

The City Record

Official Publication of the City of Cleveland

September the Twenty-Fifth, 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

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

MAYOR-Michael R. White
LaVonne Sheffield-McClain, Chief of Staff, Executive Assistant for Policy
Barry Withers, Executive Assistant for Administration
Judith Zimomra, Executive Assistant for Service
Kenneth Silliman, Executive Assistant for Economic Development
Richard Werner, Executive Assistant for Governmental Affairs.
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 - Kathryn Burrer Hyer, 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 - Martin Carmody, 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

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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 Nobile, 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.; Kathryn Burrer Hyer, Director; President of Council
Jay Westbrook.

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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.

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Jordan; Pres. Finance Director, Kathryn Burrer Hyer, 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, Kathryn Burrer Hyer,
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 Nobile, Theodore Sande, Randall Shorr, Shirley Thompson,
Councilmen Craig E. Willis and Helen K. Smith.

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

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

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

The City Record



OFFICIAL PUBLICATION OF THE CITY OF CLEVELAND

Vol. 83

WEDNESDAY, SEPTEMBER 25, 1996

No. 4320

CITY COUNCIL

MONDAY, SEPTEMBER 23, 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 September 23, 1996.

The meeting of the Council was called to order, the President, Jay Westbrook in the chair.

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

Also present were Mayor White and Directors Konicek, Guzman, Staib, Spellman, Hamilton, Nolan, Warren, Willis, Morrison and Acting Directors Horvath, Whitner, Waldron, Holland.

Absent: Directors Sobol Jordan, Cunningham, Denihan and Axelrod.

Pursuant to Ordinance No. 2926-96, the Council Meeting was opened with a prayer offered by Rev. John Uhle, Pastor of Bethany English Lutheran Church. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1740-96.

From the Board of Control re: Certified copy of Resolution No. 601-96, concurring the establishment of the Office of Radio Communications System Management in the Department of Public Utilities. Received.

File No. 1741-96.

From the Civil Service Commission re: The establishment of the Airport Safety Shift Commander classification. Received.

File No. 1742-96.

From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Ener-

gy Corporation's Standard Steam Service Agreement with The Playhouse Square Foundation. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1743-96.

Re: Stock Application - 9804504 - Y & A Grocery, Inc., 3852 East 123rd Street, first floor and basement. (Ward 2) Received.

File No. 1744-96.

Re: New Application - 8109359 - Shoubaki, Inc. dba Quick Stop, 6017 Quincy Avenue. (Ward 5). Received.

File No. 1745-96.

Re: Transfer of Location Application - 3757066 - Nader H. Henen, 4423 Detroit Avenue. (Ward 14). Received.

File No. 1746-96.

Re: Transfer of Ownership Application - 9870022 - Yzen, Inc. dba Brown's Town Beverage, 9009 St. Clair Avenue, first floor and basement. (Ward 8). Received.

OATH OF OFFICE

File No. 1747-96.

Oath of Office for Hamid Manteghi, Acting Commissioner for the Division of Information System Services, Department of Finance. Received.

File No. 1748-96.

Oath of Office for Martin L. Carmody, Acting Director for the Department of Finance. Received.

COMMUNICATIONS

File No. 1749-96.

September 16, 1996

The Honorable Jay Westbrook
Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Council President Westbrook:

I am pleased to recommend Ms. Romanita Rodriguez-Johnson for appointment to the Police Review Board. This appointment will expire on August 8, 1998.

Thank you for your consideration.

Sincerely,

Michael R. White
Mayor

Received.

Referred to Committee on Mayor's Appointments.

COMMITTEE ON MAYOR'S APPOINTMENTS

The Chair appointed Councilman Dale Miller as Chairman and Councilmen Craig Willis, Gary Paulenske, Charles L. Patton, Jr. and Michael Polensek to consider the Mayor's appointment.

CONDOLENCE RESOLUTIONS

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

Res. No. 1765-96. George T. Baggett.

Res. No. 1766-96. Percy Shivers.

Res. No. 1767-96. James Woods.

Res. No. 1768-96. Joseph Rochford.

Res. No. 1769-96. Ruth Kondorich.

Res. No. 1770-96. Frank Podlogar.

Res. No. 1771-96. Marie Bonda.

Res. No. 1772-96. Deacon Edward Vaughn.

CONGRATULATORY RESOLUTIONS

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

Res. No. 1773-96. Donald Morris, Sr.

Res. No. 1774-96. Farah Walters.

RESOLUTIONS OF RECOGNITION

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

Res. No. 1775-96. W. Harrison Dillard.

Res. No. 1776-96. Lorraine Vega.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1750-96.

By Councilmen 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 various sites throughout the City to Cleveland Housing Network, Limited Partnership XIII.

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. 002-28-013, as more fully described in Section 2 below, to Cleveland Housing Network, Limited Partnership XIII.

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. 002-28-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 257 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 32, 33, 48 and 49, as shown by the recorded plat in Volume 2, Page 49 of Cuyahoga County Records and being 38 feet front on the Southerly side of Wakefield Avenue N.W. and extending back between parallel lines 114 feet deep to Wakefield Ct. N.W. in the rear, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 3. 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. 002-28-016, as more fully described in Section 4 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 4. That the real property to be sold pursuant to Section 3 of this Ordinance is more fully described as follows:

P.P. No. 002-28-016

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 96 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 32, 33, 48 and 49 as shown by the recorded plat in Volume 2 of Maps, page 49 of Cuyahoga County Records, and bounded and described as follows: Beginning at the Northeastly corner of said Sublot No. 96; thence Westerly along the Northerly line of said Sublot, which is also the Southerly line of Wakefield Avenue, N.W., 35 feet; thence Southerly and parallel with the Easterly line of said Sublot No. 96, 84 feet; thence Easterly and parallel with the Northerly line of Sublot No. 96, 23 feet; thence Southerly and parallel with the Easterly line of Sublot No. 96, 30 feet; thence Easterly along the Southerly line of Sublot No. 96, 12 feet to the Easterly line of Sublot No. 96; thence Northerly along the Easterly line of Sublot No. 96, 114 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 5. 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. 002-28-017, as more fully described in Section 6 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 6. That the real property to be sold pursuant to Section 5 of this Ordinance is more fully described as follows:

P.P. No. 002-28-017

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot No. 97 in The James M. Hoyt's Allotment of Part of Original Brooklyn Township Lots Nos. 32, 33, 48 and 49 as shown by the recorded plat in Volume 2 of Maps, Page 49 of Cuyahoga County Records, and bounded and described as follows:

Beginning in the Southerly line of Wakefield Avenue, N.W. (formerly

Bayne Street), 60 feet wide, at the Northeastly corner of said Sublot No. 97; thence Westerly along said Southerly line of Wakefield Avenue, N.W., 13 feet; thence Southerly along a line parallel with the Easterly line of said Sublot No. 97, 74 feet; thence Westerly along the line parallel with the said Southerly line of Wakefield Avenue, N.W., 15 feet; thence Southerly along a line parallel with the Westerly line of said Sublot No. 97, 40 feet to the Northerly line of Wakefield Court, N.W., 14 feet wide; thence Easterly along said Northerly line of Wakefield Court, N.W., 28 feet to the Southeastly corner of said Sublot No. 97; thence Northerly along said Easterly line of Sublot No. 97, 114 feet to the place of beginning, as appears by said plat be the same more or less, but subject to all legal highways.

Section 7. 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. 002-30-060, as more fully described in Section 8 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 8. That the real property to be sold pursuant to Section 7 of this Ordinance is more fully described as follows:

P.P. No. 002-30-060

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 250 and the Easterly seven feet front and rear of Sublot No. 251 in the Gordon Avenue Allotment of part of Original Brooklyn Township Lot No. 32 as shown by the recorded plat in Volume 21 of Maps, Page 2 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 45 feet on the Southerly side of Ellen Avenue, N.W., and extending back of equal width 70 feet, as appears by said plat, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.

Section 9. 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. 002-30-061, as more fully described in Section 10 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 10. That the real property to be sold pursuant to Section 9 of this Ordinance is more fully described as follows:

P.P. No. 002-30-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 32, bounded as described as follows:

Beginning in the southerly line of Ellen Avenue, N.W., formerly Ellen Street, as dedicated by Volume 21, Page 2 of Cuyahoga County Records, at a point distant 289 feet Easterly from the Easterly line of West 65th Street, formerly Gordon Avenue. Thence easterly along the southerly line of Ellen Avenue N.W., 35.75 feet; thence southerly at right angles to the southerly line of Ellen Avenue, N.W., 70 feet; then westerly parallel with the southerly line of Ellen Avenue, N.W., 35.75 feet; Thence northerly at right angles to the southerly line of Ellen Avenue, N.W., 70 feet to the place of beginning.

Be the same more or less, but subject to all legal highways.

Section 11. 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. 123-31-045, as more fully described in Section 12 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 12. That the real property to be sold pursuant to Section 11 of this Ordinance is more fully described as follows:

P.P. No. 123-31-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in Barkwill and Jackson's Subdivision, of part of Original 100 Acre Lot No. 320, as shown by the recorded plat in Volume 7 of Maps, Page 7 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 49th Street, and extending back of equal width 120 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 13. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-032, as more fully described in Section 14 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 14. That the real property to be sold pursuant to Section 13 of this Ordinance is more fully described as follows:

P.P. No. 126-17-032

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 97 in R. Yeakel's Allotment of part of Original One Hundred Acre Lots Nos. 417 and 425, as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Yeakel Avenue S.E. and extending back between parallel lines, 116 feet deep to Yeakel Court S.E. in the rear as appears by said plat, be the same more or less but subject to all legal highways.

Also subject to zoning ordinances, if any.

Section 15. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-049, as more fully described in Section 16 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 16. That the real property to be sold pursuant to Section 15 of this Ordinance is more fully described as follows:

P.P. No. 126-17-049

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 119 in R. Yeakel's Subdivision of part of Original One Hundred acre Lot Nos. 417 and 425 by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records; and being 40 feet front on the Northerly side of Yeakel Avenue S.E. and extending back of equal width 116.33 feet; as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to Zoning Ordinances, if any.

Section 17. 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. 127-12-035, as more fully described in Section 18 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 18. That the real property to be sold pursuant to Section 17 of this Ordinance is more fully described as follows:

P.P. No. 127-12-035

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 60 in The Theodore E. Burton's Allotment of part of Original 100 Acre Lot No. 440, as shown by the recorded plat in Volume 12, Page 1 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Laisy Avenue, S.E., and extending back of equal width 121 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Section 19. 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. 127-13-045, as more fully described in Section 20 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 20. That the real property to be sold pursuant to Section 19 of this Ordinance is more fully described as follows:

P.P. No. 127-13-045

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 31 in T. E. Burton Subdivision of Part of Original Newburgh Township Lot No. 440 as shown by the recorded plat in Volume 12 of Maps, Page 1 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Laisy Avenue S.E. (50 feet wide) and extending back between parallel lines 121 feet as appears by said plat, be the same more or less but subject to all legal highways.

Section 21. 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. 128-12-101, as more fully described in Section 22 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 22. That the real property to be sold pursuant to Section 21 of this Ordinance is more fully described as follows:

P.P. No. 128-12-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 22, and the westerly one foot of Sublot No. 21, in Joseph Heina's and G. W. Taylor's Allotment of part of Original 100 Acre Lots Nos. 425 and 426, as shown by the recorded plat in Volume 13 of Maps, page 42 and 43 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 41 feet on the Northerly side of Sophia Avenue, S.E., (formerly Hein Street), and extending back of equal width 183.81 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 23. 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. 128-21-061, as more fully described in Section 24 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 24. That the real property to be sold pursuant to Section 23 of this Ordinance is more fully described as follows:

P.P. No. 128-21-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 130 in the Helper Woodland Hills Park Subdivision of part of Original 100 Acre Lots Nos. 433 and 434 as shown by the recorded plat in Volume 42 of Maps, Page 26 of Cuyahoga County Records and being 40 feet front on the Northeasterly side of Hilgert Drive and extending back 179.94 feet on the Northwesterly line, 191.77 feet on the Southeasterly line and having a rear line of 45 feet, as appears by said plat, be the same more or less but subject to all legal highways.

Section 25. 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. 131-19-038, as more fully described in Section 26 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 26. That the real property to be sold pursuant to Section 25 of this Ordinance is more fully described as follows:

P.P. No. 131-19-038

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 15 in Stephen C. Ballou's Subdivision of part of Original One Hundred Acre Lot No. 282, as shown by the recorded plat in Volume 7 of Maps, Page 22 of Cuyahoga County Records and being 31 feet front on the Westerly side of East 48th Street and extending back between parallel lines, 118 feet, 10 inches deep, be the same more or less, but subject to all legal highways.

Section 27. 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. 006-04-069, as more fully described in Section 28 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 28. That the real property to be sold pursuant to Section 27 of this Ordinance is more fully described as follows:

P.P. No. 006-04-069

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 745 in J. M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Lawn Avenue, N.W., and extending back of equal width 126 feet to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 29. That pursuant to Section 183.021 of the Codified Ord-

nances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 006-04-070, as more fully described in Section 30 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 30. That the real property to be sold pursuant to Section 29 of this Ordinance is more fully described as follows:

P.P. No. 006-04-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 744 in J.M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Lawn Avenue, N.W., (formerly Lawn Street) and extending back of equal width 126 feet to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 31. 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. 006-04-071, as more fully described in Section 32 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 32. That the real property to be sold pursuant to Section 31 of this Ordinance is more fully described as follows:

P.P. No. 006-04-071

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 743 in J.M. Hoyt's Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Southerly side of Lawn Avenue, N.W., and extending back of equal width 126 feet to an alley, as appears by said plat, be the same more or less, but subject to all legal highways.

Section 33. 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. 006-04-072, as more fully described in Section 34 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 34. That the real property to be sold pursuant to Section 33 of this Ordinance is more fully described as follows:

P.P. No. 006-04-072

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 742 in James M. Hoyt's Allotment of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by Recorded Plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records now in said City; said Sublot No. 742 has a frontage of 35 feet on the Southerly side of Lawn Avenue N.W., (formerly Lawn Street) and extends back of equal width 126 feet to an alley, be the same more or less, but subject to all legal highways. Subject to Zoning Ordinances, if any.

Section 35. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell

Permanent Parcel No. 107-05-065, as more fully described in Section 36 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 36. That the real property to be sold pursuant to Section 35 of this Ordinance is more fully described as follows:

P.P. No. 107-05-065

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 52 in the Rose and Korman's Subdivision of part of Original 100 Acre Lot No. 375, as shown by the recorded plat in Volume 18 of Maps, Page 2 of Cuyahoga County Records and being 35 feet front on the Southerly side of Korman Avenue, N.E. and extending back of equal width 118.01 feet, as appears by said plat.

Section 37. 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. 006-04-144, as more fully described in Section 38 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 38. That the real property to be sold pursuant to Section 37 of this Ordinance is more fully described as follows:

P.P. No. 006-04-144

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 609 in James M. Hoyt Subdivision of part of Original Brooklyn Township Lots Nos. 28 and 33, as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Northwesterly side of Elton Avenue and extending back of equal width 126 feet to an alley in the rear, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 39. 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. 006-04-145, as more fully described in Section 40 below, to Cleveland Housing Network, Limited Partnership XIII.

Section 40. That the real property to be sold pursuant to Section 39 of this Ordinance is more fully described as follows:

P.P. No. 006-04-145

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 610 in James M. Hoyt's Allotment of part of Original Brooklyn Township Lots Nos. 28 and 33 as shown by the recorded plat in Volume 3 of Maps, Page 37 of Cuyahoga County Records, and being 35 feet front on the Northerly side of Elton Avenue, N.W., and extending back of equal width 126 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

Section 41. 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 42. 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 43. 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 44. 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, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

Ord. No. 1751-96.

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

An emergency ordinance to amend Section 1 of Ordinance No. 708-96, passed July 17, 1996, relating to the execution of an easement granting to the Northeast Ohio Regional Sewer District certain easement rights to property located at East 55th Street and Brookside Park, and declaring said easement rights no longer needed for public use.

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

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

Section 1. That Section 1 of Ordinance No. 708-96, passed July 17, 1996, is hereby amended to read as follows:

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 an easement interest is no longer needed for public use:

**LEGAL DESCRIPTION
OF A PERMANENT
SEWER EASEMENT ON
PROPERTY OWNED BY
CITY OF CLEVELAND
SLUDGE FORCE MAIN
EASEMENT NO. 143C2-2
EAST 55TH STREET
BETWEEN BLANCHE
AND LINTON AVENUES**

PPN: 131-24-005

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original 100 acre Lot Number 320 and also part of Sub Lot Number 149 in Heisel, Hamm, Wagner and Wageman's Subdivision as recorded in Volume 6 of Maps, Page 3 of Cuyahoga County Records and bounded and described as follows:

Beginning at a stone monument found at the intersection of the centerlines of East 55th Street (50 feet wide) and Blanche Avenue (40 feet wide);

Thence South 89° 14' 20" West 11.88 feet along the centerline of Blanche Avenue to an angle point;

Thence South 54° 24' 35" West 26.11 feet along said centerline to a point on the Northerly extension of the Westerly line of East 55th Street;

Thence South 18° 47' 27" East 37.19 feet along said extension to its intersection with the Southerly line of said Blanche Avenue;

Thence continue South 18° 47' 27" East 149.69 feet along the Westerly line of East 55th Street (80 feet wide) and its Southerly extension to the principal place of beginning on the Northwesterly line of Grantor's property;

Thence North 68° 51' 45" East 5.90 feet along Grantor's Northwesterly property line to a point on the Westerly line of East 55th Street (44 feet wide);

Thence South 26° 00' 58" East 38.08 feet along said Westerly line to a point on Grantor's Southerly property line;

Thence South 89° 14' 20" West 21.76 feet along Grantor's Southerly line to a point;

Thence North 18° 47' 27" West 30.39 feet to a point on Grantor's Northwesterly property line;

Thence North 68° 51' 45" East 10.01 feet along Grantor's Northwesterly line to the principal place of beginning, containing 616.18 square feet, more less, but subject to all highways and easements of record.

Grantor claims title by deed recorded December 22, 1921 in Volume 2556, page 391 of Cuyahoga County Records.

**LEGAL DESCRIPTION
OF A PERMANENT EASEMENT
ON PROPERTY OWNED BY
CITY OF CLEVELAND
NEORS D PROPERTY NO. BCI-3-3P
BROOKSIDE PARK DRIVE
EAST OF FULTON
PARKWAY ROAD**

adjacent to PPN: 014-23-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Brooklyn Township Lot No. 44 and further bounded and described as follows:

Beginning at a point on the Easterly line of Fulton Parkway Road SW (100 feet wide), which point is 55.04 feet from the centerline of said Fulton Parkway Road and said point also being the most Southwesterly corner of a Parcel No. 1 of land conveyed to the Board of Park Commissioners of the Cleveland Metropolitan Park District by deed dated March 26, 1970 and recorded in Volume 12598, Page 525 of the Cuyahoga County Deed Records;

Thence, North 89° 13' 03" East along the Southerly property line of said Parcel No. 1, 73.64 feet to the principal place of beginning;

Thence, North 89° 13' 03" East continuing along said Southerly property line of Parcel No. 1, 31.50 feet to a point therein;

Thence, South 18° 31' 02" East, 62.99 feet to a point in the Northerly property line of a Parcel No. 2 of land conveyed to the Board of Park Commissioners of the Cleveland Metropolitan Park District by deed dated March 26, 1970 and recorded

in Volume 12598, Page 525 of the Cuyahoga County Deed Records;

Thence, South 89° 13' 03" West along said Northerly property line of Parcel No. 2, 31.50 feet to a point therein;

Thence, North 18° 31' 02" West, 62.99 feet to the principal place of beginning and containing 1,890 square feet of land be the same more or less, but subject to all legal highways.

Bearings used are based on Cleveland Regional Geodetic Surveys Coordinate System.

Section 2. That existing Section 1 of Ordinance No. 708-96, passed July 17, 1996, is hereby repealed.

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

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

Ord. No. 1752-96.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Eagle Engineering & Manufacturing, Inc., or its designee, to provide for a ten year abatement for certain tangible personal property and real estate taxes as an incentive to expand its facilities to 6501 Barberton Avenue located in the Cleveland Area Enterprise Zone.

Whereas, pursuant to Ordinance No. 948-95, passed June 19, 1995, this Council designated an area which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") pursuant to Chapter 5709 of the Ohio Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics set forth in Section 5709.61(A) of the Revised Code and certified said area as an "Urban Jobs and Enterprise Zone" pursuant to Chapter 5709 of the Revised Code; and

Whereas, Eagle Engineering & Manufacturing, Inc., (the "Enterprise") has proposed to expand its facilities at its operation in the City of Cleveland; and

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

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

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

Section 1. That this Council hereby approves the application of Eagle Engineering & Manufacturing, Inc., or its designee(s), for enterprise zone incentives on the basis that Eagle Engineering & Manufacturing, Inc., is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with Eagle Engineering & Manufacturing, Inc., or its designee(s), to provide for a ten (10) year abatement for certain tangible personal property and real estate taxes as an incentive to expand its facilities at 6501 Barberton Avenue in Cleveland, Ohio; said abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of said tax abatement shall be in accordance with the term as set forth in the Executive Summary contained in File No. 1752-96-A.

Section 4. That the Director of Law shall prepare and approve said agreement and that said agreement shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

Ord. No. 1753-96.

By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept grants from the Ohio State Board of Emergency Medical Services for the Fire E.M.T. Training Program for years 1995 through 1997.

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 \$41,636.00, from the Ohio State Board of Emergency Medical Services, to conduct the 1995-96 Fire 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 Director of Public Safety is hereby authorized to apply for and accept a grant in the amount of \$35,679.00, from the

Ohio State Board of Emergency Medical Services, to conduct the 1996-97 Fire 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 3. That the applications for said grants, File No. 1753-96-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

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

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

Ord. No. 1754-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into a concession agreement with The Ohio College of Podiatric Medicine to provide podiatric services at City health centers.

Whereas, The Ohio College of Podiatric Medicine ("OCOP") operates a school for podiatric medicine and desires that its residents and students receive clinical experience; and

Whereas, the City is a municipal corporation, organized under the laws of the State of Ohio, and as part of its municipal duties and services, provides public health services through its Department of Public Health to City residents; and

Whereas, the OCOP's has made a proposal to the City whereby its residents and students could receive valuable experience by assisting the City in the provision of podiatric services in City health centers; and

Whereas, the City, with the assistance of the OCOP's residents and students will be better able to provide public health podiatric services to its City residents; 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 Section 183.04 and to any other provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Health is hereby authorized to enter into a concession agreement with OCOP in which OCOP agrees to provide podiatric services at City health centers at no cost to the City of Cleveland in exchange for the right to establish, operate and maintain a concession for podiatric services and the right to revenues derived from third parties with respect to those services.

Section 2. That the concession agreement authorized herein shall be prepared by the Director of Law and shall contain such terms and

conditions as said Director deems necessary to protect and benefit the public interest.

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

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 1756-96.

By Councilmen Jackson, Britt and Paulenske.

An ordinance establishing the Midtown Business Revitalization District (BRD) and to repeal Ordinance No. 965-95 passed June 12, 1995. (Map Change No. 1915, Sheet Nos. 5 & 4)

Whereas, the Board of Trustees of Midtown Corridor Inc. has submitted a written request dated June 18, 1996 to the City Planning Commission for expansion and designation of a Business Revitalization district in accordance with the procedures outlined in Chapter 303 of the Codified Ordinances of the City of Cleveland; and

Whereas, such request is accompanied by a map identifying the boundaries of the proposed District; and

Whereas, the City Planning Commission has determined that the proposed District meets the criteria for designation set forth in Section 303.04 of Chapter 303 of the Codified Ordinances of the City of Cleveland, Ohio 1988;

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

Section 1. That the following area, further defined and outlined on the map hereto attached, be and the same is hereby designated the Midtown Business Revitalization District,

Beginning at the intersection of a line located one hundred (100) feet northwest of the northwesterly line of Payne Avenue, N.E. and the center line of East 45 Street; thence southeasterly along said center line of East 45 Street to the center line of Commerce Avenue, N.E.; thence southwesterly along said center line of Commerce Avenue, N.E. to the center line of Pennsylvania Railroad tracks; thence southeasterly along said center line of said Pennsylvania Railroad tracks to the center line of Chester Avenue, N.E.; thence northeasterly, southeasterly and easterly along said center line of Chester Avenue, N.E. to its intersection with the center line of East 79 Street; thence southerly along said center line of East 79 Street to its intersection with the center line of Cedar Avenue, S.E.; thence westerly and southwesterly along said center line of Cedar Avenue, S.E. to its intersection with the center line of I-90 Innerbelt; thence northeasterly and northwesterly along said center line of said I-90 Innerbelt to its intersection with a line located one hundred (100) feet northwest of the northwesterly line of Payne Avenue, N.E.; thence northeasterly along said line which is parallel to and one hundred (100) feet northwest of said northwesterly line of

Payne Avenue, N.E. to the place of beginning.

Section 2. That the designation of the area set forth in Section 1 hereof as the Midtown Business Revitalization District shall be noted on the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. To repeal Ordinance No. 965-95, passed June 12, 1995 establishing the existing Midtown Business Revitalization District.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

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

**FIRST READING EMERGENCY
RESOLUTIONS REFERRED**

Res. No. 1757-96.

By Councilman Jackson (by request).

An emergency resolution declaring the intention to vacate a portion of Central Avenue S.E.

Whereas, this Council is satisfied that there is good cause for vacating a portion of Central Avenue S.E., as hereinafter described, and

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

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

Section 1. That it hereby declares its intention to vacate: The following described real property, located in Cleveland, Cuyahoga County, Ohio, and known as;

Being all that portion of CENTRAL AVENUE S.E. (66.00 feet wide), extending Easterly from the Southerly prolongation of the Easterly line of East 19th Street (66.00 feet wide) to its intersection with the Westerly Limited Access Line of the Inner Belt Freeway.

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

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

Res. No. 1758-96.

By Councilman Patton.

An emergency resolution urging President Clinton and the United States Congress to investigate the allegations of illegal drug trafficking by the CIA in black neighborhoods during the early 1980s and urging the appointment of an independent counsel to investigate these allegations.

Whereas, recent newspaper reports have alleged that the U.S. Central Intelligence Agency (CIA) introduced crack cocaine into black neighborhoods in the early 1980s in order to raise funds to support the CIA-backed Nicaraguan Contra army; and

Whereas, according to these

reports, the CIA-backed drug network was responsible for introducing and selling crack cocaine in a number of U.S. cities, including Cleveland; and

Whereas, this purported misuse of governmental power by a federal agency must be thoroughly investigated; and

Whereas, this Council calls upon President Clinton and the members of the United States Congress to commence an immediate investigation into these allegations and calls upon the President to appoint an independent counsel to determine whether the laws of this country have been violated by members of the CIA; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that only by taking immediate actions can the federal government resolve the serious charges of misuse of governmental power by a federal agency, therefore,

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

Section 1. That this Council urges President Clinton and the members of the United States Congress to commence and immediate investigation of the allegations of illegal drug trafficking by the CIA in black neighborhoods during the early 1980s.

Section 2. That this Council further urges President Clinton to appoint an independent counsel to

investigate these allegations.

Section 3. That the Clerk of Council is hereby directed to transmit copies of this resolution to President Clinton, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and the members of the U.S. Congressional delegation from Greater Cleveland.

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

Referred to Director of Law; Committee on Public Safety.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1755-96.
By Councilman Rokakis.

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an amendment to Lease By Way of Concession No. 46956 with the Board of Park Commissioners of the Cleveland Metropark District to modify the leased premises.

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

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

Section 1. That the Director of Parks, Recreation and Properties is hereby authorized to enter into an Amendment to Lease By Way of Concession No. 46956 between the City and the Board of Park Commissioners of the Cleveland Metroparks District ("Amendment"), to amend the leased premises as described by the legal descriptions contained in File No. 1755-96-A.

All other terms and conditions contained in the original lease shall remain the same.

Section 2. That the Amendment herein authorized shall be prepared by the Director of Law and shall contain such terms and conditions as said Director deems necessary to protect and benefit the public interest.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1759-96.

By Councilman Britt (by request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Fairfax Renaissance Development Corporation to stretch pole banners in the Upper Carnegie District on East 89th Street, Carnegie Avenue, Cedar Avenue, and Quincy Avenue, to publicize Cleveland's Bi-Centennial Village, for the period of September 27, 1996 to October 30, 1996.

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 Fairfax Renaissance Development Corporation to install, maintain, and remove pole banners publicizing Cleveland's Bi-Centennial Village from the period of September 27, 1996 to October 30, 1996 at the following locations:

STREET	POLE LOC./#	OWNER
East 89th Street	N. Museum Entrance NW Cor.@Euclid/NE3-84	Not Known CPP
East 89th Street (Carnegie to Cedar)	SW Cor./NES-91 West Side/NES-91-A-2 West Side/E2-30-1	CEI CEI CPP
Cedar Avenue between East 89th and East 90th Streets	North Side/E2-30 North Side/E2-29 North Side/E2-28	CPP CPP CPP
Cedar Avenue between East 90th and East 93rd Streets	E2-27 NW Corner@E.93 St.	CPP Traffic Control
Cedar Avenue between East 89th and East 87th Streets	North Side/NE2-31 North Side/E2-32 North Side/E2-33 South Side/E2-34-1	CPP CPP CPP CPP

East 89th Street (Cedar to Quincy)		
West Side/E2-30-1A-1		CPP
E2-25-19-7-3		CPP
E2-25-19-7-2		CPP
Quincy Ave. & N.E. Corner between East 89th & East 90th Streets		
65322		CEI
Quincy Ave., N.W. Corner between East 89th & East 88th Streets		
506460		CEI
506464		CEI
Quincy Avenue, between East 89th & 88th Streets		
S.W. Corner/E2-25-19-7A-1		CPP
E2-25-19-8		CPP
Quincy Avenue, between East 89th & Folsom		
S.W. Corner/55811		CEI
E2-25-19-6		CPP
E2-25-19-7		CPP
Quincy Avenue, between East 87th and East 86th Streets		
South Side 508192		CEI
Quincy Avenue, between East 88th and East 87th Streets		
North Side 506459		CEI
Wood Pole/No Pole #		Not Known
Quincy Avenue, between East 87th and East 86th Streets		
North Side/Wood Pole/No Pole #		Not Known
508192		CEI

Section 2. That said banners 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 banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1760-96.

By Councilman Jackson.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 5. (Jafus Boyd)

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

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

Whereas, this ordinance constitutes an emergency measure 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 this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 5: Jafus Boyd.

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

Section 3. That the privilege

granted herein may be revoked at any time by this Council.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

Ord. No. 1761-96.

By Councilman Smith.

An emergency ordinance authorizing certain persons to engage in peddling in Ward 14. (Emergilda Maximovich).

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

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has

determined that it is in the public interest to allow each of said persons to peddle in Ward 14; 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 this Council consents, as required by Section 675.07 of the Codified Ordinances, to allow each person named below to engage in peddling in the public rights of way of Ward 14: Emergilda Maximovich.

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

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1762-96.

By Councilman Britt.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10716 Woodland Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Permit No. 4091071, Husnia Inc., dba Savliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, to Permit No. 6548591-0002, 107 Corp., dba Savliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104; 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 C2 and C2X Liquor Permit from Permit No. 4091071, Husnia Inc., dba Savliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, to Permit No. 6548591-0002, 107 Corp., dba Savliner Supermarket, 10716 Woodland Avenue, Cleveland, Ohio 44104, 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1763-96.

By Councilman Miller.

An emergency resolution objecting to the transfer of ownership and location of a D2, D2X and D3 Liquor Permit to 15318 Brookpark Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership and location of a D2, D2X and D3 Liquor Permit from Permit No. 2386965, E.S.S. & J.A.Y. Inc., dba S&L Bar, 7601 St. Clair Avenue, Cleveland, Ohio 44103, to Permit No. 3463011, Guzzlers Pub & Grub Inc., 15318 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 and location of a D2, D2X and D3 Liquor Permit from Permit No. 2386965, E.S.S. & J.A.Y. Inc., dba S&L Bar, 7601 St. Clair Avenue, Cleveland, Ohio 44103, to Permit No. 3463011, Guzzlers Pub &

Grub Inc., 15318 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

Res. No. 1764-96.

By Councilman Miller.

An emergency resolution objecting to the issuance of a D3A Liquor Permit to 15318 Brookpark Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the issuance of a D3 Liquor Permit to Permit No. 3463011, Guzzlers Pub & Grub Inc., 15318 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

issuance of a D3 Liquor Permit to Permit No. 3463011, Guzzlers Pub & Grub Inc., 15318 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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

SECOND READING EMERGENCY ORDINANCES

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.

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

1. In Section 1, at Section 181.09, line one, strike "\$500.00" and insert in lieu thereof "\$1,000.00".

2. In Section 1, at Section 181.13, line 15, between "\$10,000.00" and "shall" insert "or less"; and in lines 16 and 17, strike "of more than ten thousand dollars (\$10,000.00)".

3. In Section 1, at Section 181.14, line 11, strike "reported in writing to" and insert in lieu thereof "authorized by the".

Amendment agreed to.

Ord. No. 1287-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Prime Time Enterprises, Inc. for operation of the business of delivering small packages by ground transportation at and from Burke Lakefront Airport.

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

Ord. No. 1288-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Pilot Management, Inc. for operation of the business of a flight school at and from Burke Lakefront Airport, for the Department of Port Control.

Approved by Directors of Port Control, Finance, Law; Recommended

ed by Committees on Aviation and Transportation, Finance, when amended as follows:

1. In Section 1, line 4, strike "486.31" and insert in lieu thereof "649.00"; in line 15, strike "\$4,133.34" and insert in lieu thereof "\$5,516.50"; and in line 16, strike "\$344.47" and insert in lieu thereof "\$459.71".

Amendment agreed to.

Ord. No. 1307-96.

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 1997 Federal Child Lead Poisoning Prevention Program.

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

Ord. No. 1308-96.

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

An emergency ordinance authorizing the Director of Public Safety to enter into and execute a lease agreement for a portion of the fire alarm building located at Carnegie Avenue and Ontario Street with Western Reserve Fire Buffs Foundation, or its designee, for a term not to exceed twenty (20) years.

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

1. In Section 3, strike lines 2 and 3 in their entirety and insert in lieu thereof the following: "ordinance shall be leased at the rate of one dollar (\$1.00) per year."

Amendment agreed to.

Ord. No. 1309-96.

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

An emergency ordinance to amend Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2326-85, passed September 16, 1985, relating to uniform maintenance allowances.

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

1. In Section 1, at Section 135.063, insert a new division (d) to read as follows:

"(d) Assistant Chief of Fire

In the same amount as the amount established by collective bargaining agreement for Firefighters".

2. In Section 1, at Section 135.063, reletter existing divisions (d) and (e), to new division "(e)" and "(f)", respectively.

Amendment agreed to.

Ord. No. 1313-96.

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 State of Ohio, Department of Alcohol and Drug Addiction Services for the 1997 FOCUS program.

Approved by Directors of Public

Health, Finance, Law; Recommended by Committees on Public Health, Finance.

Ord. No. 1314-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-covered children, for the Division of Environment, Department of Public Health.

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

Ord. No. 1315-96.

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 Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1997 Drug Prevention, Treatment & Intervention Program, and to enter into an agreement with said Board for the City to receive payments from the Medicaid program.

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

Ord. No. 1439-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Lorain Road to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into any agreements relative thereto.

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

Ord. No. 1441-96.

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

An emergency ordinance to amend Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations of the Zoning Code.

Approved by Directors of Community Development, Finance, Law; Committees on Community and Economic Development, Legislation, Finance, when amended as follows:

1. In Section 1, at the end of Section 327.99, insert a new division to read as follows:

"(f) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section."

Amendment agreed to.

Ord. No. 1442-96.

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

An emergency ordinance to amend Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, relating to penalty for violations of the Housing Code.

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

1. In Section 1, at the end of Section 367.99, insert a new division to read as follows:

"(g) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section."

Amendment agreed to.

Ord. No. 1443-96.

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

An emergency ordinance to amend Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations to the Building Code.

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

1. In Section 1, at the end of Section 3103.99, insert a new division to read as follows:

"(e) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section."

Amendment agreed to.

Ord. No. 1448-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed two scissor lifts, including appurtenances and installation, if necessary, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

1. In the title, line 4 and in Section 1, lines 4 and 5, strike "scissor lifts" and insert in lieu thereof **"dock levelers"**.

Amendment agreed to.

Ord. No. 1449-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed twelve complete bunker gear suits, and additional auxiliary gear for Airport Rescue Fire Fighters, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

Ord. No. 1451-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept annual allocations of federal funds under Titles II and III of the Job Training Partnership Act from the Ohio Bureau of Employment Services and

to make appropriations for the current expenses of the Department of Personnel and Human Resources.

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

Ord. No. 1452-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a grant from the Ohio Department of Education for a Nontraditional Employment For Women (New) Action Plan under the Job Training Partnership Act (JTPA) Title II Parts A and C 8% and to authorize appropriations to provide for administration of the Department of Personnel and Human Resources.

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

Ord. No. 1453-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a Specialized Technical Assistance grant under the Title II of the Job Training Partnership Act from the Ohio Bureau of Employment Services and to authorize appropriations to provide for administration of the Department of Personnel and Human Resources.

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

Ord. No. 1454-96.

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.

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

Ord. No. 1455-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to expend funds for food and beverages during protracted labor negotiations and to pay Ogden Services Corporation for coffee and water service during four days of labor negotiations.

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

Ord. No. 1463-96.

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 1997 State AIDS Community Based Care Program.

Approved by Directors of Public Health, Finance, Law; Committees

on Public Health, Finance, when amended as follows:

1. In Section 1, line 3, strike "\$37,250.00" and insert in lieu thereof **"\$56,750.00"**.

Amendment agreed to.

Ord. No. 1464-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of burials for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed two years.

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

Ord. No. 1465-96.

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 1997 State AIDS Prevention Program, and authorizing the Director of Public Health to enter into contracts with various agencies for the implementation of the Project.

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

1. In Section 1, line 3, strike "\$120,000.00" and insert in lieu thereof **"\$129,750.00"**.

Amendment agreed to.

Ord. No. 1470-96.

By Councilman Willis.

An emergency ordinance to name the park located on Moulton Avenue between East 115th and East 120th Street as the Moulton/Scoutway Park.

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

Ord. No. 1595-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 1996 general obligation bond issue for road and bridge improvements.

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

1. In Section 1, at the end, add a new project to read as follows:

"9. Hamlet Avenue and Adolpha Road Sewer Project"

Amendment agreed to.

Ord. No. 1709-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or their designee, for a term not to exceed two years, for the public purpose of leasing space for the offices of the Division of Information Systems Services.

Approved by Director of Finance; Recommended by Committee on Finance.

**SECOND READING
EMERGENCY RESOLUTION**

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 Commissioners Reef in order to create the largest freshwater artificial reef system in the world.

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

1. In the title, lines 6 and 7, between "Reef" and "in" insert **"or build new reefs"**.

2. In the eleventh "Whereas" clause, lines 1 and 2, between "reef" and "will" insert **"systems in the Western Basin"**.

3. In the seventeenth "Whereas" clause, line 4, strike "the current" and insert in lieu thereof **"a"** and between "reef" and the semicolon insert **"system"**.

4. In the eighteenth "Whereas" clause, line 2, strike "Cuyahoga County Commissioner's Reef" and insert in lieu thereof **"artificial reef system"**.

5. In the nineteenth "Whereas" clause, line 2, strike "extend the Cuyahoga County Commissioner's Reef" and insert in lieu thereof **"build artificial reef structures"**.

6. In Section 1, line 3, strike "expanded" and insert in lieu thereof **"expand"**; and in line 4, between "Reef" and "in" insert **"or build new reefs"**.

Amendments agreed to.

**SECOND READING EMERGENCY
RESOLUTION ADOPTED**

Res. No. 1623-96.

By Councilman Rokakis (by departmental request).

An emergency resolution to adopt and declare a Tax Budget for the year 1997, as required by State law, Chapter 5705 of the Revised Code.

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

The rules were suspended. Yeas 21. Nays 0. Read third time in full. Adopted. Yeas 21. Nays 0.

**THIRD READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 809-96.

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

An emergency ordinance to appropriate property located at 2316 East 88th Street for the public purpose of widening Shelbourne Court between East 87th and East 88th Streets.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 966-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with various non-profit agencies for the implementation of the Emergency Shelter Grant Program and to enter into contract for the purpose of implementing the program.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1037-96.

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 State of Ohio, Office of the Governor's Highway Safety Representative for the Selective Traffic Enforcement Program.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1192-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of maintenance on radio equipment, for the Division of Emergency Medical Service, Department of Public Safety, for a period of one year.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1278-96.

By Mayor White.

An emergency ordinance declaring this Council's desire, intent and commitment to work toward the creation of an International Aerospace Cities Alliance with Kaliningrad, Russia; and authorizing the Mayor to enter into any agreements necessary thereto.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1296-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair air tools, for the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1297-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one electric towmotor and accessories, for the Division of Water, Department of Public Utilities.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1298-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide one or more engineers, to provide professional services necessary to inspect and evaluate water towers.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1302-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to upgrade two remittance processing machines, including appurtenances and maintenance, for the Division of Fiscal Control, Department of Public Utilities.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1311-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of traffic signal and sign material and equip-

ment, for the Division of Traffic Engineering and Parking, Department of Public Safety.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1312-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into contract without competitive bidding with Firearms Training Systems, Inc. for the purchase of an upgrade to the firearms training system, for the Division of Police, Department of Public Safety.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1319-96.

By Councilmen Rybka and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of labor and materials necessary to construct heavy duty signs, including but not limited to hardware, elements, materials, and installation if necessary, for the City Planning Commission.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1444-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the United States Department of Housing and Urban Development for the Homeownership Zone Program.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1445-96.

By Councilmen Jackson and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Cleveland Action to Support Housing, or its designee, to provide financial assistance in the form of a Community Development Float Loan to be used as compensating balance deposits in its rehabilitation loan programs.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1456-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of the rental of flasher safety lights, arrow bars and traffic control devices, for the various divisions of the Department of Public Utilities.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1457-96.

By Councilmen Patton and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of service and maintenance of various heating, ventilation and air conditioning equipment, for the Division of Water Pollution Control, Department of Public Utilities.

Read third time. Passed. Yeas 21. Nays 0.

Ord. No. 1466-96.

By Councilman Rokakis (by departmental request).


An emergency ordinance authorizing the Director of Aging to

apply for and accept a grant from the Western Reserve Area Agency on Aging for the 1996 Title III-B Client Find/Supportive Services Program.

Read third time. Passed. Yeas 21. Nays 0.

MOTION

The Council adjourned at 8:05 p.m. to meet on Monday, September 30, 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. 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 contractor 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.

Ord. No. 1287-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease By Way of Concession with Prime Time Enterprises, Inc. for operation of the business of delivering small packages by ground transportation at and from Burke Lakefront Airport.

Ord. No. 1288-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Pilot Management, Inc. for operation of the business of a flight school at and from Burke Lakefront Airport, for the Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized to enter into a Lease Agreement ("Lease") with Pilot Management, Inc. ("Lessee") for use and occupancy of approximately **649.00** square feet of office and operations space on the first floor of the terminal building at Burke Lakefront Airport ("Leased Premises"), for use only as a flight school business. In addition, the Lessee shall be permitted to access a terminal building conference room solely for the conduct of its flight school business, provided that the Lessee obtains prior approval from the Commissioner of Burke Lakefront Airport,

or his designee. The term of the Lease shall begin on May 20, 1996 and end on April 30, 1998, except that either party may terminate the Lease at an earlier date by giving thirty (30) days written notice to the other. For use of the Leased Premises, Lessee shall pay the City a per annum rent of **\$5,516.50**, which shall be paid in monthly installments of **\$459.71**. For the use of the conference room, the Lessee shall pay the City \$6.25 per hour or fraction thereof.

Section 2. That the Lease hereby authorized shall be prepared by the Director of Law and shall contain such additional terms and conditions as said director deems necessary to protect and benefit the public interest.

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

Ord. No. 1307-96.

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 1997 Federal Child Lead Poisoning Prevention Program.

Ord. No. 1308-96.

By Councilmen Polensek, Johnson and Rokakis (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to enter into and execute a lease agreement for a portion of the fire alarm building located at Carnegie Avenue and Ontario Street with Western Reserve Fire Buffs Foundation, or its designee, for a term not to exceed twenty (20) years.

Whereas, the City of Cleveland has a fire alarm building at Carnegie Avenue and Ontario Street, a portion of which is not needed for public use for the next twenty years; and

Whereas, the Western Reserve Fire Buffs Foundation has proposed to lease the unneeded portion for a fire museum; 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 Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Safety is authorized to enter into a lease agreement with the Western Reserve Fire Buffs Foundation, or its designee, for a portion of the fire alarm building located at Carnegie Avenue and Ontario Street which is determined to be not needed for public use during the term specified in Section 2 below.

Section 2. The term of the lease authorized pursuant to this ordinance shall not exceed twenty (20) years.

Section 3. All lands leased pursuant to this ordinance shall be leased at the rate of one dollar (\$1.00) per year.

Section 4. The lease shall be prepared by the Director of Law and shall contain such additional terms and conditions as are required to protect the interest of the City.

Section 5. That the Directors of Public Safety and Law, and other appropriate City officials, are hereby authorized and directed to execute such other documents and certificates, and take such other actions as may be necessary or appropriate to effect the lease authorized pursuant to this ordinance.

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

Ord. No. 1309-96.

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

An emergency ordinance to amend Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2326-85, passed September 16, 1985, relating to uniform maintenance allowances.

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

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

Section 1. That Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2326-85, passed September 16, 1985, is hereby amended to read as follows:

Section 135.063 Uniform Maintenance Allowances

The Director of Public Safety is hereby authorized to cause payment for a uniform maintenance allowance to employees in the classifications in the Safety Department for which the applicable collective bargaining agreement establishes a maintenance allowance, in the amount established in the agreements.

In addition, the Director of Public Safety is authorized to cause payment for a uniform allowance to employees in the following classifications in the amounts shown:

Classification	Annual Maintenance Allowance
(a) Police Chief	In the same amount as the amount established by collective bargaining agreement for Police; Supervisory
(b) Deputy Chief of Police	In the same amount as the amount established by collective bargaining agreement for Police; Supervisory
(c) Fire Chief	In the same amount as the amount established by collective bargaining agree-

ment for Firefighters

(d) Assistant Chief of Fire

In the same amount as the amount established by collective bargaining agreement for Firefighters

(e) EMT Supervisors

In the same amount as the amount established by collective bargaining agreement for Emergency Medical Technicians

(f) Chief Dog Warden

In the same amount as the amount established by collective bargaining agreement for Dog Wardens

Section 2. That existing Section 135.063 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 2326-85, passed September 16, 1985, is hereby repealed.

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

Ord. No. 1313-96.

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 State of Ohio, Department of Alcohol and Drug Addiction Services for the 1997 FOCUS program.

Ord. No. 1314-96.

By Councilmen Robinson and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the Director of Public Health to enter into contract with the Ohio Department of Public Health for performance of environmental assessments of the residences of Medicaid-covered children, for the Division of Environment, Department of Public Health.

Ord. No. 1315-96.

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 Alcohol and Drug Addiction Services Board of Cuyahoga County for the 1997 Drug Prevention, Treatment & Intervention Program, and to enter into an agreement with said Board for the City to receive payments from the Medicaid program.

Ord. No. 1439-96.

By Councilmen Coats and Rokakis (by departmental request).
An emergency ordinance giving consent of the City of Cleveland for the repair and resurfacing of Lorain Road to the Director of Transportation of the State of Ohio and authorizing the Director of Public Service to enter into any agreements relative thereto.

Ord. No. 1441-96.

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

An emergency ordinance to amend Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations of the Zoning Code.

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

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

Section 1. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby amended to read as follows:

Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply therewith shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten days, nor more than ninety days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his assignee, shall be deemed guilty of a violation of this Zoning Code each day he permits such nuisance to continue unabated after due notice from the Commissioner of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails to comply therewith shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be seduced, waived or suspended. In addition, imprisonment for not less than ten days nor more than ninety days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.16, 337.23, 347.02, 347.08, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13 or 357.14 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Zoning Code to pay to the City's Department of Community Development, Division of Building and Housing, the fee for inspec-

tion of violations that have not been remedied, which fee is described in Sections 367.08, 3103.09 and 3105.26.

(f) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That Section 327.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby repealed.

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

Ord. No. 1442-96.

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

An emergency ordinance to amend Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, relating to penalty for violations of the Housing Code.

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

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

Section 1. That Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, is hereby amended to read as follows:

Section 367.99 Penalty

(a) Whoever violates any provision of this Housing Code for which no other penalty is provided or any rule or regulation promulgated thereunder or fails to comply therewith or with any written notice or written order issued thereunder, or whoever refuses to permit entry by the Housing Inspector at a reasonable hour, and whoever interferes with, obstructs, hinders or delays such housing inspector while attempting to make such inspection shall be fined not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) for the first offense, and for a second or subsequent offense shall be fined not less than one hundred dollars (\$100.00), nor more than one thousand dollars (\$1,000.00), or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

Whoever causes or permits the continuation of any violation of this Code or any rule or regulation promulgated hereunder or fails to comply therewith or with any written notice or written order issued hereunder, subsequent to conviction therefor shall be liable for further prosecution, conviction and punishment upon the same order or notice without the necessity of issuing a new order or notice, until full compliance has been had on such order or notice upon which the original conviction was had.

(b) Whoever violates Section 367.11 shall be fined not less than

two hundred fifty dollars (\$250.00) nor more than five hundred dollars (\$500.00) for each offense thereof.

(c) Whoever violates Section 367.12 or 367.13 shall be fined not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

(d) Whoever violates Section 371.01 shall receive a mandatory fine of not less than three hundred dollars (\$300.00) nor more than one thousand dollars (\$1,000.00) or imprisoned for not more than six months or both. A separate offense shall be deemed committed each day during or on which an offense occurs or continues.

(e) Whoever violates Sections 369.08, 369.13, 369.17, 369.18, 369.19, 371.05, 371.07, 371.10 or 371.13 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. Whoever violates Sections 392.02, 392.03, 392.04, 392.05 or 392.06 is subject to the penalty established in Section 392.99 of these Codified Ordinances. In addition to any other means of enforcement provided for in these Codified Ordinances by statute, Sections 392.02, 392.03, 392.04, 392.05 or 392.06 may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Rules of Criminal Procedure, provided that the offense is a minor misdemeanor.

(f) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Housing Code to pay to the City's Department of Community Development, Division of Building and Housing, fees for inspections of violation that have not been remedied, which fee is described in Sections 367.08 and 3105.26, and the expenses or costs incurred under the provisions for demolition or boarding contained in the Housing Code.

(g) Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.

Section 2. That existing Section 367.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 614-95, passed June 19, 1995, is hereby repealed.

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

Ord. No. 1443-96.

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

An emergency ordinance to amend Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to penalty for violations to the Building Code.

Whereas, this ordinance constitutes an emergency measure pro-

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

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

Section 1. That Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby amended to read as follows:

Section 3103.99 Penalty

(a) Whoever violates any provision of this Building Code for which no other penalty is provided or any rule or regulation or order promulgated thereunder, or any code adopted herein, or fails to comply with the lawful order issued pursuant thereto is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned not more than six (6) months or both. Each day during which non-compliance or a violation continues shall constitute a separate offense.

(b) Whoever violates Sections 3101.10, 3101.11, 3103.10, 3105.01, 3105.02, 3105.05, 3109.11, 3113.03, 3113.10, 3113.16 or 3125.01 shall be fined not more than one hundred dollars (\$100.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(c) As provided by RC 2901.23 and 2929.31, organizations convicted of an offense shall be fined not more than five thousand dollars (\$5,000.00) for a misdemeanor of the first degree.

(d) A court of competent jurisdiction may require whoever is convicted of or pleads guilty to a violation of this Building Code, to pay to the City's Department of Community Development, Division of Building and Housing, the fee for inspection of violations that have not been remedied, which fee is described in Sections 3103.09 and 3105.26, and the expenses or costs incurred under Section 3103.09 for the removal, repair, alteration, securing or boarding of a building or structure.

(e) **Authority to enforce the above listed misdemeanors through issuance of a citation shall expire and shall be of no further force and effect two (2) years after the effective date of this section.**

Section 2. That Section 3103.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 54-94, passed June 6, 1994, is hereby repealed.

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

Ord. No. 1448-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed two **dock levelers**, including appurtenances and installation, if necessary, for

the Division of Cleveland Hopkins International Airport, Department of Port Control.

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

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

Section 1. That the Director of Port Control is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: not to exceed two (2) **dock levelers**, including appurtenances and installation, if necessary, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 60 SF 001, Request No. 20859.

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

Ord. No. 1449-96.

By Councilmen Miller and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of not to exceed twelve complete bunker gear suits, and additional auxiliary gear for Airport Rescue Fire Fighters, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Ord. No. 1451-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept annual allocations of federal funds under Titles II and III of the Job Training Partnership Act from the Ohio Bureau of Employment Services and to make appropriations for the current expenses of the Department of Personnel and Human Resources.

Ord. No. 1452-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a grant from the Ohio Department of Education for a Nontraditional Employment For Women (New) Action Plan under the Job Training Partnership Act (JTPA) Title II Parts A and C 8% and to authorize appropriations to provide for administration of the Department of Personnel and Human Resources.

Ord. No. 1453-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to accept a Specialized Technical Assistance grant under the Title II of the Job Training Partnership Act from the Ohio Bureau of Employment Services and to authorize appropriations to pro-

vide for administration of the Department of Personnel and Human Resources.

Ord. No. 1454-96.

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.

Ord. No. 1455-96.

By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Personnel and Human Resources to expend funds for food and beverages during protracted labor negotiations and to pay Ogden Services Corporation for coffee and water service during four days of labor negotiations.

Ord. No. 1463-96.

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 1997 State AIDS Community Based Care 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 **\$56,750.00**, from the Ohio Department of Health, to conduct the 1997 State AIDS Community Based Care Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1463-96-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.

Ord. No. 1464-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of burials for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Ord. No. 1465-96.

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 1997 State AIDS Prevention Program, and authorizing the Director of Public Health to enter into contracts with various agencies for the implementation of the Project.

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 **\$129,750.00**, from the Ohio Department of Health, to conduct the 1997 State AIDS Prevention Program, for the purposes set forth in the application and according thereto; that the Director of Public Health is hereby authorized to file all papers and execute all documents necessary to receive the funds under said grant; and that said funds be and they hereby are appropriated for the purposes set forth in the application for said grant.

Section 2. That the application for said grant, File No. 1465-96-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 contracts with Murtis H. Taylor Multi-Service Center, the City of East Cleveland, Community Action Against Addiction, and Stopping AIDS Is My Mission ("S.A.M.M.") for the implementation and operation of the Program, and that said contracts are 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.

Ord. No. 1470-96.

By Councilman Willis.

An emergency ordinance to name the park located on Moulton Avenue between East 115th and East 120th Street as the Moulton/Scoutway Park.

Ord. No. 1595-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding of various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's 1996 general obligation bond issue for road and bridge improvements.

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

Whereas, pursuant to Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to eval-

uate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; and

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

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

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

1. Aetna Road Rehabilitation (from Broadway Avenue to East 93rd Street)

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

3. Central Avenue Rehabilitation (from East 22nd Street to East 55th Street)

4. East 40th Street Rehabilitation (from Central Avenue to Superior Avenue)

5. East 79th Street Rehabilitation (from Chester Avenue to St. Clair Avenue)

6. London Road Rehabilitation (from Euclid Avenue to St. Clair Avenue)

7. Ridge Road Transfer Station

8. Western Road Rehabilitation (from West 117th Street to West 100th Street)

9. Hamlet Avenue and Adolpha Road Sewer Project

Section 2. That the Mayor is hereby authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's 1996 general obligation bond issue for bridge and road improvements.

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

Ord. No. 1709-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance to lease space at the Ninth Street Plaza Building from MJM Management Company, or their designee, for a term not to exceed two years, for the public purpose of leasing space for the offices of the Division of Information Systems Services.

RESOLUTION

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 Commissioners 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.

BOARD OF CONTROL

September 18, 1996

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 18, 1996, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Absent: Director Spellman.

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

On motion, the following resolutions were adopted.

Resolution No. 625-96.

By Director Hyer.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to the authority of Ordinance No. 398-95, passed by the Council of the City of Cleveland on January 8, 1996, Ameritech of Ohio is hereby selected upon nomination of the Director of Finance from a list of firms determined after a full and complete canvass by said Director, as the firm to be employed by contract to provide professional services necessary for a Telecommunications Call Accounting System, including software and associated incidental hardware, for the Division of Information Systems Services, Department of Finance.

Be it further resolved that the Director of Finance hereby is requested to enter into a contract with Ameritech of Ohio, based upon its proposal dated July 8, 1996 which

contract shall be prepared by the Director of Law, shall provide for, as the furnishing of professional services, the software modules for Call Accounting, Multi-Site/Multi User Billing Systems, Cable Management, Workorder Management and AutoCAD Interface, and the associated installation, training, travel and hardware, as stated in said proposal, for an aggregate fee, including fees for the licensing of the software, not to exceed \$195,496.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the Director of Finance hereby is requested to enter into a Software license agreement with The Angeles Group, Inc. based upon Ameritech proposal and The Angeles Group, Inc. letter dated July 15, 1996 regarding licensing of the software to be provided under the Ameritech contract authorized herein.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 626-96.

By Director Hyer.

Resolved by the Board of Control of the City of Cleveland that the bid of Love Insurance Agency, Incorporated for the following: Insurance on Computer Equipment (all items through Cigna Insurance) for a period of one (1) yr. beginning with the date of execution of a contract with two (2) one-year options to re-new for the Division of Information Systems Services, Department of Finance, received on the 31st day of July, 1996, pursuant to the authority of Ordinance No. 937-96, passed June 10, 1996, which on the basis of order quantity would amount to \$6,276.00 (net) is hereby approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into contract for such items.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 627-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Typewriter & Computer for an estimated quantity of Typewriter Maintenance (#1 thru 69) (Groups 1, 2 and 3) for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on the 28th day of August, 1996, pursuant to the authority of Ordinance No. 641-96, passed May 13, 1996, which on the basis of the estimated quantity would amount to Fifty-Seven Thousand, Three Hundred Sixty Dollars and 00/100, (\$57,360.00), (2% 30 days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall

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

Requisition No. #81827

which shall be certified against such contract in the sum of Thirteen Thousand, Six Hundred Fifty-Six Dollars and 00/100, (\$13,656.00).

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, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 628-96.

By Director Hyer.

Resolved, by the Board of Control of the City of Cleveland that the bid of Parry Corporation dba Gas Technics of Ohio for an estimated quantity of Commercial Gases (All Items) (Bid "A" Demurrage charge cylinder all sizes .15/day) for the Various Divisions of City Government, Department of Finance, for the period of two (2) years beginning with the date of execution of a contract received on the 4th day of September 1996, pursuant to the authority of Ordinance No. 644-96, passed May 13, 1996, which on the basis of the estimated quantity would amount to Ninety-Six Thousand Eight Hundred Twenty-Three Dollars and no/100, (\$96,823.00), (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. #81859

which shall be certified against such contract in the sum of Four Thousand Eight Hundred Forty-One Dollars and 15/100, (\$4,841.15).

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, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 629-96.

By Director Konicek.

Whereas, pursuant to Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, and Board of Control Resolution No. 920-94, adopted on December 14, 1994, the City of Cleveland ("City") entered into a contract with Treaty Company ("Contractor") for the purchase of valves and appurtenances, items 7, 14 and 16 for the Division of Water, Department of Public Utilities, Contract No. 48033; and

Whereas, by its January 15, 1996 letter Treaty Company has notified the City that it has changed its name to Hughes Supply, Inc.; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Treaty Company's January 15, 1996 letter, this Board hereby acknowledges the change in name and consents to the assignment of Contract No. 48033 from Treaty Company to Hughes Supply, Inc.

Be it further resolved that the Director of Public Utilities is hereby authorized to execute any documents necessary to effect and recognize such name change and assignment with respect to Contract No. 48033.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 630-96.

By Director Konicek.

Whereas, pursuant to Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, and Board of Control Resolution No. 924-94, adopted on December 14, 1994, the City of Cleveland ("City") entered into a contract with Treaty Company ("Contractor") for the purchase of adjustable valve boxes, items 2-5, for the Division of Water, Department of Public Utilities, Contract No. 48034; and

Whereas, by its January 15, 1996 letter Treaty Company has notified the City that it has changed its name to Hughes Supply, Inc.; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Treaty Company's January 15, 1996 letter, this Board hereby acknowledges the change in name and consents to the assignment of Contract No. 48034 from Treaty Company to Hughes Supply, Inc.

Be it further resolved that the Director of Public Utilities is hereby authorized to execute any documents necessary to effect and recognize such name change and assignment with respect to Contract No. 48034.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 631-96.

By Director Konicek.

Whereas, pursuant to Section 129.25 of the Codified Ordinance of Cleveland Ohio, 1976, and Board of Control Resolution No. 952-94, adopted on December 21, 1994, the City of Cleveland ("City") entered into a contract with Treaty Company ("Contractor") for the purchase of service fittings, items 6, 8, 9, 11, 38-41, 46 and 48 for the Division of Water, Department of Public Utilities, Contract No. 48068; and

Whereas, by its January 15, 1996 letter Treaty Company has notified the City that it has changed its name to Hughes Supply, Inc.; now therefore,

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

pursuant to Treaty Company's January 15, 1996 letter, this Board hereby acknowledges the change in name and consents to the assignment of Contract No. 48068 from Treaty Company to Hughes Supply, Inc.

Be it further resolved that the Director of Public Utilities is hereby authorized to execute any documents necessary to effect and recognize such name change and assignment with respect to Contract No. 48068.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 632-96.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that all bids received on July 17, 1996 for Maintenance, Repair And/Or Replacement of HVAC Systems, all items, for the Division of Cleveland Public Power, Department of Public Utilities, pursuant to the authority of Ordinance No. 424-96, passed by the Council of the City of Cleveland on May 6, 1996, are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 633-96.

By Director Cunningham.

Whereas, Prime Time Enterprises, Inc. intends to engage in the business of delivery small packages by ground transportation at and from Burke Lakefront Airport (the "Airport"), and

Whereas, the City of Cleveland is willing to grant to Prime Time Enterprises, Inc. the permission to use certain space at the Airport for the purpose of operating office/operations; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of the Department of Port Control is hereby authorized to enter into a concession agreement with Prime Time Enterprises, Inc. for the use of approximately 217 square feet of office/operations space on the first floor of the Airport terminal building for a period not to exceed thirty (30) days at a fee for the period of \$153.71. All utilities shall be paid by the concessionaire, except that the City shall provide, without charge, ordinary amounts of heat and air conditioning to the concession premises.

Be it further resolved by the Board of Control that the concession agreement shall be prepared by the Director of Law and shall contain such provisions as she deems necessary to benefit and protect the public interest.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 634-96.

By Director Cunningham.

Resolved by the Board of Control of the City of Cleveland that all bids received on September 6, 1996 for Labor and materials for deicer collection services for the Various Divisions of the Department of Port Control, pursuant to the authority of Ordinance No. 1029-96, passed by the Council of the City of Cleveland on June 10, 1996, be and the same are hereby rejected.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 635-96.

By Director Denihan.

Be it resolved, by the Board of Control of the City of Cleveland that pursuant to Ordinance No. 826-96, passed by the Council of the City of Cleveland on June 18, 1995, Business Aircraft Center Corp. is hereby selected upon the nomination of the Director of Public Safety from a list of lessors of aircraft hangar space at Burke Lakefront Airport to lease aircraft hangar space and provide ground handling service and aviation fuel for a period of one (1) year, with the option to renew for an additional period of one (1) year, for the purpose of maintaining police aircraft, for the Division of Police, Department of Public Safety.

Be it further resolved that the Director of Public Safety hereby is authorized to enter into a written lease with Business Aircraft Center Corp. based upon its proposal dated September 5, 1996. The rentals for the lease of space and the price for purchase of fuel, as authorized hereby, shall be as stated in Lessor's proposal, and shall, on the basis of the estimated quantities amount to Fifty six thousand, three hundred twenty and no/100 (\$56,320.00).

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 636-96.

By Director Spellman.

Resolved by the Board of Control of the City of Cleveland that the bid of Vermeer Sales &Service, Incorporated for the following: Diesel Brush Chippers and Diesel Stump Cutters for the Division of Park Maintenance and Properties, Department of Parks, Recreation and Properties, received on the 16th day of May, 1996, pursuant to the authority of Ordinance No. 202-96, passed February 26, 1996, which on the basis of order quantity would amount to \$76,000.00 (Net 30 Days), is hereby approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into contract for such items.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.
Absent:None.

Resolution No. 637-96.

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 No. 002-31-071, southerly half located at 1971 West 57 Street in Ward 17; and

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

Whereas, Alfonso and Margaret Greco, abutting/adjacent landowners, have proposed to the City to purchase and develop said parcel; and

Whereas, the following conditions exist:

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

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

3. The proposed purchasers of said parcel are neither tax delinquent nor in violation of the Building and Housing 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 Alfonso and Margaret Greco for the sale and development of Permanent Parcel No. 002-31-071, southerly half located at 1971 West 57 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 parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 638-96.

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 No. 002-31-071, northerly half located at 1971 West 57 Street in Ward 17; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and

when certain specified conditions have been met, to sell Land Reutilization Program parcels to adjacent or abutting landowners; and

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is hereby requested to execute an Official Deed for and on behalf of the City of Cleveland with Cedomir Erkcic for the sale and development of Permanent Parcel No. 002-31-071, northerly half located at 1971 West 57 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 parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 639-96.

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 No. 007-23-059 located at 2626 West 28 Place in Ward 14; and

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

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

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.021 of Codi-

fied 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 Jonel Magda for the sale and development of Permanent Parcel No. 007-23-059 located at 2626 West 28 Place, 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 parcel shall be \$1.00, which amount is hereby determined to be not less than the Fair Market value of said parcel for uses in accordance with said Program.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 640-96.

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. 107-12-180 under said Land Reutilization Program; and

Whereas, Ordinance No. 1290-96 passed August 14, 1996 authorized the sale of said parcel subject to the direction of the Board of Control; and

Whereas, Famicos Notre Dame Apartments, Inc. 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. 1290-96 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 Famicos Notre Dame Apartments, Inc. for the sale and development of Permanent Parcel No. 107-12-180, 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: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent:None.

Resolution No. 641-96.

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 Nos. 120-13-046, 120-13-047, 120-13-048, 120-13-049, 120-13-052, 120-13-071, 120-13-078, 120-13-079, 120-

13-080, 120-13-081, 120-13-082, 120-12-066, and 120-12-067 under said Land Reutilization Program; and

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

Whereas, Northeastern Neighborhood Development Corporation 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. 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 for the sale and development of Permanent Parcel Nos. 120-13-046, 120-13-047, 120-13-048, 120-13-049, 120-13-052, 120-13-071, 120-13-078, 120-13-079, 120-13-080, 120-13-081, 120-13-082, 120-12-066, and 120-12-067 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 parcel for uses in accordance with the Land Reutilization Program.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, Axelrod.

Nays: None.

Absent: None.

Resolution No. 642-96.

By Director Warren.

Whereas, Resolution No. 590-96 adopted August 28, 1996 requires amendment to properly state compensation to be paid by National City Bank for the option parcel if and when National City Bank exercises the option; now, therefore,

Be it resolved, by the Board of Control of the City of Cleveland that, paragraph 5 of Resolution No. 590-96 adopted August 28, 1996 is hereby amended to state that the compensation to be paid by National City Bank if and when National City Bank exercises the option within the option period shall be Seven Hundred Ninety-one Thousand Dollars (\$791,000.00), which amount is determined to be not less than the fair market value when taking into account all restrictions and encumbrances placed by the City in the deed of conveyance.

Be it further resolved that all other provisions of Resolution No. 590-96 not expressly amended herein shall remain in full force and effect.

Yeas: Mayor White, Director Sobol Jordan, Acting Director Carmody, Director Konicek, Acting Director Sheehan, Directors Guzman, Staib, Acting Director Holland, Directors Hamilton, Nolan, Warren, 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 7, 1996

9:30 A.M.

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 on the north wall of the 50' x 50' one story masonry nonconforming stores building on a 55' x 155' lot located in a Multi-Family District at 17644-48 Lake Shore Blvd.; said sign being contrary to the prohibitions of Section 350.10 and exceeding the size limits of Section 350.14 of the Codified Ordinances.

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 to the west front wall of the one story masonry 34' x 100' nonconforming adult entertainment cabaret on a 70' x 150' parcel located in a Semi-Industry District at 1438 St. Clair Ave.; said adult entertainment cabaret to be located 951' from a church to the west contrary to the distance provisions of Section 347.07 and said addition to constitute an expansion of the nonconforming use contrary to the provisions of Section 359.01 of the Codified Ordinances.

Calendar No. 96-171: 3601-03 Sackett Ave.

Marie Sperner et al, owners, appeal, under authority of Section 329.01 and Section 329.02, from the refusal to improve the lot split of the 36' x 126' lot located in a Two Family District at 3601-03 Sackett

Ave.; said refusal being by J. Christopher Nielson, Commissioner of Engineering and Construction, and Hunter Morrison, Director of City Planning, under authority of Section 355.04 (lot size requirements) of the Codified Ordinances.

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

Sisters of St. Joseph, owner, to construct a 30 dwelling units building, consisting of 10 interconnected "pods", on the 608' x 1041' irregular shaped parcel located in a One Family District and occupied by a school and known as 3430 Rocky River Dr.; said use being subject to the special use provisions of Section 337.02 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, SEPTEMBER 23, 1996

At the Meeting of the Board of Zoning Appeals, on, Monday, September 16, 1996, the following appeals were heard by the Board, and decided on Monday, September 23, 1996.

The following appeal was **Granted**:

Calendar No. 96-145: 900-23 E. 105th St.

Kathryn R. Tyler Neighborhood Center Inc., owner, to erect a two story 96' x 100' masonry addition, and other site improvements. (Conditional Grant)

The following appeals were **Refused**:

Calendar No. 96-155: 16301 Parkgrove Ave., N.E.

Erik H. Walton, owner, to erect approximately 60' of 6' high plastic fence.

Calendar No. 96-156: 2142 Green Rd., N.E.

Jeff Singer, owner, to erect approximately 16' of 7' 2" high wood fence.

Calendar No. 96-159: 1325 Chapelside Ave., S.E.

Peter Jackson and Jeanne Jackson, owners, to convert to a group home for 12 seniors.

The following appeals were **Withdrawn**:

Calendar No. 96-162: 3328 3301 Monroe Avenue, S.W.

Calendar No. 96-149: 18200 Brookpark Rd., S.W.

Calendar No. 96-154: 4210 Franklin Blvd., N.W.

The following appeal was **Postponed**:

Calendar No. 96-163: 1024 Nathaniel Rd., N.E. to October 7, 1996.

ANTHONY COSTANZO,
Secretary

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

Re: Report of the Meeting of
September 18, 1996

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

* * *

Docket A-74-96.

RE: Appeal of Chemical Solvents, Inc., Owner of the Property located on the premises known as 908 Denison Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated April 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 908 Denison Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-99-96.

RE: Appeal of Chemical Solvents, Inc., Owner of the Property located on the premises known as 3751 Jennings Road from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated June 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the following variances and conditions requested by Chemical Solvents, Inc. in compliance with comments made by the Division of Fire:

(1) A temporary variance to allow Chemical Solvents, Inc. to continue operations at the Jennings Road and Denison Avenue facilities, including the lab building, noting that a fire watch is in place.

(2) A temporary variance to allow Chemical Solvents, Inc. to continue operations at its facilities with existing piping and valve systems until they review and upgrade in accordance with the plans.

(3) A temporary variance to allow for drum storage and drum filling operations and other operations dealing with hazardous materials until the alternate building has been constructed, noting again the fire watch and other safety measures.

(4) A permanent variance is granted from requiring immediate changing in the location of the above ground tanks which do not meet the distance requirements, with the condition that the foam system is outlined and agreed to when installed on the premises.

(5) A permanent variance to the number of storage tanks within the dikes as now exist to exceed six, with the provision that fire safety measures will be imposed as outlined and agreed upon.

(6) A permanent variance is granted to the requirement of tank accessibilities for tanks 8-16 (Jennings Road facility) and tanks 10, 13 and 101-103 (Denison Avenue facility) with the provision that the fire safety agreement is enforced in those areas.

(7) A permanent variance is granted for the minimum clearance between tanks with the noted safety upgrades enforced.

(8) A permanent variance is granted from the clear distances between tanks within tank batteries at the Jennings Road facility and several tanks at the Denison Avenue facility with the imposition of the fire safety agreement conditions.

(9) A temporary variance allowing Chemical Solvents, Inc. to continue operations at its truck and rail loading and unloading abilities which Chemical Solvents, Inc. develops an engineering plan to relocate and/or redesign this facility to reduce the hazard with the provision that trained personnel is used for this unloading and loading process during the interim.

(10) A permanent variance is permitted to allow the bottom discharge from the tank vehicles.

(11) A permanent variance is allowed for gravity feed to the filling drums and totes with the provision that a deadman valve will be installed as a safety measure at all three points and gravity feed variance shall exclude Class 1 liquids they shall be pumped.

(12) A variance is granted to allow the continued use of tanks with deformed shelves the process of the evaluation of the structural integrity of these shelves is to be undertaken and any deformed tanks are to be replaced or repaired as required and indicated by this evaluation.

(13) A permanent variance is permitted to allow the tank loading and unloading rises to be identified by Type 704 labeling with the provision that piping within the plant is to be identified by the chemical contained in the piping.

It is understood that temporary variances are granted for the time limits outlined in Appendix F of the fire safety audit submitted by KTA Engineering dated June 12, 1996. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-100-96.

RE: Appeal of Chemical Solvents, Inc. Owner of the Property located on the premises known as 1010 Denison Avenue from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated June 9, 1996 requiring compliance with the Codified Ordinances of the City of Cleveland, and Ohio Basic Building Code (OBBC).

No action, noting that the Docket A-100-96 is the same as Docket A-99-96.

* * *

Docket A-111-96.

RE: Appeal of Gerimi Properties LLC DBA American Bronze Corp., Owner of the Property located on the premises known as 2941 East 34th Street from a NOTICE OF VIOLATION - FIRE CODE of the Chief of the Division of Fire dated June 6, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the fire standpipe system to remain inactive permanently, noting the absence of water. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-119-96.

RE: Appeal of West Chateau Condominium Association, Owner of the Property located on the premises known as 10301 Lake Road from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated July 8, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-119-96 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-120-96.

RE: Appeal of Elvira Holloway, Owner of the Residential Property located on the premises known as 3433 East 103rd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated June 5, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to require the inspector to consult with the owner prior to any action, and to REMAND the property at 3433 East 103rd Street for supervision and further action consisting of either requiring boarding and securing of the property if rehabilitation is to occur or proper demolition. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Saunders.

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

* * *

Docket A-152-96.

RE: Appeal of Virgil Davidson, Owner of the Residential Property located on the premises known as 3101 Chatham Avenue from a ORDER TO VACATE of the Commissioner of the Division of Building and Housing dated August 23, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property at 3101 Chatham Avenue to the Division of Building and Housing for supervision and further action. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Bowes.

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

Docket A-155-96.

RE: Appeal of Kirste Carlson, Owner of the Residential Property located on the premises known as 317 Overlook Park Drive from a NOTICE OF NONCONFORMANCE of the Commissioner of the Division of Building and Housing dated August 29, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the premises to be built and occupied as presented on the drawings, allowing the third floor to be occupied with only one permanent means of egress, noting that hardwired smoke detectors are installed throughout and with the understanding that the residential property will be occupied by one family. Motion so in order. Motioned by Mr. Sullivan and seconded by Mr. Bowes.

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

* * *

Docket A-160-96.

RE: Appeal of Detroit Shoreway Community Development Corporation, Owner of the Property located on the premises known as 4700-4800 Tillman Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the structural system between units to be a single block wall as depicted with the provision that the floor joist are fastened at one point only to prevent a couple from being formed by the top and bottom cord with the provision that this detail be submitted to the Building Department for their approval and be incorporated on the plans; and to grant the variance to the requirement for two separate exits above the second story, noting that the provision does not exist in other codes and that a hardwired smoke detector system be installed throughout and that these are single family dwelling family units and that emergency window exits be furnished in compliance with the Codified Ordinances of the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

Docket A-161-96.

RE: Appeal of Forest City Development, Owner of the Property located on the premises known as 50 Public Square - Suite 1414 from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the space to be occupied and constructed as noted on the drawings with the provision

that corridor walls outside Rooms 1409, 1412, 1413 be one hour rated and that exiting be directed down corridor 1443 which is also to be a one hour corridor and that the population of the space be limited to no more than thirty (30) people, noting that smoke detectors and strobes in the area units are being installed and connected to the alarm system under this construction. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Saunders.

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

* * *

Docket A-162-96.

RE: Appeal of Cleveland Warehouse Development Corp., Owner of the Property located on the premises known as 1401-11 West 10th Street from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated September 9, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to the height limitation permitting the building to be erected to 41' 4" in lieu of the 40' requirement by code and to permit the openings to be constructed; grant the variance to the fire separation of 3' required, noting that the one hour assemblies will be constructed on all windows and doors that encroach on this area to permit the penthouses to be constructed up to within ten feet of the west side of the building and to permit the south most townhouse to be constructed within 7' 8" of the west face of the building. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Williams.

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

* * *

OTHER BOARD BUSINESS:

Docket A-89-96.

Estate of John Ellis - 9804 Union Avenue: A motion is in order at this time to REMAND the property at 9804 Union Avenue to the Division of Building and Housing for further action. Motion so in order. Motioned by Mr. Bowes and seconded by Mr. Williams.

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

* * *

Inspection Services in the City of Cleveland:

Materials Evaluation Bureau
7815 Harvard Avenue
Cleveland, Ohio 44105 — NO ACTION

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Williams and seconded by Mr. Sullivan for Approval and Adoption

of the Resolution as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Basic Building Code (OBBC):

A-91-96—North East Chemical Corporation (Amended).

A-95-96—John L. Gillota.

A-126-96—Ramadham Mahmoud.

A-129-96—Michael & Donna Corrigan.

A-130-96—Evelyn E. Kinsey Inc.

A-145-96—Ronald & Katherine Burgess.

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

* * *

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

A-109-96—Dennis P. Horgan.

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

* * *

APPROVAL OF MINUTES:

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

September 4, 1996

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

* * *

JOSEPH F. DENK,
CHAIRMAN

PUBLIC NOTICE

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

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

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

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, OCTOBER 2, 1996

De-Icer Collection Services, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 1029-96, passed by the Council of the City of Cleveland, June 10, 1996.

A PRE-BID MEETING WILL BE HELD ON THURSDAY, SEPTEMBER 26, 1996 AT 10:00 A.M. IN THE ENGINEERING CONFERENCE ROOM, CLEVELAND HOPKINS INTERNATIONAL AIRPORT.

September 18 and September 25, 1996

THURSDAY, OCTOBER 3, 1996

Cooley Avenue Area Relief Sewer - Materials, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 111-93, passed by the Council of the City of Cleveland, February 8, 1993.

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

**THIS IS A MINORITY SET ASIDE BID.

Various Sewer Maintenance Appurtenances (Castings), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.27 of the Codified Ordinances of Cleveland, Ohio, 1976.

September 18 and September 25, 1996

FRIDAY, OCTOBER 4, 1996

One (1) 4x4, Medium Duty Passenger Vehicle, for the Division of Burke Lakefront Airport, Department of Port Control, as authorized by Ordinance No. 764-95, passed by the Council of the City of Cleveland, June 8, 1995.

September 18 and September 25, 1996

WEDNESDAY, OCTOBER 9, 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.

September 18 and September 25, 1996

THURSDAY, OCTOBER 10, 1996

D.A.R.E Instructional Items, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1446-95, passed by the Council of the City of Cleveland, November 27, 1996.

9mm Pistols, for the Division of Police, Department of Public Safety, as authorized by Section 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976.

Eddy Road Rehabilitation, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 905-93, passed by the Council of the City of Cleveland, June 14, 1993.

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

September 18 and September 25, 1996

FRIDAY, OCTOBER 11, 1996

One (1) Tar Kettle, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 918-96, passed by the Council of the City of Cleveland, June 18, 1996.

One (1) Tar Kettle, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 764-96, passed by the Council of the City of Cleveland, June 12, 1996.

September 18 and September 25, 1996

TUESDAY, OCTOBER 15, 1996

Cleveland Municipal Lakefront Stadium Demolition, for the Department of Parks, Recreation and Properties, as authorized by Ordinance No. 304-96, passed by the Council of the City of Cleveland, March 8, 1996.

BID DOCUMENTS MAY BE PURCHASED FOR ONE HUNDRED FIFTY DOLLARS (\$150.00) (CERTIFIED OR CASHIER'S CHECK ONLY). A PRE-BID MEETING WILL BE HELD ON TUESDAY, OCTOBER 1, 1996, 10:00 A.M. AT THE SITE: CLEVELAND MUNICIPAL STADIUM, GATE A, 1085 WEST 3RD STREET, CLEVELAND, OHIO 44114.

September 18 and September 25, 1996

THURSDAY, OCTOBER 10, 1996

Constructing and Repairing Catch Basins and Manholes in Various Locations Throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 2077-94, passed by the Council of the City of Cleveland, March 6, 1995.

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

September 25 and October 2, 1996

FRIDAY, OCTOBER 11, 1996

Labor and Materials Necessary to Repair Water Mains and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 425-96, passed by the Council of the City of Cleveland, May 6, 1996.

A MANDATORY PRE-BID MEETING WILL BE HELD ON FRIDAY, OCTOBER 4, 1996, 10:00 A.M. AT THE CARL B. STOKES UTILITIES BUILDING, 1201 LAKE-SIDE AVENUE.

September 25 and October 2, 1996

THURSDAY, OCTOBER 17, 1996

The Rehabilitation of East 79th Street, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance Nos. 908-93 and 1012-95, passed by the Council of the City of Cleveland, June 14, 1993 and August 23, 1995, respectively.

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

Hand-Held Meter Reading Devices, for the Division of Cleveland Public Power, Department of Public

Utilities, as authorized by Ordinance No. 547-96, passed by the Council of the City of Cleveland, May 20, 1996.

Four-Station, Folding Inserting System, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 548-96, passed by the Council of the City of Cleveland, May 20, 1996.

New Doors, Frames and Hardware for Engine House No. 9, for the Division of Property Management, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1028-93, passed by the Council of the City of Cleveland, June 7, 1993.

September 25 and October 2, 1996

FRIDAY, OCTOBER 18, 1996

Tree Work in the Shaker Tree Assessment District, for the Division of Urban Forestry, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1227-96, passed by the Council of the City of Cleveland.

A Computer Network System, for the Division of Water, Department of Public Utilities, as authorized by Ordinance 1508-92, passed by the Council of the City of Cleveland, August 19, 1992.

A MANDATORY PRE-BID MEETING WILL BE HELD ON THURSDAY, OCTOBER 10, 1996, AT THE CLEVELAND DIVISION OF WATER, HARVARD DISTRIBUTION WAREHOUSE, 4600 HARVARD AVENUE, EXECUTIVE CONFERENCE ROOM, THURSDAY, OCTOBER 10, 1996, 10:00 A.M.

De-Icing Agents, for the Various Divisions of the Department of Port Control, as authorized by Ordinance No. 820-96, passed by the Council of the City of Cleveland, June 10, 1996.

September 25 and October 2, 1996

WEDNESDAY, NOVEMBER 6, 1996

The Rehabilitation of Harvard Yard Facilities, Phases III and IV, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1573-89, passed by the Council of the City of Cleveland, August 30, 1996.

A DEPOSIT OF TWO HUNDRED DOLLARS (\$200.00) 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 OCTOBER 15, 1996, 10:00 A.M. AT THE CARL B. STOKES UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 25 and October 2, 1996

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1719-96.

By Councilman Melena. An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7704 Detroit Avenue.

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. 5426743, Maha N.K. Inc., dba Detroit Marathon, 7704 Detroit Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the issuance of a C1 Liquor Permit to Permit No. 5426743, Maha N.K. Inc., dba Detroit Marathon, 7704 Detroit Avenue, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 16, 1996.
Effective September 24, 1996.

Res. No. 1720-96.

By Councilman Melena. An emergency resolution objecting to the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to 7507-11 Detroit Avenue, first floor and basement.

Whereas, Council has been notified by the Director of Liquor Control of an application for the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 5853053, Merlins Cave Inc., dba Hopes & Dreams, 7507-11 Detroit Avenue, first floor and basement, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the stock transfer of a D2, D2X, D3 and D3A Liquor Permit to Permit No. 5853053, Merlins Cave Inc., dba Hopes & Dreams, 7507-11 Detroit Avenue, first floor and basement, Cleveland, Ohio 44102, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 16, 1996.
Effective September 24, 1996.

Res. No. 1721-96.

By Councilmen Polensek, Willis, Jackson, Miller, O'Malley, Patmon, Patton, Paulenske, Zone.

An emergency resolution urging Governor George Voinovich and the State Highway Patrol to patrol and provide traffic enforcement along the interstate highways that go through the City of Cleveland.

Whereas, the Cleveland Police Division is presently enforcing speed limits and conducting patrols on interstate highways that go through the City of Cleveland in order to ensure the safety of citizens and the general public; and

Whereas, the Cleveland Police Division must utilize patrol officers to patrol, monitor and enforce the speed limit on those interstate highways that pass through Cleveland at the expense of placing those officers on patrol in Cleveland neighborhoods to enhance the public safety; and

Whereas, the State Highway Patrol monitors and enforces the speed limit on various interstate highways throughout the State of Ohio, and have assigned personnel to patrol these specific areas; and

Whereas, it is most appropriate to expand the patrol area of the State Highway Patrol to include interstate highways I-71, I-77, I-480 and I-90 that pass through Cleveland, and assume responsibility on monitoring and enforcing the speed limit on each interstate; and

Whereas, the assuming of these responsibilities by the State Highway Patrol on the above mentioned interstate highways will enable the Cleveland Police Division to reassign police officers to neighborhood patrol that will keep City streets safe; 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 this Council strongly urges the State Highway Patrol to assume the responsibility of enforcing the speed limit on interstate highways I-71, I-77, I-480 and I-90 that pass through the City of Cleveland and to patrol these specific areas which will enable the Cleveland Police Division to reassign its' officers who are presently assigned to such enforcement to neighborhood patrol of Cleveland neighborhoods.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution to Governor George Voinovich and the Office of the State Highway Patrol.

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 16, 1996.
Effective September 24, 1996.

Res. No. 1722-96.

By Councilman Coats.

An emergency resolution urging the federal government to provide drug treatment programs and economic development opportunities to

black neighborhoods affected by illegal drug trafficking by the CIA during the early 1980s.

Whereas, this Council is shocked by recent revelations in the newspapers linking the U.S. Central Intelligence Agency (CIA) to the introduction of crack cocaine into black neighborhoods in order to raise funds to support the CIA-backed Nicaraguan Contra army in the early 1980s; and

Whereas, according to these reports, the CIA-backed drug network was responsible for introducing and selling crack cocaine in a number of U.S. cities, including Cleveland; and

Whereas, this purported misuse of governmental power by a federal agency must be thoroughly investigated and remedied; and

Whereas, at a minimum, the federal government must provide funding to combat drugs in the same communities in which it reportedly trafficked in illegal drugs; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, or safety in that only by taking immediate actions can the federal government hope to remedy the wrongs set forth in the press reports; now, therefore,

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

Section 1. That this Council urges the federal government to provide drug treatment programs and economic development opportunities to black neighborhoods affected by reported illegal drug trafficking by the CIA during the early 1980s.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to President Clinton, the President of the U.S. Senate, the Speaker of the U.S. House of Representatives and the members of the U.S. Congressional delegation from Greater Cleveland.

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 16, 1996.
Effective September 24, 1996.

Ord. No. 1162-96.

By Councilman Coats.

An emergency ordinance to amend Section 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976; and to repeal Section 305.09 thereof, both as amended by Ordinance No. 535-51, passed December 10, 1951; relating to the notice of failure to display building numbering and the penalty therefor.

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

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

Section 1. That Section 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 535-51, passed December 10, 1951, is hereby amended to read as follows:

Section 305.99 Penalty

(a) Whoever fails to comply with

the provisions of Sections 305.05 shall be guilty of a minor misdemeanor and shall be fined not less than seventy-five dollars (\$75.00) and not more than one hundred dollars (\$100.00).

(b) Whoever fails to comply with the provision of Section 305.08 shall be fined not less than one hundred fifty dollars (\$150.00) and not more than two hundred dollars (\$200.00).

Section 2. The Administration is urged to notify the public about the need to display proper building numbers, and about the increased penalties provided in this ordinance for defacing or failing to display them, by including a notice with applications for certificates of occupancy and by broadcasting Channel 35 public television announcements.

Section 3. That existing Sections 305.09 and 305.99 of the Codified Ordinances of Cleveland, Ohio, 1976, both as amended by Ordinance No. 535-51, passed December 10, 1951, are hereby repealed.

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

Passed September 16, 1996.
Effective September 24, 1996.

Ord. No. 1222-96.

By Councilman Westbrook.

An emergency ordinance determining the need to develop programs to combat the proliferation of broken glass and other litter in City neighborhoods and authorizing the President of Council, on behalf of the Council, to accept gifts and grants in conjunction with litter control programs and the implementation of programs developed by the Council to combat litter.

Whereas, the proliferation of broken glass and other litter in City neighborhoods has become a threat to the safety and welfare of our citizens; and

Whereas, this Council needs to work with retailers and distributors to develop ways to combat this problem without harming the economic recovery of our City; 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 this Council hereby determines that efforts to combat the proliferation of broken glass and other litter in City neighborhoods should be a major goal of the City.

Section 2. That this Council wishes to work with area retailers and distributors to develop programs to deal with the City's litter problem.

Section 3. That the President of Council, on behalf of Council, is hereby authorized to accept gifts and grants from various entities, both public and private, in conjunction with litter control programs, and the courts, for the implementation of programs developed by the Council to combat litter, to file all papers and execute all documents necessary to receive such funds and, upon acceptance, said gifts and grants shall be appropriated for the purposes for which they were given.

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

Passed September 16, 1996.

Awaiting the approval or disapproval of the Mayor.

Ord. No. 1316-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance to amend Section 1 of Ordinance No. 158-96, passed March 4, 1996, relating to the purchase by contract of maintenance for a mainframe computer system and associated appurtenances.

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

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

Section 1. That Section 1 of Ordinance No. 158-96, passed March 4, 1996, is hereby amended to read as follows:

Section 1. That the Director of Finance is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: maintenance for a computer mainframe system and associated subsystems, for a one (1) year term commencing upon execution of a contract with an option, exercisable by the Director of Finance, to renew for an additional consecutive one-year term, and cancellable upon thirty days' written notice by said director, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Information Systems Services, Department of Finance.

Section 2. That existing Section 1 of Ordinance No. 158-96, passed March 4, 1996, is hereby repealed.

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

Passed September 16, 1996.

Effective September 24, 1996.

Ord. No. 1437-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one hydraulic side-dumping trailer with steel bins, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized

and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one hydraulic side-dumping trailer with steel bins, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 13 SF 209, Request No. 23151.

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 16, 1996.

Effective September 24, 1996.

Ord. No. 1438-96.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by contract of one aluminum gravity dump trailer, for the Division of Waste Collection and Disposal, Department of Public Service.

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

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

Section 1. That the Director of Public Service is hereby authorized and directed to make a written contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one (1) aluminum gravity dump trailer, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Waste Collection and Disposal, Department of Public Service.

Section 2. That the cost of said contract hereby authorized shall be paid from Fund No. 13 SF 209, Request No. 23152.

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 16, 1996.

Effective September 24, 1996.

Ord. No. 1460-96.

By Councilmen Paulenske, Jackson and Rokakis.

An emergency ordinance authorizing the Director of Economic Development to enter into a contract with Office Restoration, Inc., or its designee, to provide economic development assistance to partially finance the acquisition and installation of machinery and equipment, make tenant improvements and to assist in the relocation to and expansion of their new facility located at 4400 Commerce Avenue, Cleveland, Ohio 44103.

Whereas, this ordinance consti-

tutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Economic Development is hereby authorized to enter into a contract with Office Restoration, Inc., or its designee, to provide economic development assistance to partially finance the acquisition and installation of machinery and equipment, make tenant improvements and to assist in the relocation to and expansion of their new facility located at 4400 Commerce Avenue, Cleveland, Ohio 44103.

Section 2. That the term of said loan shall be in accordance with the terms as set forth in the Executive Summary contained in File No. 1460-96-A.

Section 3. That the costs of said contract shall not exceed Seventy Five Thousand Dollars (\$75,000.00), and shall be paid from Fund Nos. 17 SF 003 and 17 SF 004, Request No. 22272.

Section 4. That the Director of Economic Development is hereby authorized and directed to accept the collateral as set forth in the Executive Summary contained in the file referenced in Section 2 of this ordinance in order to secure repayment of said loan. Any security instrument shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is hereby authorized to accept monies in repayment of the loan and to deposit said monies in Fund No. 17 SF 005.

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

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

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

Passed September 16, 1996.

Effective September 24, 1996.

Ord. No. 1556-96.

By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns, for the Division of Taxation, Department of Finance, for a period not to exceed two years.

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

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

Section 1. That the Director of Finance is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years for the necessary items of manufacturing, printing, encoding, sorting, and mailing of income tax statements and returns in the approximate amount as purchased during the preceding two-year period, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Taxation, Department of Finance. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a two year period may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two year period.

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 21203)

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 16, 1996.

Effective September 24, 1996.

Ord. No. 1713-96.
By Councilmen Westbrook, Polensek and Mayor White.

An emergency ordinance to amend Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2823-89, passed March 19, 1990, relating to assault; and to supplement said Codified Ordinances by enacting new Section 621.031 thereof relating to assault by a minor and the imposition of a parental duty.

Whereas, the incidence of assaults perpetrated by school age children is of great concern to the citizens of Cleveland; and

Whereas, the parents of these children have a duty to properly supervise and control the violent actions of their children; and

Whereas, these parents should be held accountable for their failure to fulfill their duty to our community; 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 Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by

Ordinance No. 2823-89, passed March 19, 1990, is hereby amended to read as follows:

Section 621.03 Assault

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree if the offense is committed by a caretaker against a functionally impaired person under his care.

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was an official or employee of the Cleveland City School District or the City of Cleveland and was performing his or her official duties at the time of the offense, the court shall set the offender's fine at \$1,000.00 and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six and seventeen and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at \$1,000.00 and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

Section 2. That existing Section 621.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2823-89, passed March 19, 1990, is hereby repealed.

Section 3. That the Codified Ordinances of Cleveland, Ohio, 1976, are hereby supplemented by enacting new Section 621.031 thereto to read as follows:

Section 621.031 Assault by a Minor; Parental Duty Imposed

(a) No child between the ages of six and seventeen, inclusive, shall knowingly cause or attempt to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties.

(b) Each parent or legal guardian of a child between the ages of six and seventeen, inclusive, shall have a duty to prohibit the child from behaving contrary to division (a) of this section. No person shall negligently fail to fulfill the duty imposed by this division.

(c) It shall be an affirmative defense to division (b) of this section that the parent or legal guardian:

(1) Initiated the jurisdiction of the Juvenile Court against the child prior to the time that the child was found violating division (a) of this section; or

(2) Can demonstrate based upon the records of the Cleveland City School District that they have been actively working with officials of the Cleveland City School District regarding the behavior of the child prior to the time that the child was found violating division (a) of this section.

(d) Any child who violates division (a) of this section is an unruly child and is subject to the jurisdiction of the Juvenile Court.

(e) Any school official or employee who has knowledge that a child between the ages of six and seventeen, inclusive, has caused or attempted to cause physical harm to an official or employee of the Cleveland City School District or City of Cleveland while performing his or her official duties shall immediately notify the Chief of Police or his designee and request the assistance of the Division of Police. This division (e) shall not apply to any school official or employee who has personal knowledge that the notification required by this division (e) has already been given with respect to a particular assault. The notification required by this division (e) shall be separate from and in addition to any notification regarding prohibited weapons required to be given pursuant to Section 627.082.

(f) Any person who violates division (b) or division (e) of this section is guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in these Codified Ordinances or by statute, this offense may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

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 16, 1996.

Effective September 26, 1996.

Ord. No. 1714-96.
By Councilmen Britt and Johnson (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Steinway Avenue, Yeakel Avenue, East 111 and East 114 Streets to Buckeye Area Development Corp. or its designee.

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

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

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

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

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 126-17-013, 126-17-053, 126-17-050, 128-03-096, 128-03-097, 128-03-108, and 128-03-025, as more fully described in Section 2 below, to Buckeye Area Development Corp. or its designee.

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

P.P. No. 126-17-013

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 87 in R. Yeakel's Subdivision of part of Original 100 Acre Lot No. 417 and 425 as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records and being 40 feet front on the Northerly side of Steinway Avenue, S.E., and extending back 121 feet 9 inches on the Easterly line 121 feet 7 inches on the Westerly line and has a rear line of 40 feet, along the Southerly line of an alley (now known as Yeakel Court, S.E.) as appears by said plat, be the same more or less but subject to all legal highways.

P.P. No. 126-17-053

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Southerly 65 feet of Sublot No. 123 in R. Yeakel's Allotment of a part of Original One Hundred Acre Lots Nos. 417 and 425 in said City; said part of said Sublot No. 123 has a frontage of 40 feet on the Northerly side of Yeakel Avenue, S.E., and extends back of equal width 65 feet deep as per Plat of said Allotment, recorded in Volume 10 of Maps, Page 25 of Cuyahoga County Records.

P.P. No. 126-17-050

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 120 in R. Yeakel's Subdivision, of part of Original 100 Acre Lot Nos. 417 and 425 as shown by the recorded plat in Volume 10 of Maps, Page 25 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Yeakel Avenue S.E. and extending back between parallel lines, 116.33 feet deep as appears by said plat be the same more or less but subject to all legal highways, also subject to zoning ordinances.

P.P. No. 128-03-096

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 41 in Barbara and Albert Stastny's Subdivision of a part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records, and being 36 feet front on the Easterly side of East 111 Street, and extending back of equal width 122-1/2 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

P.P. No. 128-03-097

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 40 in Barbara and Albert Stastny's

Subdivision of part of Original One Hundred Acre Lot No. 419, as shown by the recorded plat of said Subdivision in Volume 32 of Maps, Page 24 of Cuyahoga County Records, said Sublot No. 40 has a frontage of 36 feet on the Easterly side of East 111th Street, (formerly Stastny Street) and extends back between parallel lines 122.50 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

P.P. No. 128-03-108

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 20 in Barbara and A. Stastny Subdivision of part of Original One Hundred Acre Lot No. 419 as shown by the recorded plat in Volume 32 of Maps, Page 24 of Cuyahoga County Records and being 40 feet front on the westerly side of East 111th Street, and extending back of equal width 125 feet as appears by said plat, be the same more or less, but subject to all legal highways.

P.P. No. 128-03-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 11 in J.H. Behm's and H.A. Stahl's Woodland Heights Subdivision of part of Original 100 Acre Lot No. 419, as shown by the recorded plat, in Volume 34 of Maps, Page 4, of Cuyahoga County Records, and being 40 feet front on the Westerly side of East 114th Street and extending back 173.37 feet on the Northerly line 173.35 feet on the Southerly line and has a rear line of 40 feet, as appears by the 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 September 16, 1996.
Effective September 24, 1996.

Ord. No. 1715-96.

**By Councilman Britt (by request).
An emergency ordinance authorizing the Director of Public Service to issue a permit to The Cleveland Clinic Foundation to construct, use and maintain a tie-back and shoring system for the Health Sciences Center which will encroach into the public right-of-way of Carnegie Avenue, East 96th and East 100th Streets.**

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

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

Section 1. That the Director of Public Service hereby is authorized to issue a permit, revocable at the will of Council, and assignable by the Permittee with the consent of the Director of Public Service to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195; its successors and assigns, to construct, use and maintain a shoring system which includes tie-backs for the Clinic's Health Sciences Center which will encroach into the public right-of-way of Carnegie Avenue and East 96th Street and Carnegie Avenue S.E. to East 100th Street at the locations more fully described as follows:

**PROPOSED ENCROACHMENT
AREA/TIE-BACKS WITHIN
CARNEGIE AVENUE S.E.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of Carnegie Avenue S.E., 80 feet in width, being a part of Original One Hundred Acre Lot No. 401, bounded and described as follows:

Beginning on the southerly line of said Carnegie Avenue S.E. at the point distant due East, 5.00 feet as measured along said southerly line of Carnegie Avenue S.E., from the easterly end of cut-out connecting said southerly line of Carnegie Avenue S.E. and the easterly line of East 96th Street, 66 feet in width; COURSE NO. 1: thence due North, at right angles to said southerly line of Carnegie Avenue S.E., 40.00 feet to a point in the centerline thereof; COURSE NO. 2: thence due East along said centerline of Carnegie Avenue S.E., 85.00 feet to a point; COURSE NO. 3: thence due South, at right angles to said centerline of Carnegie Avenue S.E., 40.00 feet to a point in the aforementioned southerly line of Carnegie Avenue S.E.; COURSE NO. 4: thence due West along said Southerly line of Carnegie Avenue S.E., 85.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

**PROPOSED ENCROACHMENT
AREA/TIE-BACKS WITHIN
EAST 96TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of East 96th Street, 66 feet in width, being a part of Original One Hundred Acre Lot No. 409, bounded and described as follows:

Beginning on the easterly line of said East 96th Street, at the point distant South 1°51'33" West, 145.00 feet as measured along said easterly

ly line of East 96th Street, from the southerly end of cut-out connecting said easterly line of East 96th Street and southerly line of Carnegie Avenue S.E.; COURSE NO. 1: thence south 1°-51'-33" West, along said easterly line of East 96th Street, 140.00 feet to a point; COURSE NO. 2: thence North 88°-08'-27" West, at right angles to said easterly line of East 96th Street, 40.00 feet to its intersection with a line drawn parallel with and distant 40.00 feet westerly by rectangular measurement from said easterly line of East 96th Street; COURSE NO. 3: thence North 1°-51'-33" East along said parallel line, 140.00 feet; COURSE NO. 4: thence South 88°-08'-27" East at right angles to said easterly line of East 96th Street, 40.00 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less.

**PROPOSED ENCROACHMENT
AREA/TIE-BACKS WITHIN
CARNEGIE AVENUE S.E.
AND EAST 100TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as lying within the bounds of Carnegie Avenue S.E., 80 feet in width, and East 100th Street, 60 feet in width, being a part of Original One Hundred Acre Lot Nos. 401 and 409, bounded and described as follows:

Beginning on the centerline of said Carnegie Avenue S.E., at the point distant due West, 5.00 feet as measured along said centerline of Carnegie Avenue S.E., from its intersection with the centerline of said East 100th Street; COURSE NO. 1: thence South 0°-20'-17" West and parallel with said centerline of East 100th Street, 120.27 feet to a point; COURSE NO. 2: thence North 89°-39'-43" West at right angles to said parallel line, 25.00 feet to a point in the westerly line of East 100th Street; COURSE NO. 3: thence North 0°-20'-17" East along said westerly line of East 100th Street, 60.00 feet to the southerly end of a curved turn-out connecting said westerly line of East 100th Street and the southerly line of the aforementioned Carnegie Avenue S.E.; COURSE NO. 4: thence northwesterly along said curved turn-out, being along the arc of a circle deflecting to the left, 31.53 feet to its point of tangency in the southerly line of Carnegie Avenue S.E., said curved line having a radius of 20.00 feet and a chord which bears North 44°-49'-52" West a distance of 28.37 feet; COURSE NO. 5: thence due West along said southerly line of Carnegie Avenue S.E., 115.00 feet to a point; COURSE NO. 6: thence due North at right angles to said southerly line of Carnegie Avenue S.E., 40.00 feet to a point in the aforementioned centerline of Carnegie Avenue S.E.; COURSE NO. 7: thence due East along said centerline of Carnegie Avenue S.E., 160.36 feet to the place of beginning, according to a survey by Garrett and Associates, Inc., Registered Engineers and Surveyors, made in November, 1993, be the same more or less. The bearings used herein are based on an assumed meridian and are used only to denote angles.

Section 2. That said shoring system and tie-back areas will be constructed within the public right-of-way of Carnegie Avenue, East 96th Street and East 100th Streets as

aforsaid in Section 1, and shall be constructed in accordance with plans and specifications approved by the Commissioner of Engineering and Construction.

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

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

Passed September 16, 1996.
Effective September 24, 1996.

Ord. No. 1716-96.

By Councilman O'Malley.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to St. Leo the Great Church to stretch a banner in front of the church, 4900 Broadview Road, for the period from September 23, 1996 to October 15, 1996, inclusive, publicizing its Octoberfest.

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 St. Leo the Great Church to install, maintain and remove a banner in front of the church, 4900 Broadview Road, for the period from September 23, 1996 to October 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.

Passed September 16, 1996.
Effective September 24, 1996.

Ord. No. 1717-96.

By Councilmen Paulenske and Robinson.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Regional Transit Authority to

stretch banners on Payne Avenue at East 36th Street and on Union Avenue at Kinsman Road for the period from September 16, 1996 to October 31, 1996, inclusive, publicizing its new Circulator Bus Line in Cleveland's neighborhoods.

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 Regional Transit Authority to install, maintain and remove banners on Payne Avenue at East 36th Street and on Union Avenue at Kinsman Road for the period from September 16, 1996 to October 31, 1996, inclusive. Said banners 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 banners will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners 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 September 16, 1996.
Effective September 24, 1996.

Ord. No. 1718-96.

By Councilman Rokakis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Broadview Baptist Church to stretch a banner across Broadview Road at Natchez Avenue for the period from September 18, 1996 to October 18, 1996, inclusive, publicizing its 70th 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 Broadview Baptist Church to install, maintain and remove a banner across Broadview Road at Natchez Avenue for the period from September 18, 1996 to October 18, 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.

Passed September 16, 1996.
Effective September 24, 1996.

COUNCIL COMMITTEE MEETINGS

Friday, September 20, 1996

Public Health Committee (continuation of Monday, September 16th meeting): 10:00 A.M. — Present: Robinson, Chrm.; Miller, V-Chrm.; Britt, Jackson, Melena, O'Malley, Zone.

Monday, September 23, 1996

Public Parks, Property and Recreation Committee: 9:30 A.M. — Present: Johnson, Chrm.; Rybka, V-Chrm.; Miller, Patton, Robinson, White. Excused: Paulenske.

Public Service Committee: 11:00 A.M. — Present: Coats, Chrm.; O'Mal-

ley, V-Chrm.; Johnson, McGuirk, Melena, Smith, Westbrook, White. Excused: Britt.

Finance Committee: 2:00 P.M. — Present: Rokakis, Chrm.; Westbrook, V-Chrm.; Coats, Johnson, Lewis, McGuirk, Patmon, Polensek, Robinson, Rybka, Smith.

Wednesday, September 25, 1996

Public Safety Committee: 10:00 A.M. — Present: Polensek, Chrm.; Willis, V-Chrm.; Jackson, Miller, O'Malley, Patmon, Patton, Paulenske, Zone.

Public Utilities Committee: 12:00 P.M. — Present: Patton, Chrm.; Polensek, V-Chrm.; Coats, Lewis, O'Malley, Patmon, Zone. Excused: McGuirk, Willis.

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Permit -- Cleveland Clinic Foundation -- construct and maintain tie-back and shoring system (O 1715-96)	1835
Purchase by contract -- one aluminum gravity dump trailer (O 1438-96)	1833
Purchase by contract -- one hydraulic side-dumping trailer (O 1437-96)	1833

Utilities Department

Contract of labor and materials -- repair air tools (O 1296-96)	1818
Contract one electric towmotor and accessories (O 1297-96)	1818
Employ one or more professional consultants -- provide one or more engineers (O 1298-96)	1818
Procurement requirement contract -- rental of flasher safety lights, arrow bars and traffic control (O 1456-96)	1818
Purchases by requirement contract service and maintenance of heating, ventilation and air (O 1457-96)	1818
Upgrade two remittance processing machines (O 1302-96)	1818

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