minimum distance of 400' from the existing similar tower and agrees to relocate the proposed 42' tower if necessary in the future upon request of Cleveland Port Control authority.

Calendar No. 99-97: 605-07 East 131st Street

Bright Star Missionary Baptist Church, owner c/o Reverend David Hunter, appealed to change the use of an approximate 27' x 30' two family dwelling into a Day Care Center in a Two-Family District on a 138' x 38' corner lot; granted upon condition that after 18 months the proposed use will become located in a new church building/facility and that the temporary location will use the existing driveway and side street for patron traffic drop off and pick up.

EUGENE CRANFORD, JR.,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
July 7, 1999

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

* * *

Docket L-18-99.

RE: Appeal of Anthony DiNardo, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated June 7, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. DiNardo to reinstate his JOURNEYMAN PLUMBER LICENSE without retaking the test, but with payment of the late filing fee. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket L-19-99.

RE: Appeal of John Biehl, appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated May 17, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Biehl to reinstate his ELECTRICAL CONTRACTOR LICENSE without retaking the test, but with payment of the late filing fee. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket L-20-99.

RE: Appeal of William A. Bard Jr., appeals from a LETTER OF DENIAL FOR RENEWAL OF ELECTRICAL CONTRACTOR LICENSE of the Commissioner of the Division of Assessments & Licenses dated June 3, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Bard to reinstate his ELECTRICAL CONTRACTOR LICENSE without retaking the test, but with payment of the late filing fee. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Sullivan.

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

* * *

Docket L-21-99.

RE: Appeal of James Michael Hearn, appeals from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE of the Commissioner of the Division of Assessments & Licenses dated July 6, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to permit Mr. Hearn to reinstate his JOURNEYMAN PLUMBER LICENSE without retaking the test, but with payment of the late filing fee. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-67-99.

RE: Appeal of Milton Hunter, Owner of the Two & One-half Story Wood Frame Residential Property located on the premises known as 2509 East 83rd Street from a 30 DAY CONDEMNATION ORDER & YARD dated March 24, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and four (4) months in which to complete abatement of the violations; and to require that the property remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further

action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by December 21, 1999. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-82-99.

RE: Appeal of IMC Mortgage Company, Mortgagee of the Two & One-half Story Frame Residential Property located on the premises known as 3611 East 116th Street from a CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated April 16, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and begin abatement of the violations; and to require that the property remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 21, 1999. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Docket A-85-99.

RE: Appeal of Huntleigh, Ltd., Owner of the Masonry Commercial Property located on the premises known as 10705 Lake Avenue from a NOTICE OF VIOLATION/ELEVATOR CODE dated March 12, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for variance to the Elevator Code (A-17.3/4.7.2 and 4.10-3) and to require that the top-of-car operating device be installed as requested by the Division of Building and Housing. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

Docket A-86-99.

RE: Appeal of S.P.L. Property, Ltd., Owner of the Masonry Commercial Property located on the premises known as 11115-19 Lake Avenue from a NOTICE OF VIOLATION/ELEVATOR CODE dated March 12, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal request for variance to the Elevator Code (A-17.3/4.7-2 and 4.10-3) and to require that the top-of-car operating device be installed as requested by the Division of Building and Housing. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-89-99.

RE: Appeal of George T. Baggott, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 17820 Endora Road (Rear) from a 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated April 13, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and demolish the property and remove the debris. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-90-99.

RE: Appeal of George T. Baggott, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 17820 Endora Road (Front) from a 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated April 13, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and demolish the property and remove the debris. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-91-99.

RE: Appeal of George T. Baggott, Owner of the Two & One/half Story Frame Residential Property located on the premises known as 1930 Cliffview Road from a 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE of the Commissioner of the Division of Building and Housing dated April 13, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's 30 DAY CONDEMNATION ORDER/MAIN STRUCTURE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant one (1) month in which to obtain permits and demolish the property and remove the debris. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-96-99.

RE: Appeal of Cleveland Clinic Foundation, Owner of the Commercial Steel Masonry Property located on the premises known as 9620 Carnegie Avenue from a NOTICE OF VIOLATION/HVAC dated April 15, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to Section 606.2.2 of the Ohio Basic Mechanical Code, and find that the installation of the smoke detectors at the doors will act as effective smoke detection in the prevention of the spread of smoke from one area to another, noting that the area within the units cannot spread smoke from one area to another except through those doors; and that the fire load and smoke load is minimal in both the above plenum and the under-floor plenum; and that panic hardware exist so that people in the area, when the doors are closed, can release the doors and egress the space. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-101-99.

RE: Appeal of Al Saluan, Owner of the Brick Theatre/Assembly Property located on the premises known as 13116 Shaker Square from a NOTICE OF VIOLATION/ ELECTRICAL dated May 7, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

Docket A-101-99 has been POSTPONED: to be rescheduled for a later date.

Docket A-106-99.

RE: Appeal of Cleveland Clinic Foundation, Owner of the Commercial Steel Masonry Property located on the premises known as 8840 Euclid Avenue from a NOTICE OF VIOLATION/PLANS-CONFORMITY dated May 24, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the stairway to remain at 42" clear opening. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket A-111-99.

RE: Appeal of Colosseum Realty, Inc., Owner of the Four Dwelling Unit/Two & One/half Story Masonry/Part Center located on the premises known as 7218 Euclid Avenue from a CONDEMNATION ORDER dated June 4, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant five (5) months in which to obtain permits and abate the violations; and to require that the property remain boarded and secured and the grounds debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by December 21, 1999. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-117-99.

RE: Appeal of Rose Ciarallo, Owner of the Residential Property and Proposed Swimming Pool located on the premises known as 3816 West 33rd Street from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated June 21, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the ten (10) foot requirement and permit the pool to be installed six (6) feet and four (4) feet from the rear and side property lines, with the provision that the Appellant produce documentation to the Board of the height and style of the fence surrounding the property, and the agreement of the rear and side neighbors effected by this vari-

ance. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-119-99.

RE: Appeal of Clinton Terrace Ltd., Owner of the Property located on the premises known as 3100-18 Clinton Avenue from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated June 2, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the structures (two townhouse buildings six (6) units and four (4) units) to be reviewed for compliance under the CABO Code, noting that there is a two-hour fire wall continuously to the roof and that the roof is constructed with fire retardant materials between each unit; to grant the variance to the construction of the fourth floor tower rooms with the provision that alarming hard-wired smoke detectors be installed throughout all the unit, and that the tower rooms on the fourth floor not be used as sleeping rooms; and to grant the variance to the exception to the Cleveland Code requirements for a second means of egress from the third and fourth floors. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-120-99.

RE: Appeal of Ruth Rogers, Owner of the Four Dwelling Unit & Two Stores/Two Story Masonry Property located on the premises known as 10721-23 St. Clair Avenue from a CONDEMNATION ORDER dated June 4, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant four (4) months in which to obtain permits and abate the violations on the property; the property is to remain boarded and secured and the grounds debris free during that period of time with continued patrols and appropriate signage. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by September 7, 1999

YEAS: Messrs. Denk, Bowes, Saunders, Sullivan. NAYS: None. ABSENT: Mr. Williams.

YEAS: Messrs. Denk, Bowes, Saunders, Sullivan. NAYS: None. ABSENT: Mr. Williams.

YEAS: Messrs. Denk, Bowes, Saunders, Sullivan. NAYS: None. ABSENT: Mr. Williams.

Docket A-130-99.

RE: Appeal of Cleveland Business Park Distribution II, LLC, Owner of the proposed 125,000 S.F. unlimited area warehouse/factory building for "Kennametal" located on the premises known as 18105 Cleveland Business Park Drive from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated May 17, 1999, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to OBBC Section 4101:2-1-19 (Item 1f) with the condition that 30' remain clear of obstructions at the perimeter of the building. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-115-98—Patrick P. Leneghan.
- A-153-98—Theodore Weaver.
- A-214-98—The Provident Bank.
- A-218-98—A.R. Muhammed
- L-17-99—Derek Edwards.
- A-57-99—Sherman & Jeanne Allen.
- A-61-99—Detroit Avenue, Inc.
- A-63-99—Darnell Dozier.
- A-77-99—Trygve Hoff Building Company, Inc.
- A-78-99—Trygve Hoff Building Company, Inc.
- A-79-99—Trygve Hoff Building Company, Inc.
- A-80-99—Trygve Hoff Building Company, Inc.
- A-81-99—Trygve Hoff Building Company, Inc.
- A-88-99 Donald Schneider.
- A-97-99—Joe Wadzinski.
- A-109-99—Lucille Williamson.
- A-116-99—Mary L. Fenderson.

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

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APPROVAL OF AMENDED RESOLUTION:

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

Docket A-87-99—Tower Press Building, Inc.—1900-50 Superior Avenue:

And

Docket A-100-99—Daniel Gray — 2000 Superior Avenue:

FROM: . . . to is to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3)

months in which to obtain permits and abate the violations on the property; and to maintain the security of the building by providing a fence around the entire perimeter of the building; the property is to remain boarded and secured and the grounds debris free during that period of time with continued patrols and appropriate signage. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by September 7, 1999

TO: . . . is to modify the Commissioner's 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three (3) months in which to obtain permits and abate the violations on the property; and to maintain the security of the building by providing a fence around the entire perimeter of the building; the property is to remain boarded and secured and the grounds debris free during that period of time with continued patrols and appropriate signage. Upon passage of this motion, this matter shall be REMANDED at this time to the Commissioner of the Division of Building and Housing for supervision and any required further action. All other provisions of the 30 DAY CONDEMNATION ORDER and LETTER OF INTENTION TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by October 7, 1999

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

* * *

APPROVAL OF MINUTES:

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

June 23, 1999

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

TUESDAY, JULY 27, 1999

New West Side Cargo Ramp, for the Department of Port Control. PLANS AND SPECIFICATIONS MAY BE PURCHASED IN THE DIVISION OF PURCHASES AND SUPPLIES, CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114.

THE COST IS \$100.00, AND ONLY CERTIFIED CHECKS, CASHIER'S CHECKS OR MONEY ORDERS WILL BE ACCEPTED. PROSPECTIVE BIDDERS WILL BE GIVEN A RECEIPT TO PRESENT TO THE DESIGNATED PRINTER FOR PLANS AND SPECIFICATIONS.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JULY 14, 1999, 10:00 A.M., IN THE ENGINEERING BUILDING OF THE DEPARTMENT OF PORT CON-

TROL, 19501 CARGO ROAD. DIRECTIONS TO THE SITE WILL BE GIVEN UPON PURCHASE OF DOCUMENTS. PLEASE DIRECT QUESTIONS CONCERNING THIS BID TO MELANIE THOMPSON AT (216) 664-4899.

July 7, 1999 and July 14, 1999

WEDNESDAY, JULY 28, 1999

One (1) Payment Processor Envelope Extractor Machine, for the Division of Utilities Fiscal Control, Department of Public Utilities, as authorized by Ordinance No. 880-99, passed by the Council of the City of Cleveland, June 7, 1999.

July 7, 1999 and July 14, 1999

THURSDAY, JULY 29, 1999

De-Icer, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 241-99, passed by the Council of the City of Cleveland, March 29, 1999.

Ball Diamond Clay, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 258-99, passed by the Council of the City of Cleveland, April 26, 1999.

Tree Planting, for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1087-99, passed by the Council of the City of Cleveland.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, JULY 22, 1999, 10:00 A.M., IN THE 3RD FLOOR CONFERENCE ROOM OF THE CLEVELAND CONVENTION CENTER.

July 7, 1999 and July 14, 1999

THURSDAY, AUGUST 5, 1999

Decorative Safety Post Light Program (Installation and Materials), for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 508-98, passed by the Council of the City of Cleveland, May 18, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON MONDAY, JULY 19, 1999, 10:00 A.M., AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

Fire, Boiler Machinery and Extended Insurance, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1946-98, passed by the Council of the City of Cleveland, December 14, 1998.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JULY 20, 1999, 10:00 A.M., AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

July 7, 1999 and July 14, 1999

FRIDAY, JULY 30, 1999

Residential Sound Insulation Program (RSIP) 1999 Group D-99, for the Department of Port Control, as authorized by Ordinance No. 469-98, passed by the Council of the City of Cleveland, May 18, 1998.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE.

A MANDATORY PRE-BID MEETING WILL BE HELD ON TUESDAY, JULY 20, 1999, 12:30 P.M., LOCAL TIME, IN THE 2ND FLOOR MAIN CONFERENCE ROOM, ADMINISTRATION OFFICE, PASSENGER TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193.

Bunker Gear Suits, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 1066-99, passed by the Council of the City of Cleveland.

Automotive Parts and Supplies, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 781-99, passed by the Council of the City of Cleveland, June 7, 1999.

July 14, 1999 and July 21, 1999

FRIDAY, AUGUST 6, 1999

Labor and Materials to Maintain and/or Replace Landscaping of Exterior Sites, for the various divisions of the Department of Port Control, as authorized by Ordinance No. 576-99, passed by the Council of the City of Cleveland, June 7, 1999.

A PRE-BID MEETING WILL BE HELD ON WEDNESDAY, JULY 28, 1999, 1:00 P.M., IN THE DEPARTMENT OF PORT CONTROL'S BAGGAGE CLAIM CONFERENCE ROOM, TERMINAL BUILDING, CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5300 RIVERSIDE DRIVE, CLEVELAND, OHIO 44135-3193.

July 14, 1999 and July 21, 1999

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 589-99.
By Councilmen Jackson, Robinson and Johnson (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 north of Cleveland Hopkins Airport to Cleveland Business Park, Ltd.; and authorizing an application for release of land from Trust Indenture.

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 Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that the following described properties are no longer needed for public use:

PROPOSED
CLEVELAND BUSINESS
PARK - WEST
PARCEL B

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of The C and D Southwest Subdivision I as recorded in Volume 174, Page 34 of Cuyahoga County Records and part of The C and D Southwest Subdivision II as recorded in Volume 184, Page 72 of Cuyahoga County Records. The parcel is further known as being part of Section No. 4 of Original Rockport Township, and bounded and described as follows:

Beginning at an iron pin in a monument box at the intersection of the centerline of Rocky River Drive and the Easterly extension of the Southerly line of the Homeway Subdivision as recorded in Volume 70, Page 27 of Cuyahoga County Records;

Thence North 89° 05' 54" West along the Southerly line of The Homeway Subdivision as aforesaid, 1576.71 feet to an angle point;

Thence North 89° 17' 53" West, 1957.49 feet to a point being the principal place of beginning;

Thence South 03° 23' 16" East, 164.28 feet to a point;

Thence 39.34 feet along the arc of a circle deflecting to the right, having a radius of 200.00 feet whose chord bears North 85° 04' 00" East, a distance of 39.28 feet;

Thence South 89° 17' 53" East, 19.92 feet to a point;

Thence South 00° 42' 07" West, 160.00 feet to a point;

Thence North 89° 17' 53" West, 33.32 feet to a point;

Thence South 44° 44' 23" West, 38.20 feet to a point;

Thence South 00° 55' 46" West, 648.79 feet to a point;

Thence South 89° 03' 42" East, 476.52 feet to a point;

Thence South 00° 55' 46" West, 143.46 feet to a point;

Thence North 89° 04' 14" West, 636.52 feet to a point;

Thence South 00° 55' 46" West, 196.37 feet to a point;

Thence North 89° 04' 14" West, 215.00 feet to a point;

Thence 133.52 feet along the arc of a circle deflecting to the right, having a radius of 85.00 feet whose chord bears North 44° 04' 14" West a distance of 120.21 feet;

Thence North 89° 04' 14" West, 163.48 feet to a point;

Thence North 00° 55' 46" East, 254.85 feet to a point;

Thence North 89° 04' 14" West, 133.00 feet to a point;

Thence South 00° 55' 46" West, 75.00 feet to a point;

Thence North 89° 04' 14" West, 221.92 feet to a point;

Thence North 09° 06' 27" West, 75.23 feet to a point;

Thence North 11° 11' 06" West, 43.67 feet to a point;

Thence North 28° 32' 28" West, 46.37 feet to a point;

Thence North 00° 56' 48" East, 86.60 feet to a point;

Thence North 00° 56' 48" East, 479.88 feet to a point;

Thence North 36° 28' 43" East, 113.65 feet to a point;

Thence South 29° 13' 42" East, 4.40 feet to a point;

Thence North 46° 54' 01" East, 213.84 feet to a point;

Thence South 86° 22' 19" East, 211.15 feet to a point;

Thence North 01° 06' 06" East, 118.00 feet to a point;

Thence South 89° 17' 53" East, 577.78 feet to a point and the principal place of beginning, containing within said boundaries 1,203,439 square feet (27.6272 acres) of land,

be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

PROPOSED
CLEVELAND BUSINESS
PARK - WEST
PARCEL C

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Riverside Park Subdivision as recorded in Volume 71, Page 30 of Cuyahoga County Records and part of The Home Gardens Allotment as recorded in Volume 67, Page 35 Cuyahoga County Records. The parcel is further known as being part of Section No. 3 and Section No. 4 of Original Rockport Township, and bounded and described as follows:

Beginning at an iron pin found in a monument box at the intersection of the centerline of Rocky River Drive and the Easterly extension of the Southerly line of the Homeway Subdivision as recorded in Volume 70, Page 27 of Cuyahoga County Records;

Thence North 89° 05' 54" West along the Easterly extension of the Southerly line of The Homeway Subdivision as aforesaid, 43.93 feet to a point on the Westerly right of way line of Rocky River Drive;

Thence South 25° 19' 31" West along the Westerly right of way line of Rocky River Drive (80 feet wide), 716.57 feet to a point and the principal place of beginning;

Thence continuing along the Westerly right of way line of Rocky River Drive South 25° 19' 31" West, 813.37 feet to a point;

Thence South 58° 08' 31" West, 33.17 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence North 89° 04' 14" West, 27.69 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence South 31° 50' 28" East, 26.83 feet to a point;

Thence South 25° 19' 31" West, 216.91 feet to a point;

Thence South 58° 07' 51" West, 33.28 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence North 89° 04' 14" West, 27.66 feet to a point;

Thence South 00° 55' 46" West, 25.00 feet to a point;

Thence South 31° 44' 41" East, 26.89 feet to a point;

Thence South 25° 19' 31" West, 38.16 feet to a point;

Thence South 25° 02' 26" West, 224.14 feet to a point;

Thence South 54° 55' 23" West, 36.44 feet to a point;

Thence South 00° 57' 10" West, 25.00 feet to a point;

Thence North 89° 02' 50" West, 21.90 feet to a point;

Thence South 00° 57' 10" West, 25.00 feet to a point;

Thence 34.17 feet along the arc of a circle deflecting to the right, having a radius of 20.00 feet whose chord bears South 23° 54' 03" East a distance of 30.16 feet;

Thence South 25° 02' 26" West, 190.22 feet to a point;

Thence North 89° 27' 34" West, 179.02 feet to a point;

Thence South 02° 23' 04" West, 35.16 feet to a point;

Thence South 73° 16' 00" West, 98.98 feet to a point;

Thence South 84° 29' 35" West, 41.08 feet to a point;

Thence North 25° 19' 31" East, 1374.85 feet to a point;

Thence North 89° 04' 14" West, 1981.22 feet to a point;

Thence North 00° 55' 46" East, 143.46 feet to a point;

Thence South 89° 04' 14" East, 428.08 feet to a point;

Thence North 01° 58' 06" East, 351.93 feet to a point;

Thence South 89° 04' 47" East a distance of 2046.06 feet to a point being the principal place of beginning, containing within said boundaries 1,349,656 square feet (30.9838 acres) of land, be the same more or less, but subject to all legal highways. Bearings used are based on an assumed meridian and are used to indicate angles only.

Section 2. That the City acknowledges, states and affirms, pursuant to Article IX of the Trust Indenture from the City of Cleveland to the Chase Manhattan Trust Company, National Association, as successor trustee, dated November 1, 1976, as amended, that the City desires and requests that a certain portion of its land heretofore subject to the Trust Indenture be released and removed from all obligations under said Trust Indenture. The land to be released is described as Phase II and set forth in Section 1 above.

Further, the City acknowledges, states and affirms that it is not in default under said Indenture; that release of such land is necessary in order to serve the public purpose of economic development; and that certain public improvements will be constructed on the land to be released, including public roads and public utilities.

Section 3. That the Director of Port Control is authorized to apply to the Chase Manhattan Trust Company, National Association, as successor trustee, for release of the land known as Phase II, described in Section 1 pursuant to the Trust Indenture, dated November 1, 1976, as amended.

Section 4. That the Director of Port Control is further authorized, upon approval of the development plan by the City Planning Commission, to submit the development plan, the development agreement, the purchase agreement, the escrow agreement, and any other documents relating to the development or necessary to secure a land release of the aforementioned land, to the Federal Aviation Administration for approval of land release.

Section 5. That, upon approval of land release by the Federal Aviation Administration, the Director of Economic Development is authorized to enter into the development agreement, the purchase agreement, and escrow agreement, in substantially the form of the development agreement, purchase agreement, and escrow agreement on file with the Clerk of Council in File No. 589-99-A, with such changes as may be requested by the Federal Aviation Administration, for the development with Cleveland Business Park, Ltd.

Section 6. That, upon the approval of land release by the Federal Aviation Administration, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Cleveland Business Park, Ltd. at a price not less than fair market value as determined by the Board of Control.

Section 7. That, notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is hereby found and determined that upon the approval of land release by the Federal Aviation Administration, the properties to be acquired by the Department of Port Control pursuant to the authority of the following ordinances are no longer needed for public use: Ordinance No. 929-95, passed June 12, 1995, as amended by Ordinance Nos. 482-96 and 240-98, passed May 6, 1996 and May 11, 1998, respectively, Ordinance No. 930-95, passed June 19, 1995, as amended by Ordinance Nos. 2150-95, 307-98 and 1279-97, passed December 18, 1995, May 11, 1998 and May 11, 1998, respectively.

Section 8. That, upon the approval of land release by the Federal Aviation Administration, by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to Cleveland Business Park, Ltd. at a price not less than fair market value as determined by the Board of Control.

Section 9. 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 June 14, 1999.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1151-99.

By Councilman Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 1855, 1861 and 1867 East 66th Street to Brenda W. King and Mansfield Frasier.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 118-05-043, 118-05-044 and 118-05-099, as more fully described in Section 2 below, to Brenda W. King and Mansfield Frasier.

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

P.P. No. 118-05-043

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

Being part of Sublot No. 29 in the Stevens and Cass' Re-Subdivision of Sublot No. 1 and of Sublots Nos. 3 to 20 inclusive in Stone, Johnson and Bates Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records, and being 45 feet front on the Easterly side of East 66th Street, (formerly Dunham Avenue), and extending back of equal width 130 feet along the Southerly side of Hough Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-05-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 120 feet of Sublot No. 30 in the Stevens and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338 as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 66th Street and extending back between

parallel lines 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 118-05-099

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Westerly 105 feet of Sublot No. 31 in the Steven and Cass Re-Subdivision of part of Original One Hundred Acre Lot No. 338, as shown by the recorded plat in Volume 15 of Maps, Page 12 of Cuyahoga County Records and being 40 feet front on the Easterly side of East 66th Street and extending back between parallel lines 105 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed June 14, 1999.

Awaiting the approval or disapproval of the Mayor.

COUNCIL COMMITTEE MEETINGS

Wednesday, July 7, 1999

City Planning Committee (Zoning): 9:00 A.M.—Present: Robinson, Chairman; Cimperman, Vice Chairman; Jackson, O'Malley, White. Excused: Dolan, Willis.

City Planning Committee: 10:00 A.M.—Present: Robinson, Chairman; Cimperman, Vice Chairman; Jackson, Dolan, O'Malley, White, Willis.

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Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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Real Estate

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