

The City Record

Official Publication of the City of Cleveland

January the Twenty-Ninth, Nineteen Hundred and Ninety-Seven

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL-LEGISLATIVE President of Council-Jay Westbrook

Ward	Name	Residence	
1	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	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The City Record



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WEDNESDAY, JANUARY 29, 1997

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CITY COUNCIL

MONDAY, JANUARY 27, 1997

The City Record

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ARTHA WOODS

Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 1994-1997

MONDAY—Alternating

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

WEDNESDAY—Alternating

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

WEDNESDAY—Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio January 27, 1997.

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

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

Also present were Mayor White, Chief of Staff Sheffield-McClain, and Directors Sobol Jordan, Carmody, Cunningham, Guzman, Staib, Denihan, Spellman, Hamilton, Nolan, Warren, Lynch, and Acting Directors Brown and Majer.

Absent: Directors Konicek, Morri-son, and Willis.

Pursuant to Ordinance No. 2926-76, the Council Meeting was opened with a prayer offered by Dr. Neil Wilds, Pastor of Brooklyn Memorial United Church. Pledge of Allegiance.

MOTION

By Councilman Rokakis, that the journal of the Council meeting for January 6, 1997, be corrected to reflect that Councilman Michael A. Dolan was present at the Council Meeting on January 6, 1997.

MOTION

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

COMMUNICATIONS

File No. 82-97.
From Herbert E. Strawbridge re: Mall Plaza Maintenance Management Board - 1996. Received.

File No. 83-97.
From Vorys, Sater, Seymour and Pease re: Cleveland Thermal Energy Corporation - Standard Steam Service Agreements for BOMA Members. Received.

File No. 84-97.

From Cablevision re: FCC Form 1210 - Updating Maximum Permitted Rates for Regulated Cable Services. Received.

File No. 85-97.

From Cleveland-Cuyahoga County Port Authority re:1996 Chairman's Report to the Board. Received.

File No. 86-97.

From the Ohio Department of Rehabilitation and Correction re: Inspection of the Cleveland House of Correction. Received.

File No. 87-97.

From the Ohio Department of Rehabilitation and Correction re: Inspection of the Cleveland Central Prison Unit. Received.

File No. 88-97.

From the Ohio Department of Rehabilitation and Correction re: Inspection of Cleveland Fourth District Jail. Received.

File No. 89-97.

From the Ohio Department of Rehabilitation and Correction re: Inspection of Cleveland Fifth District Jail. Received.

File No. 90-97.

From the Ohio Department of Rehabilitation and Correction re: Inspection of Cleveland Sixth District Jail. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 91-97.

Re: Transfer of Ownership Application - 4287526 - JGM-TLC, Inc., 13900 Kinsman Avenue and Gas Pumps. (Ward 3). Received.

File No. 92-97.

Re: Transfer of Ownership Application - 42875260005 - JGM-TLC, Inc., 2780 East 116th Street and Gas Pumps. (Ward 4). Received.

File No. 93-97.

Re: Transfer of Ownership Application - 0123610 - All That Jazz, Inc., dba Boarding House, 11311 Euclid Avenue, first floor and basement. (Ward 9). Received.

File No. 94-97.

Re: Transfer of Ownership Application - 1709098 - Convenient Express, Inc., 17318 Lake Shore Blvd. (Ward 11). Received.

File No. 95-97.

Re: New Application - 9323692 - W.K.J. Family Market, Inc., 3996 East 71st Street. (Ward 12). Received.

File No. 96-97.
Re: Transfer of Ownership Application - 0084929 - Akira Management, Inc., dba Galaxy Lounge, 1835 Fulton Avenue. (Ward 14). Received.

File No. 97-97.
Re: Transfer of Ownership Application - 3850178 - Hillbrook Building Co., Inc., 1016 Main Avenue, first floor and basement. (Ward 14). Received.

File No. 98-97.
Re: Transfer of Ownership Application - 8200067 - 6801 Denison Avenue, Inc. dba Sand Bar, 6801 Denison Avenue, first floor. (Ward 16). Received.

File No. 99-97.
Re: Transfer of Ownership Application - 7114610 - Puran Corp. dba Broadview Food Market, 4744 Broadview Road. (Ward 16). Received.

File No. 100-97.
Re: Transfer of Ownership Application - 4261286 - JDJG, Inc. 13813 Lorain Avenue. (Ward 20). Received.

File No. 101-97.
Re: New Application - 5492749 - Naretta L. Mann dba Community Beverage, 10213 Aetna Road. (Ward 2). Received.

File No. 102-97.
Re: New Application - 9796599 - Aaron B. Wulu dba Bolleviere Variety Store, 11726 Union Avenue. (Ward 3). Received.

File No. 103-97.
Re: New Application - 6193740 - Tonya Moss dba Quality Food Mart, 18027 Euclid Avenue. (Ward 10). Received.

File No. 104-97.
Re: Transfer of Ownership Application - 4103059 - Ideis, Inc. 1475 West 29th Street, Unit A - first floor. (Ward 14). Received.

OATH OF OFFICE

File No. 105-97.
Oath of Office for Martin L. Carmody, Director of the Department of Finance. Received.

File No. 106-97.
Oath of Office for Susan E. Axelrod, Executive Assistant for Communications and Support Services. Received.

File No. 107-97.
Oath of Office for Delores A. Lynch, Director of the Department of Aging. Received.

File No. 108-97.
Oath of Office for Jack F. Krumhansl, Acting Commissioner for the Division of Neighborhood Services, Department of Community Development. Received.

COMMUNICATIONS

File No. 109-97.
January 16, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Edward Romero for appointment to

the Fair Housing Board. This appointment is for two years and will expire on March 1, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 110-97.

January 16, 1997

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

Dear Council President Westbrook:

I am pleased to recommend John Nolan for appointment to the Fair Housing Board. This appointment is for two years and will expire on March 1, 1999.

Thank you for your consideration.

Sincerely,

Michael R. White
Mayor

Received. Referred to Committee on Mayor's Appointments.

File No. 111-97.

January 16, 1997

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

Dear Council President Westbrook:

I am pleased to recommend Mark Ruzic for re-appointment to the Greater Cleveland Regional Transit Authority Board. This appointment is for a three year term and will expire on March 4, 2000.

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 Gary Paulenske as Chairman and Councilmen Craig Willis, Charles L. Patton, Jr., Michael D. Polensek, and Odella V. Robinson to consider the Mayor's Appointments.

COMMUNICATIONS

File No. 1374-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Community Relations Board.

We have before us the Mayor's letter of June 3, 1996, wherein he names his appointment as follows:

**Rev. Bruce Goode
(Term expires March 31, 2000)**

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odella V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

File No. 1704-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the City Planning Commission.

We have before us the Mayor's letter of September 11, 1996, wherein he names his appointment as follows:

**Judge Lillian Burke
(Term expires November 2, 2000)**

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odella V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

File No. 1830-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's re-appointment to the City Planning Commission.

We have before us the Mayor's letter of October 2, 1996, wherein he names his appointment as follows:

**Anthony J. Coyne
(Term expires November 2, 2000)**

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odella V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

File No. 1832-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Cleveland Landmarks Commission.

We have before us the Mayor's letter of October 2, 1996, wherein he names his appointment as follows:

Velma McEwen Strode
(Term expires December 31, 1997)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odellia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

File No. 2182-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Community Relations Board.

We have before us the Mayor's letter of December 6, 1996, wherein he names his appointment as follows:

Ms. Ann-Marie McDonald
(Term expires March 31, 2000)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odellia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

File No. 2184-96-A.

January 27, 1997

The Honorable Council of
the City of Cleveland:

Ladies and Gentlemen:

Report of the Committee appointed by the Council President to consider the Mayor's appointment to the Police Review Board.

We have before us the Mayor's letter of December 6, 1996, wherein he names his appointment as follows:

Ms. Nancy Cronin
(Term expires August 8, 2000)

The Committee hereby recommends that Council approve the Mayor's appointment as stated above.

Gary Paulenske, Chairman
Craig Willis
Charles L. Patton, Jr.
Michael D. Polensek
Odellia V. Robinson

Without objection, appointment approved. Yeas 21. Nays 0.

CONDOLENCE RESOLUTIONS

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

Res. No. 114-97. Floyd Branche.
Res. No. 143-97. Rosemary Nichols.
Res. No. 144-97. Todd W. Schmidt.

CONGRATULATORY RESOLUTIONS

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

Res. No. 145-97. Carol F. Pepera.
Res. No. 146-97. Margaret S. Gorczyca.

RESOLUTION OF APPRECIATION

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

Res. No. 147-97. Mary O. Boyle.

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 112-97.**

By Councilman Britt (by request). An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to hang banners which will encroach into the right-of-way of Fairhill Road, S.E. and Martin Luther King Jr. Drive for a period of one year.

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. The Director of Public Service is hereby 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 Benjamin Rose Institute located in the Citizens Building at 850 Euclid Avenue, Suite 1100, Cleveland, Ohio 44114; its successors and assigns, to construct, use and maintain approximately sixteen (16) new or replacement banners, to be attached to utility poles, which will encroach into the public right-of-way of Fairhill Road, S.E. on C.E.I. pole numbers 541137, 541136, 541135 and Martin Luther King Jr. Drive on C.E.I. pole numbers 540520, 540522, 540524, 540526 and 540528 for a period of one (1) year.

Section 2. That nothing herein contained shall create the right or grant permission from any owner/owners of the utility poles for their use to attach hanging brackets and aforesaid banners which will encroach into the public right-of-way of Fairhill Road S.E. and Martin Luther King Jr. Drive.

Section 3. That the banners are to be placed in the public right-of-way of Fairhill Road S.E. and Martin Luther King Jr. Drive at the locations aforesaid, supra, and shall be constructed in accordance with

plans and specifications approved in writing by the Commissioner of Engineering and Construction.

Section 4. 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 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 Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 113-97.

By Councilmen Coats and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Public Service to enter into one or more contracts with Clean-Land, Ohio to implement the City's Recycling, Litter Prevention Education, and Recycling Public Awareness Program and waste reduction activities for 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 Service is hereby authorized and directed to enter into one or more contracts with Clean-Land, Ohio to implement the City's Recycling, Litter Prevention Education, and Recycling Public Awareness Program and waste reduction activities for 1997, in an amount not to exceed \$142,672.00, to be paid from Fund No. 13 SF 208, Request No. 23155.

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

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

Ord. No. 115-97.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland Neighborhood Development Corporation to administer an industrial retention and expansion program.

Whereas, the City of Cleveland has determined that a citywide industrial retention and expansion initiative program ("the Program") will create jobs and employment opportunities for City residents, alleviate physical and economic deterioration, elimination and/or prevent the recurrence of blight, stimulate economic revitalization and improve

the tax base, all of which are positive factors and in the best interest of the City and its residents; and

Whereas, the City desires to enter into a contract with Cleveland Neighborhood Development Corporation ("CNDC") to administer the Program; and

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

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

Section 1. That the Director of Economic Development is hereby authorized to enter into contract with CNDC to provide professional services necessary to administer the Program for the Program participants, in the total sum of One Hundred Eighty Thousand Dollars (\$180,000.00), payable from Fund No. 17 SF 652, request No. 22746.

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

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

Ord. No. 116-97.

By Councilmen Patmon, 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 998 Parkwood to Choice Construction Company, Inc.

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. 109-13-027, as more fully described in Section 2 below, to Choice Construction Company, Inc.

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. 109-13-027

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 121 in Amor and Carpenter's Subdivision of part of Original One Hundred Acre Lot No. 370 as

shown by the recorded plat in Volume 30 of Maps, Page 26 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Westerly side of Parkwood Drive, N.E., at its intersection with the Northerly side of Amor Avenue, N.E., thence Westerly along the Northerly side of Amor Avenue N.E., 152.13 feet to the Southwesterly corner of said Sublot No. 121; thence Northerly along the Westerly line of said Sublot No. 121, 47.50 feet to the Northwesterly corner of said Sublot; thence Easterly along the Northerly line of said Sublot No. 121, 126.38 feet to the Westerly side of Parkwood Drive, N.E.; thence Southerly along the Westerly side of Parkwood Drive, N.E., about 52.50 feet to the place of the beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 117-97.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the purchase by requirement contract of labor and materials necessary to repair motorcycles, for the Division of Police, Department of Public Safety, for a period not to exceed two years.

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

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

Section 1. That the Director of Public Safety is hereby authorized and directed to make a written requirement contract in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976,

for the requirements for the period of two years for the necessary items of labor and materials necessary to repair motorcycles in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire two years.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20108)

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

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

Ord. No. 118-97.

By Councilmen Polensek and Rokakis (by departmental request).

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

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

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

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

Section 2. The cost of said contract shall be charged against the

proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20106)

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

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

Ord. No. 119-97.
By Councilmen Polensek and Rokakis (by departmental request).
An emergency ordinance authorizing and directing the purchase by requirement contract of various supplies for the care and feeding of horses, for the Division of Police, Department of Public Safety, for a period not to exceed two years.

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

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

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

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase thereunder, which purchase, together with all subsequent purchases, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance. (RL 20107)

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

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

Ord. No. 120-97.
By Councilman Rokakis (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, to apply for and accept a grant from the Cleveland Foundation for the Cleveland Municipal Court Staff Training - Cleveland Foundation Grant; and to enter into contract with D.L. Cummings, Inc. to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized to apply for and accept a grant in the amount of \$37,600.00, from the Cleveland Foundation, to conduct the Cleveland Municipal Court Staff Training - Cleveland Foundation Grant for the purposes set forth in the application and according thereto; that the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, 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. 120-97-A, made a part hereof as if fully rewritten herein, is hereby approved in all respects.

Section 3. That the Director of Finance, on behalf of the Clerk of the Cleveland Municipal Court, is hereby authorized to enter into contract with D.L. Cummings, Inc., for the implementation of the program as described in the application contained in the file, payable from the fund or funds to which are credited the grant proceeds accepted pursuant to Section 1 of this ordinance.

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

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

Ord. No. 121-97.
By Councilman Rokakis (by departmental request).

An emergency ordinance to amend various sections of ordinances to include additional funding sources and authorizing the Director of Finance to modify the certificate of funds for contracts entered into pursuant to such ordinances.

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 3 of Ordinance No. 3035-88, passed January 9,

1989, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 215, 52 SF 217 and 52 SF 223, Request No. 09588.

Section 2. That existing Section 3 of Ordinance No. 3035-88, passed January 9, 1989, is hereby repealed.

Section 3. That Section 3 of Ordinance No. 1573-89, passed August 30, 1989, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 215, 52 SF 217 and 52 SF 223, Request No. 06229.

Section 4. That existing Section 3 of Ordinance No. 1573-89, passed August 30, 1989, is hereby repealed.

Section 5. That Section 3 of Ordinance No. 2563-89, passed December 4, 1989, as amended by Ordinance No. 767-92, passed June 8, 1992, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 215, 52 SF 217 and 52 SF 223, Request No. 08367.

Section 6. That existing Section 3 of Ordinance No. 2563-89, passed December 4, 1989, as amended by Ordinance No. 767-92, passed June 8, 1992, is hereby repealed.

Section 7. That Sections 3 and 4 of Ordinance No. 433-90, passed May 7, 1990, are hereby amended to read, respectively, as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 215, 52 SF 217 and 52 SF 223, Request No. 08417.

Section 4. That the Director of Public Utilities is authorized and directed to enter into agreement with the City of Solon to reimburse the City of Solon for engineering and construction costs for the construction of the continuation of a water supply main in Cochran-Harper Road from USR 422 to Solon Road in the City of Solon, for the Division of Water, Department of Public Utilities. Said agreement shall be in a form that shall be approved by the Director of Law and the cost for said improvement authorized herein shall be paid from Fund Nos. 52 SF 215, 52 SF 217 and 52 SF 223, Request No. 08417.

Section 8. That existing Sections 3 and 4 of Ordinance No. 433-90, passed May 7, 1990, are hereby repealed.

Section 9. That Section 10 of Ordinance No. 964-93, passed June 14, 1993, is hereby amended to read as follows:

Section 10. That the cost of said improvements and all other expenditures authorized by this ordinance shall be paid from Fund Nos. 52 SF 215, 52 SF 219 and 52 SF 223, Request No. 10141.

Section 10. That existing Section 10 of Ordinance No. 964-93, passed June 14, 1993, is hereby repealed.

Section 11. That Section 5 of Ordinance No. 1121-92, passed June 15, 1992, is hereby amended to read as follows:

Section 5. That the cost of said improvements and professional services hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10186.

Section 12. That existing Section 5 of Ordinance No. 1121-92, passed June 15, 1992, is hereby repealed.

Section 13. That Section 8 of Ordinance No. 1240-92, passed June 15,

1992, is hereby amended to read as follows:

Section 8. That the cost of said improvements and all other costs related to said improvements hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10172.

Section 14. That existing Section 8 of Ordinance No. 1240-92, passed June 15, 1992, is hereby repealed.

Section 15. That Section 6 of Ordinance No. 1254-92, passed June 15, 1992, as amended by Ordinance No. 2096-92, passed December 14, 1992, is hereby amended to read as follows:

Section 6. That the cost of said equipment, furnishings, improvements and professional services hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10174.

Section 16. That existing Section 6 of Ordinance No. 1254-92, passed June 15, 1992, as amended by Ordinance No. 2096-92, passed December 14, 1992, is hereby repealed.

Section 17. That Section 6 of Ordinance No. 1239-92, passed June 15, 1992, is hereby amended to read as follows:

Section 6. That the cost of said improvements and services hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10175.

Section 18. That existing Section 6 of Ordinance No. 1239-92, passed June 15, 1992, is hereby repealed.

Section 19. That Section 3 of Ordinance No. 1507-92, passed August 19, 1992, is hereby amended to read as follows:

Section 3. That the cost of said improvement hereby authorized shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10102.

Section 20. That existing Section 3 of Ordinance No. 1507-92, passed August 19, 1992, is hereby repealed.

Section 21. That Section 4 of Ordinance No. 893-93, and passed June 14, 1993, is hereby amended to read as follows:

Section 4. That the cost of the improvement and professional services herein contemplated shall be paid from Fund Nos. 52 SF 217, 52 SF 219 and 52 SF 223, Request No. 10138.

Section 22. That existing Section 4 of Ordinance No. 893-93, passed June 14, 1993, is hereby repealed.

Section 23. That Section 5 of Ordinance No. 1224-95, passed December 18, 1995, is hereby amended to read as follows:

Section 5. That the costs for such professional services and the public improvement herein contemplated shall be paid from Fund Nos. 52 SF 219 and 52 SF 223, Request No. 20911.

Section 24. That existing Section 5 of Ordinance No. 1224-95, passed December 18, 1995, is hereby repealed.

Section 25. That the Director of Finance is hereby authorized to modify the certificate of funds for any contract entered into pursuant to any of the above ordinances to reflect the new funding source for said contracts.

Section 26. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 122-97.
By Councilmen Smith, 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 Mentor Avenue to Greater Cleveland Habitat for Humanity.

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. 008-02-064, as more fully described in Section 2 below, to Greater Cleveland Habitat for Humanity.

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. 008-02-064

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 78 in Jacob B. Perkins Subdivision of part of Original Brooklyn Township Lot No. 71, as shown by the recorded plat in Volume 11 of Maps, Page 36 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Mentor Avenue, S.W., and extending back between parallel lines 135 feet deep along the Westerly side of West 17th Street, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the

Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest.

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

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

Ord. No. 123-97.
By Councilmen Patmon and Rokakis (by departmental request).

An emergency ordinance authorizing and directing the Director of Personnel and Human Resources to enter into contract with DAC Services to provide employee background and criminal checks.

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

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

Section 1. That the Director of Personnel and Human Resources is hereby authorized and directed to enter into a contract with DAC Services for the professional services necessary to administer employee background and criminal checks including: automated criminal records checks; automated national wanted felon checks; automated motor vehicle license and points checks; automated workers' compensation checks; automated social security trace and automated credit checks, based on its proposal January 10, 1997, in the estimated sum of \$100,000 payable from Fund No. 01-04-02-0320, Request No. 22936, for the Department of Personnel and Human Resources.

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 124-97.

By Councilman Patmon.

An ordinance to change the Use and Height Districts of lands on the southerly side of St. Clair Avenue, N.E. between E. 105 Street and Parkwood Drive. (Map Change No. 1933, Sheet No. 8)

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

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

Beginning at the intersection of the center line of Parkwood Drive, N.E. and the northeasterly extension

of the southeasterly line of Sublot No. 346 in the Cleveland Realty Company Subdivision as recorded in Volume 24, Page 17 of the Cuyahoga County Map Records; thence southwesterly along said northeasterly extension and along said southeasterly line of said Sublot No. 346 to its intersection with the northeasterly line of Sublot No. 332 in said Cleveland Realty Company; thence northwesterly along said northeasterly line of said Sublot No. 332 and continuing northwesterly along the northeasterly lines of Sublots Nos. 333, 334, and 335 in said Cleveland Realty Company Subdivision to its intersection with the westerly line thereof; thence southerly along said westerly line of said Sublot No. 335 to its intersection with a line located sixty (60) feet north of the northerly line of Helena Avenue, N.E.; thence westerly along said line which is parallel to and sixty (60) feet north of said northerly line of Helena Avenue, N.E. to its intersection with a line located approximately fifty (50) feet west of said westerly line of said Sublot No. 335; thence northerly along said line which is parallel to and approximately fifty (50) feet west of said westerly line of said Sublot No. 335 to its intersection with the southerly line of Sublot No. 338 in said Cleveland Realty Company Subdivision; thence westerly along said southerly line of said Sublot No. 338 and along its westerly extension to the center line of East 105 Street; thence northerly along said center line of East 105 Street to the center line of St. Clair Avenue, N.E.; thence northeasterly along said center line of St. Clair Avenue, N.E. to its intersection with the northwesterly extension of the southwesterly line of Sublot No. 342 in said Cleveland Realty Company Subdivision; thence southeasterly along said northwesterly extension and along said southwesterly line of said Sublot No. 342 to its intersection with a line located approximately forty nine and three tenths (49.3) feet southeast of the southeasterly line of St. Clair Avenue, N.E.; thence northeasterly along said line which is parallel to and forty nine and three tenths (49.3) feet southeast of said southeasterly line of St. Clair Avenue, N.E. and along its northeasterly extension to the center line of Parkwood Drive, N.E.; thence southeasterly along said center line of Parkwood Drive, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same are hereby changed to a Local Retail Use District, and a '2' Height District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1933, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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

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

Ord. No. 125-97.

By Councilman Polensek.

An ordinance to change the Use District of lands on the west side of East 156 Street between Lakeshore Boulevard and Glencoe Road, N.E. (Map Change No. 1932, Sheet No. 7)

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

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

Beginning at the intersection of the center line of Lakeshore Boulevard, N.E. and the center line of East 156 Street; thence southerly along said center line of East 156 Street to the center line of Glencoe Road, N.E.; thence westerly along said center line of Glencoe Road, N.E. to its intersection with the southerly extension of a line located one hundred ten (110) feet west of the westerly line of East 156 Street; thence northerly along said southerly extension and along said line which is parallel to and one hundred ten (110) feet west of said westerly line of East 156 Street to its intersection with a line located one hundred eighty (180) feet south of the point of intersection of the northwesterly line of Lakeshore Boulevard, N.E. and the westerly line of East 156 Street; thence westerly along said line which is one hundred eighty (180) feet south of said point of intersection of said northwesterly line of Lakeshore Boulevard, N.E. and said westerly line of East 156 Street to its intersection with a line located one hundred twenty seven (127) feet west of said westerly line of East 156 Street; thence northerly along said line which is parallel to and one hundred twenty seven (127) feet west of said westerly line of East 156 Street for a distance of ninety five (95) feet; thence northwesterly from this point to said center line of Lakeshore Boulevard, N.E.; thence northeasterly along said center line of Lakeshore Boulevard, N.E. to the place of beginning, and as outlined in red on the map hereto attached, be and the same is hereby changed to a Local Retail Use District.

Section 2. That said changed designation of lands described in Section 1 shall be identified as Map Change No. 1932, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

Section 3. That 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 ORDINANCES READ IN FULL AND PASSED

Ord. No. 126-97.

By Councilman Coats.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Coupe One Lounge to stretch a banner on Euclid Avenue at Green Road for the period from January 30, 1997 to March 1, 1997, inclusive, publicizing "Black History Month".

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 Coupe One Lounge to install, maintain and remove a banner on Euclid Avenue at Green Road for the period from January 30, 1997 to March 1, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said 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.

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. 127-97.

By Councilman Patmon.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to stretch a banner at East 105th Street and St. Clair Avenue for the period from April 11, 1997 to May 1, 1997, inclusive, publicizing the 14th Annual Family, Health & Job Expo.

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 Pilgrim Church of Christ to install, maintain and remove a banner at East 105th Street and St. Clair Avenue for the period from April 11, 1997 to May 1, 1997, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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. 128-97.

By Councilman Patmon.

An emergency ordinance to amend Sections 667.05 and 667.99, as enacted and amended by Ordinance No. 272-96, passed December 16, 1996, relating to discrimination 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 Sections 667.05 and 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended, respectively, by Ordinance No. 272-96, passed December 16, 1996, are hereby amended to read, respectively, as follows:

Section 667.05 Unlawful Discrimination in Employment

(a) No person shall refuse to employ or to bar or to discharge from employment any person because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(b) No person shall refuse to promote or grant any condition or privilege of employment because of race, religion, color, sex, sexual orientation, national origin, age, disability, ethnic group or Vietnam-era or disabled veteran status of such person.

(c) As used in this section, "person" means an individual, corporation, business trust, estate, trust, partnership, labor organization and association.

(d) As used in this section, "labor organization" means any organization which exists and is constructed for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms and conditions of employment, or of other mutual aid or protection in connection with employment.

(e) **In accordance with the Religious Freedom Restoration Act, 42 U.S.C. 2000bb et seq., and other state and federal laws, nothing in this ordinance shall be construed to infringe the free exercise of religious rights under the First Amendment to the United States Constitution, nor shall the ordinance be construed to affect bona fide occupational qualifications based upon religion for employment.**

Section 667.99 Penalty

(a) Whoever violates any of the provisions of Section 667.05 shall be guilty of a misdemeanor of the first degree and shall be fined not less than one thousand dollars

(\$1,000.00), or sentenced to not less than three (3) months imprisonment, or both. The minimum fine and imprisonment to be imposed by a court for a violation of Section 667.05 is mandatory and may not be suspended in whole or in part.

(b) Whoever violates any other provision of this chapter shall be fined not more than one thousand dollars (\$1,000.00) and imprisoned for not more than thirty days.

Section 2. That existing Section 667.05 and 667.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted and amended, respectively, by Ordinance No. 272-96, passed December 16, 1996, are hereby repealed.

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

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

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

Ord. No. 129-97.

By Councilmen Paulenske and Westbrook.

An emergency ordinance granting permission and authority to the Women's City Club to dispense alcoholic beverages in the City Hall Rotunda on Saturday, May 3, 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 notwithstanding anything to the contrary contained in the Codified Ordinances of Cleveland, Ohio, 1976, permission and authority is hereby granted to the Women's City Club to dispense alcoholic beverages in the City Hall Rotunda on Saturday, May 3, 1997, in connection with their event, provided said dispensing meets all requirements of state law.

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

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

The rules were suspended. Yeas 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. 130-97.

By Councilman Coats.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue, and

repealing Res. No. 1120-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue by Res. No. 1120-96, adopted June 10, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 18324 Euclid Avenue be and the same is hereby withdrawn and Res. No. 1120-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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. 131-97.

By Councilman Jackson.

An emergency resolution declaring the intention to vacate a portion of East 51st Street.

Whereas, this Council is satisfied that there is good cause for vacating a portion of East 51st Street, as hereinafter described, and

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

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

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

Being all that portion of EAST 51ST STREET (width varies), extending from the Northerly line of Woodland Avenue S.E. (99.00 feet wide), Northerly, to the Southerly line of Ruble Court S.E. (width varies).

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

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

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

Res. No. 132-97.
By Councilman O'Malley.
An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 4744 Broadview Road.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 53786470005, M. Bush & Co. Inc., dba Broadview Food Mart, 4744 Broadview Road, Cleveland, Ohio 44109, to Permit No. 7114610, Puran Corp., dba Broadview Food Market, 4744 Broadview Road, Cleveland, Ohio 44109; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Permit No. 53786470005, M. Bush & Co. Inc., dba Broadview Food Mart, 4744 Broadview Road, Cleveland, Ohio 44109, to Permit No. 7114610, Puran Corp., dba Broadview Food Market, 4744 Broadview Road, Cleveland, Ohio 44109, 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. 133-97.
By Councilman O'Malley.
An emergency resolution objecting to the transfer of ownership of a D1, D2 and D3 Liquor Permit to 6801 Denison Avenue, first floor.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Avenue, first floor, Cleveland, Ohio 44102, to Permit No. 8200067, 6801 Dennison Ave. Inc., dba Sand Bar, 6801 Denison Avenue, first floor, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2 and D3 Liquor Permit from Permit No. 77118570010, Sand Bar Inc., 6801 Denison Avenue, first floor, Cleveland, Ohio 44102, to Permit No. 8200067, 6801 Dennison Ave. Inc., dba Sand Bar, 6801 Denison Avenue, first floor, 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.

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. 134-97.
By Councilman Polensek.
An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 liquor Permit to 16015 Lake Shore, and repealing Res. No. 1228-96, objecting to said transfer of ownership.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to 16015 Lake Shore by Res. No. 1228-96, adopted June 18, 1996; and

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

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

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

Section 1. That objection to the transfer of ownership of a D1 and D2 Liquor Permit to 16015 Lake Shore be and the same is hereby withdrawn and Res. No. 1228-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate transfer of ownership thereof.

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

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. 135-97.
By Councilman Rybka.
An emergency resolution objecting to the issuance of a C1 Liquor Permit to 3996 East 71st Street.

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. 9323692, W.K.J. Family Market Inc., 3996 East 71st Street, Cleveland, Ohio 44105; 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. 9323692, W.K.J. Family Market Inc., 3996 East 71st Street, Cleveland, Ohio 44105, 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. 136-97.

By Councilman Rybka.

An emergency resolution objecting to the issuance of a C1 Liquor Permit to 7001 Union 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. 6755337-0005, Deborah A. Patton, dba Dot's Carryout Beverage Store, 7001 Union Avenue, Cleveland, Ohio 44105; 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. 6755337-0005, Deborah A. Patton, dba Dot's Carryout Beverage Store, 7001 Union Avenue, Cleveland, Ohio 44105, 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. 137-97.

By Councilman Westbrook.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 9613 Madison Avenue.

Whereas, Council has been notified by the Director of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 0586851, Belinda's Bar Inc., dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102, to Permit No.

7593448, Alicia Ruitto, dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Permit No. 0586851, Belinda's Bar Inc., dba Belinda's Bar, 9613 Madison Avenue, Cleveland, Ohio 44102, to Permit No. 7593448, Alicia Ruitto, dba Belinda's Bar, 9613 Madison 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.

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. 138-97.
By Councilmen Westbrook, Patton and Rybka.

An emergency resolution to support the work of the Ohio Farmland Preservation Task Force and submit recommendations in conjunction with the First Ring Consortium.

Whereas, Governor George V. Voinovich has established the Ohio Farmland Preservation Task Force for the purposes of studying the loss of farmland and making recommendations on methods for preserving land for agricultural production; and

Whereas, the policies, programs and practices of the State of Ohio have encouraged development of farmland at the outer edges of the Greater Cleveland region over redevelopment and maintenance of built communities such as Cleveland and its First Suburbs; and

Whereas, these policies and practices have undermined the economic strength and attractiveness of Cleveland and its First Suburbs, and put them at a competitive disadvantage to newer and developing communities; and

Whereas, conditions have been created that entice and push citizens and employers to locate in newer and developing communities; and

Whereas, growth in public funds required to service sprawling ex-urban development coupled with erosion of economic strength in Cleveland and its First Suburbs jeopardizes economic performance of the Greater Cleveland region; and

Whereas, preservation of farmland at the outer edges of the metropolitan region depends on the creation of more opportunities for citizens and employers to remain or locate in Cleveland and its First Suburbs.

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

Section 1. That the Council of the City of Cleveland hereby requests that the Ohio Farmland Preservation Task Force include the following in its recommendations to the Governor:

(a) The State of Ohio policies, programs and activities should be modified so as to favor redevelopment and maintenance of built communities over development of new communities; and

(b) The State of Ohio should set objectives for Ohio metropolitan regions concerning preservation of farmland and open spaces, and redevelopment and maintenance of built communities; and

(c) The State of Ohio should require that the counties that comprise each metropolitan region jointly and cooperatively devise a plan for meeting the State's objectives and establish mechanisms for implementing such plan.

Section 2. That the Clerk of Council shall transmit copies of this resolution to Governor George V. Voinovich, the Ohio Farmland Preservation Task Force and the First Ring Consortium.

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. 139-97.
By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 453 Dundee Drive, and repealing Res. No. 1548-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 453 Dundee Drive by Res. No. 1548-96, adopted August 14, 1996. and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 453 Dundee Drive be and the same is hereby withdrawn and Res. No. 1548-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 140-97.
By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 1429 Lakeview Road, and repealing Res. No. 1559-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road by Res. No. 1559-96, adopted August 14, 1996; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 1429 Lakeview Road be and the same is hereby withdrawn and Res. No. 1559-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

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. 141-97.
By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 10604 Superior Avenue, and repealing Res. No. 1557-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a Liquor Permit to 10604 Superior Avenue by Res. No. 1557-96, adopted August 14, 1996; and

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

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

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

Section 1. That objection to the renewal of a Liquor Permit to 10604 Superior Avenue be and the same is hereby withdrawn and Res. No. 1557-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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. 142-97.
By Councilman Willis.

An emergency resolution withdrawing objection to the renewal of a Liquor Permit to 12420 Superior Avenue, and repealing Res. No. 1546-96, objecting to said renewal.

Whereas, this Council objected to the renewal of a C2 and C2X Liquor Permit to 12420 Superior Avenue by Res. No. 1546-96, adopted August 14, 1996; and

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

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

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

Section 1. That objection to the renewal of a C2 and C2X Liquor Permit to 12420 Superior Avenue be and the same is hereby withdrawn and Res. No. 1546-96, containing said objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency

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

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. 1710-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Executive Director of the Community Relations Board to apply for and accept a grant from the Bruening Foundation for Court-watch-The Balance of Justice Program.

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

Ord. No. 2040-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance to amend the title and Section 3 of Ordinance No. 2016-95, passed December 18, 1995, relating to the 1996-97 All Kids Count Program and to enter into a contract with the Federation for Community Planning.

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

SECOND READING ORDINANCE

Ord. No. 24-97.

By Councilman Coats.

An ordinance to change the Use and Height District of lands on the easterly side of East 124 Street approximately 190' to 302' south of St. Clair Avenue. (Map Change No. 1928, Sheet No. 8)

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 2203-96.

By Councilmen Paulenske, 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 895 East 70 Street aka 850 East 72 Street to Even Cut Abrasive Company or its designee.

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

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

Ord. No. 50-97.

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

An emergency ordinance authorizing

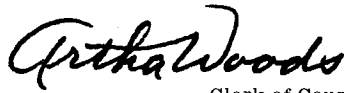
the Director of Community Development to lease real property located north and adjacent to the Main Avenue Bridge between West 6th and West 9th Streets from the Board of County Commissioners of Cuyahoga County, and to then lease all or part of that same real property to Water Street Associates, Ltd., or its designee, for a term not to exceed fifty years to make parking available in support of a housing development project.

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

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

MOTION

The Council adjourned at 9:30 p.m. to meet on Monday, February 3, 1997 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. 1710-96.

By Councilmen Polensek and Rokakis (by departmental request).

An emergency ordinance authorizing the Executive Director of the Community Relations Board to apply for and accept a grant from the Bruening Foundation for Court-watch-The Balance of Justice Program.

Ord. No. 2040-96.

By Councilmen Robinson and Rokakis (by departmental request).

An emergency ordinance to amend the title and Section 3 of Ordinance No. 2016-95, passed December 18, 1995, relating to the 1996-97 All Kids Count Program and to enter into a contract with the Federation for Community Planning.

Ord. No. 24-97.

By Councilman Coats.

An ordinance to change the Use and Height District of lands on the easterly side of East 124 Street approximately 190' to 302' south of St. Clair Avenue. (Map Change No. 1928, Sheet No. 8)

BOARD OF CONTROL

January 22, 1997

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 22, 1997, at 11:00 a.m., with Mayor White presiding.

Present: Mayor White, Directors Sobol Jordan, Carmody, Konicek, Cunningham, Guzman, Staib, Acting

Director Smith, Directors Spellman, Hamilton, Nolan, Warren and Lynch. Absent: None.

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

On motion, the following resolutions were adopted.

Resolution No. 41-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Sabo Fastener and Supply for an estimated quantity of Fasteners, Section 1, 4, 5 and 6 (Item #160 Only), Section 8 and 9 (Item #176 Only), Section 11 and 13 (Item #324 Only), Section 14 (Items 325 thru 331) Section 15 and 16 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 December, 1996, pursuant to the authority of Ordinance No. 645-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to Fourteen thousand five hundred sixteen and 09/100ths Dollars, (\$14,516.09), (2% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00209 which shall be certified against such contract in the sum of Two Thousand and 00/100ths Dollars, (\$2,000.00).

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

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

Resolution No. 42-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Oddco, Inc. for an estimated quantity of Fasteners, Section 6 (Items 153 thru 159), Section 7 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 December, 1996, pursuant to the authority of Ordinance No. 645-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to Nine thousand four hundred sixty nine and 40/100ths Dollars, (\$9,469.40), (2% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00207 which shall be certified against such contract in the sum of Seven

Hundred Fifty and 00/100ths Dollars, (\$750.00).

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

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

Nays: None.
Absent: None.

Resolution No. 43-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Bolts and Nuts, Inc. for an estimated quantity of Fasteners, Section 13 (Items 253 thru 323), Section 14 (Item 322 Only) 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 December, 1996, pursuant to the authority of Ordinance No. 645-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to Twenty five thousand eight hundred ninety eight and 81/100ths Dollars, (\$25,898.81), (1% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00206 which shall be certified against such contract in the sum of Three Thousand and 00/100ths Dollars, (\$3,000.00).

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

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

Nays: None.
Absent: None.

Resolution No. 44-97.

By Director Carmody.

Resolved, by the Board of Control of the City of Cleveland that the bid of Servco Products, Inc. for an estimated quantity of Fasteners, Section 2, 3, and 9 (Items 177 thru 194), Section 10, 12, and 17 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 December, 1996, pursuant to the authority of Ordinance No. 645-96, passed May 20, 1996, which on the basis of the estimated quantity would amount to Fifty five thousand two hundred ninety four and 26/100ths Dollars, (\$55,294.26), (1% 10 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Finance is hereby requested to enter into a requirement contract for such goods and/or services,

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

Requisition No. 00208

which shall be certified against such contract in the sum of Twenty Thousand and 00/100ths Dollars, (\$20,000.00).

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

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

Nays: None.
Absent: None.

Resolution No. 45-97.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Spiniello Construction Co. for the public improvement of cleaning and cement mortar lining of trunk mains, area T-2, including a contingency allowance of \$133,040.00, for the Division of Water, Department of Public Utilities, received on December 13, 1996, pursuant to the authority of Ordinance No. 1613-96, passed December 16, 1996, upon a unit basis, for the improvement in the aggregate amount of one million four hundred sixty-three thousand four hundred forty dollars (\$1,463,440.00), is hereby affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is hereby authorized to enter into contract for said improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Spiniello Construction Co. for the above-mentioned public improvement hereby are approved:

NAME	MBE/FBE
Thompson Ground	4.38% (MBE)
DeKalb Construction	25.62% (MBE)
Barrow Sign	.21% (FBE)
Kingsway Contracting	9.79% (FBE)

Yeas: Acting Mayor Sobol Jordan, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Director Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 46-97.

By Director Konicek.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by AAA Pipe Cleaning, contractor for requirement contract for labor and material for sewer test tee installation and snaking, City Contract No. 50018, pursuant to Board of Control Reso-

lution No. 464-96, adopted July 10, 1996 is hereby approved:

Subcontractor	Work
Dekalb Construction	Labor & Material

Yeas: Acting Mayor Sobol Jordan, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Director Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 47-97.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hughes Supply, Inc. for an estimated quantity of pipe repair couplings (items 7-25, 26 parts only \$3,000.00) for the Division of Water, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 23rd day of October, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Hundred Thirty Five Thousand One Hundred Seventeen and 07/100 Dollars (\$135,117.07), (Net 30 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00165 which shall be certified against such contract in the sum of Ten Thousand Dollars, (\$10,000.00).

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

Yeas: Acting Mayor Sobol Jordan, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Director Warren and Acting Director Alexander.

Nays: None.
Absent: None.

Resolution No. 48-97.

By Director Konicek.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Underground Pipe and Valve Company for an estimated quantity of pipe repair couplings (items 1 and 2) for the Division of Water, Department of Public Utilities, for the period of two (2) years beginning with the date of execution of a contract received on the 23rd day of October, 1996, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to One Thousand Four Hundred Twenty and 50/100 Dollars (\$1,420.50), (2% 15 Days), is hereby affirmed and approved as the lowest and best bid, and the Director of

Public Utilities is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 00167 which shall be certified against such contract in the sum of One Thousand Five Hundred Dollars, (\$1,500.00).

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

Yeas: Acting Mayor Sobol Jordan, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Director Warren and Acting Director Alexander.

Nays: None.

Absent: None.

Resolution No. 49-97.

By Director Hamilton.

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

Whereas, City has acquired Permanent Parcel No. 108-28-007 under said Land Reutilization Program; and

Whereas, Ordinance No. 1795-96 passed December 16, 1996 authorized the sale of said parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Glenville Development Corp. 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. 1795-96 passed December 16, 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 Glenville Development Corp. for the sale and development of Permanent Parcel No. 108-28-007, 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: Acting Mayor Sobol Jordan, Acting Director Marks, Directors Carmody, Konicek, Cunningham, Acting Director Ricchiuto, Director Staib, Acting Director Smith, Director Spellman, Acting Directors Resseger, Patterson, Director Warren and Acting Director Alexander.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

FREDDIE J. FENDERSON,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 10, 1997

9:30 A.M.

Calendar No. 97-6: 3065-77 E. 123 St.

Kendrick Lounge Inc. dba 123 Fish Market c/o Marcia L. Kendrick appeals, under authority of Section 76-6 of the Charter of the City of Cleveland, from the refusal to issue a Music Permit for the premises at 3065-77 E. 123 St. by John A. Hunt, Commissioner of Assessments and Licenses, upon recommendation of William Denihan, Director of Public Safety (Division of Police), under authority of Section 692.02 of the Codified Ordinances.

Calendar No. 97-7: 16114 St. Clair Ave., N.E.

Sam DiFini, owner, to erect a 52' x 72' one story masonry contractor's storage building on a 75' x 106' corner lot located in a General Retail District on the southwest corner of St. Clair Ave. and Alhambra Rd. at 16114 St. Clair Ave.; said use for contractor's storage being contrary to the retail use limitations of Section 343.11 and accessory parking for said building to be located 6' from the street line of St. Clair Ave. instead of back of the 10' specific setback building line contrary to Section 357.07 and 357.14 but subject to the provisions of Section 357.14 (b) and said premises not conforming to the access drive number, location and width requirements contrary to the provisions of Sections 343.18 and 349.07 and said premises not to conform to the landscape provisions of Sections 352.08, 352.09, 352.10 and 352.12 of the Codified Ordinances.

Calendar No. 97-8: 16705 Larchwood Ave., S.W.

Lenore Begin, appeals, under authority of Section 76-6 of the Charter of the City of Cleveland, from

the "Violation Notice" issued Jan. 10, 1997 by the Division of the Environment relating to the premises at 16705 Larchwood Ave. by authority of Section 205.02 of the Codified Ordinances.

Calendar No. 97-10: 11812 Guardian Blvd., S.W.

Albert E. Dozier, owner, to erect a 12' x 22' frame one story addition to the west side of the 22' x 22' one story frame private garage on the rear of the 40' x 102' irregular shaped lot located in a Two Family District with a one family dwelling house on the front known as 11812 Guardian Blvd.; said addition to increase the size of the private garage to 748 square feet contrary to the 650 square feet maximum limited by Section 337.23 of the Codified Ordinances.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, JANUARY 27, 1997

At the Meeting of the Board of Zoning Appeals, on Tuesday, January 21, 1997, the following appeals were heard by the Board, and decided on Monday, January 27, 1997.

The following appeals were **Granted:**

Calendar No. 96-231: 7205-09 Madison Ave., N.W.

Jeannette S. Poole, owner, appealed, under authority of Sections 329.02 and 329.03 of the Codified Ordinances from the "Notice of Violation" issued October 23, 1996.

Calendar No. 96-245: 4265 State Road, S.W.

Lion One Inc., owner, c/o Charles J. Columbo, to amend Calendar No. 96-112 as evidenced by Permit No. B71445, issued by the Division of Building and Housing on October 3, 1996.

Calendar No. 96-248: 12712 Larchmere Blvd., S.E.

Lynnn Alfred and Robert Hanson, owners, to convert to a retail gift shop and to erect a 26' x 7' irregular shaped one story metal and glass addition.

Calendar No. 96-250: 3764 Pearl Road, S.W.

Brooklyn Memorial United Methodist Church, owner, c/o Jean Marsek, and Ohio Renal Care Group L.L.C. prospective purchaser, c/o Linda Earhart, to change use to medical offices and to administrative and business offices. (Dialysis Treatment and Counseling) (CONDITIONAL GRANT)

The following appeals were **Refused:**

Calendar No. 96-237: 12916 Kadel Avenue, S.W.

Gary Weinbroer and Mary Weinbroer, owners, appealed, under authority of Sections 329.01 and 329.02 of the Codified Ordinances. (Violation Notice Issued on 11-13-96)

Calendar No. 96-238: 4201 West 130th Street

Gary Weinbroer and Mary Weinbroer, appealed, under authority of

Sections 329.01 and 329.02 of the Codified Ordinances. (Violation Notice Issued on 11-11-96)

The following appeals were **Postponed**:

Calendar No. 96-242:
Appeal of Lucky Building Supply Company to February 3, 1997.

Calendar No. 97-3: 5841 Broadway, S.E. to February 10, 1997.

ANTHONY COSTANZO,
Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of January 22, 1997

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

* * *

Docket A-161-95.

RE: Appeal of Manuel Cohen, Owner of the Vacant Lot located on the premises known as 6722 Bushnell Avenue from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated September 8, 1995, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-161-95 has been POSTPONED; to be rescheduled for February 19, 1997.

* * *

Docket A-164-96.

RE: Peter and Jeanne Jackson, Owners of the Property located on the premises known as 13205 Chapelside Avenue from an ADJUDICATION ORDER of the Commissioner of the Division of Building and Housing dated August 20, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action; the docket will be rescheduled for February 5, 1997.

* * *

Docket A-176-96.

RE: Hysan Properties, Owners of the Property located on the premises known as 9437 Lorain Avenue from a NOTICE OF VIOLATION of the Chief of the Division of Fire dated September 17, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

Docket A-176-96 has been POSTPONED; to be rescheduled for a later date.

* * *

Docket A-207-96.

RE: Appeal of Preferred Solutions, Inc. Owner of the Property located on the premises known as 1700 London Road from a SEALING ORDER of the Division of the Environment

dated December 10, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

No action required by the Board at this time, noting the concurrence of all parties.

* * *

Docket A-223-96.

RE: Appeal of Doug Deans, Owner of the Property located on the premises known as 3179 West 25th Street from a NOTICE OF VIOLATION of the Commissioner of the Division of Building and Housing dated October 31, 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 Appellant four months (4 mos.) in which to complete abatement of the violations; the property is not to be occupied during that period of time for public use. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-226-96.

RE: Appeal of Elma F. Coram, Owner of the Residential Property located on the premises known as 1035 East 72nd Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated October 7, 1996, requiring compliance with the Codified Ordinances of the City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant three months (3 mos.) in which to sell or rehabilitate the property, the property is to remain boarded and secured and debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by May 5, 1997. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

Docket A-229-96.

RE: Appeal of Gary and Mary Weinbroer, Owners of the Residential Property located on the premises known as 4201 West 130th Street from a CONDEMNATION ORDER of the Commissioner of the Division of Building and Housing dated November 11, 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 Appellant four months (4 mos.) in which to complete abatement of the violations; the property is not to be occupied during that period of time for public use. Motion so in order. Motioned by Mr. Williams and seconded by Mr. Sullivan.

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

* * *

City of Cleveland, and the Ohio Basic Building Code (OBBC).

BE IT RESOLVED, a motion is in order at this time to modify the Commissioner's CONDEMNATION NOTICE and LETTER OF INTENTION TO DEMOLISH by granting the Appellant two months (2 mos.) in which to obtain permits and abate the violations or demolish the property, the property is to remain boarded and secured and debris free during that period of time. Upon passage of this motion, this matter shall be REMANDED to the Commissioner of the Division of Building and Housing at the end of that time for supervision and further action. All other provisions of the CONDEMNATION NOTICE and LETTER OF INTENT TO DEMOLISH not modified by this decision shall remain in full force and effect, including the provisions that the City may abate the nuisance conditions of the premises by means of demolition if abatement of the violations is not completed by April 5, 1997. Motion so in order. Motioned by Mr. Saunders.

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

* * *

Docket A-236-96.

RE: Continuance of Appeal of Archie Wynn, Owner of the Property located on the premises known as 12730 Shaker Boulevard from a NOTICE OF VIOLATION - NEC of the Commissioner of the Division of Building and Housing dated November 19, 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 find that the Violation Notice (dated 11/19/96) was properly issued and that the 1200 amp and protection of the 1200 amp is in the jurisdiction of the power company, not the City of Cleveland. Motion so in order. Motioned by Mr. Saunders and seconded by Mr. Sullivan.

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

* * *

Docket L-1-97.

RE: Appeal of Edward Dougherty Jr., from a LETTER OF DENIAL FOR RENEWAL OF JOURNEYMAN PLUMBER LICENSE, of the Commissioner of the Division of Assessments and Licenses dated December 19, 1996, requiring compliance with the Codified Ordinance of the City of Cleveland and the Ohio Basic Building Code (OBBC).

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

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

* * *

OTHER BOARD BUSINESS:

Reopening of Docket A-205-96—Hanna Lounge, Inc. - 12417-19 Superior Avenue:

No action; the docket will be rescheduled for February 5, 1997.

* * *

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-220-96—Moments of Faith Ministries.

A-222-96—Jerome L. Goldsby.

A-227-96—Ann E. Colagiovanni.

A-237-96—David N. Myers College.

A-1-97—The Cleveland Clinic Foundation.

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

January 8, 1997

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

* * *

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

**Proposed Amendment to the
EAST 79th - EAST 89th -
EUCLID-CHESTER
COMMUNITY
DEVELOPMENT PLAN**

Notice is hereby given in accordance with Chapter 319 of the Codified Ordinances of the City of Cleveland that the Cleveland City Planning Commission will hold a Public Hearing on Friday, February 7th, 1997 at 9:00 a.m. in Room 514 City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering the approval of a proposed amendment to the East 79th-East 89th-Euclid-Chester Community Development Plan (the "Plan"). The Plan amendment proposes certain land acquisition and clearance activities for the eventual redevelopment of an Action Area designated herein. Further, the amendment to the Plan proposes general treatment measures to eliminate conditions of blight and deterioration found to exist in the Plan Area and prevent the recurrence of blight. Situated in the City of Cleveland,

County of Cuyahoga, and State of Ohio and known as being part of Original 100 Acre Lot Number 399, the Plan Area is bounded and described as follows:

Beginning at the intersection of the centerline of East 79th Street and the centerline of Chester Avenue, N.E.; thence Easterly along said centerline of Chester Avenue, N.E., to its intersection with the centerline of East 89th Street; thence Southerly along said centerline of East 89th Street, to its intersection with the centerline of Euclid Avenue, thence Westerly along said centerline of Euclid Avenue to its intersection with the centerline of East 79th Street; thence Northerly along said centerline of East 79th Street to the place of beginning.

The proposed Action Area, referred to as Action Area 2 is generally bounded as follows:

Beginning on the Northerly line of Euclid Avenue (80 feet wide) at its intersection with the Easterly line of East 84th Street (50 feet wide); thence Easterly along the Northerly line of said Euclid Avenue to its intersection with the Westerly line of East 85th Street (44 feet wide); thence Northerly along the Westerly line of said East 85th Street to its intersection with the Westerly prolongation of the Northerly line of Sublot Number 2 in the Eighty-Fifth Street Realty Co.'s Subdivision as shown by the recorded plat in Volume 77, Page 20 of Cuyahoga County Map Records; thence Easterly along the Westerly prolongation and the Northerly line of Sublot Number 2 and its Easterly prolongation in said subdivision to its intersection with the centerline of East 86th Street (40 feet wide) thence Northerly along the centerline of said East 86th Street to its intersection with the Westerly prolongation of the Northerly line of parcel of land owned by the Cleveland Clinic Foundation as shown by the Deed recorded in Volume 88-6827, Page 58 of Cuyahoga County Records; thence Easterly along the Westerly prolongation and the Northerly line of lands conveyed to the Cleveland Clinic Foundation as aforesaid to an interior corner; thence Northerly, Easterly, Northerly and Easterly along the irregular line of the aforesaid Cleveland Clinic Foundation lands to its intersection with the Westerly line of East 87th Street (50 feet wide); thence Northerly along the Westerly line of said East 87th Street to the Southerly line of Chester Avenue N.E. (proposed); thence Westerly along the irregular Southerly line of said Chester Avenue (proposed) to its intersection with the Easterly line of East 84th Street as aforesaid; thence Southerly along the said East 84th Street to the place of beginning.

The purpose of the hearing is to enable the City Planning Commission to publicly present the aforementioned elements of the proposed Plan amendment and solicit reaction to the proposed Plan amendments from any interested party. Documents that constitute the Plan, including support documents, are on file for public inspection during business hours (8:00 A.M. to 5:00 P.M., Monday through Friday) at the City Planning Commission office, Room 501 City Hall, 601 Lakeside Avenue, Cleveland, Ohio.

Any person or organization desiring to be heard at said public hear-

ing, to present their views regarding the proposed amendment will be afforded an opportunity to be heard.

HUNTER MORRISON
Director
City Planning Commission

January 22 and January 29, 1997

NOTICE OF PUBLIC HEARING

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

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, February 10, 1997
12:30 P.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, February 10, 1997, at 12:30 P.M., to consider the following ordinances now pending in the Council:

Ord. No. 877-96.

By Councilman Paulenske.
An ordinance to change the Use, Area and Height Districts of lands on the northerly side of Lakeside Avenue, N.E. to the Shoreway between E. 13 Street and E. 23 Street. (Map Change No. 1905, Sheet Nos. 1, 4 & 5)

Ord. No. 2131-96.

By Councilman Westbrook.
An ordinance to change the Use, Area, and Height Districts of lands on the southwesterly side of Detroit Avenue, N.W. to the center line of the Rapid Transit - N.Y.C., R.R. tracks. (Map Change No. 1922, Sheet No. 1).

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

Edward W. Rybka,
Chairman
Committee on City Planning

January 29 and February 5, 1997

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids. Where invitations for bids are advertised, the following notice

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

FRIDAY, FEBRUARY 14, 1997

Gradall Equipment Parts, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 1928-96, passed by the Council of the City of Cleveland, December 16, 1996.

January 22 and January 29, 1997

FRIDAY, FEBRUARY 21, 1997

Various Vans, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

Various Pick-Up Trucks, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96 and 1006-95, passed by the Council of the City of Cleveland, June 18, 1996, August 14, 1996 and June 19, 1995, respectively.

January 22 and January 29, 1997

FRIDAY, FEBRUARY 14, 1997

Luke Easter Park Landscaping Improvements and Fairfax Recreation Center Sidewalk Improvements, for the Division of Research, Planning and Development, Department of Parks, Recreation and Properties, as authorized by Ordinance Nos. 762-96 and 1284-96, passed by the Council of the City of Cleveland, May 20, 1996 and October 14, 1996, respectively.

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

A Computer Network System, Including All Hardware, Software and Maintenance (Part I), for the Department of Law, as authorized by Ordinance Nos. 1130-93 and

1711-96, passed by the Council of the City of Cleveland, May 24, 1993 and October 28, 1996, respectively.

A MANDATORY PRE-BID MEETING IS SCHEDULED FOR FEBRUARY 5, 1997, 10:00 A.M. IN ROOM 400 OF THE DIVISION OF INFORMATION SYSTEMS, 1404 EAST 9TH STREET.

A Computer Network System, Including All Hardware, Software and Maintenance (Part II), for the Department of Law, as authorized by Ordinance Nos. 1130-93 and 1711-96, passed by the Council of the City of Cleveland, May 24, 1993 and October 28, 1996, respectively.

A MANDATORY PRE-BID MEETING IS SCHEDULED FOR FEBRUARY 5, 1997, 10:00 A.M. IN ROOM 400 OF THE DIVISION OF INFORMATION SYSTEMS, 1404 EAST 9TH STREET.

January 29 and February 5, 1997

WEDNESDAY, FEBRUARY 19, 1997

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

Dry Cell Batteries, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 2208-96, passed by the Council of the City of Cleveland.

Copper Pipe, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

Bypass Piping, Fittings and Valves, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of the City of Cleveland, 1976.

January 29 and February 5, 1997

THURSDAY, FEBRUARY 20, 1997

Interim Repairs of Fulton Road Bridge Over Metro Parks Zoo, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 535-96, passed by the Council of the City of Cleveland, May 13, 1996.

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. PLANS AND SPECIFICATIONS SHALL BE AVAILABLE FOR PICK UP AFTER JANUARY 29, 1997.

Phase 2 - Continuation Residential Sound Insulation Program, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 930-95, passed by the Council of the City of Cleveland, June 19, 1995.

A DEPOSIT OF ONE HUNDRED DOLLARS (\$100.00) CERTIFIED

CHECK WILL BE REQUIRED FOR EACH SET OF PLANS AND SPECIFICATIONS. THE DEPOSIT WILL BE REFUNDED IF THE PLANS AND SPECIFICATIONS ARE RETURNED IN GOOD CONDITION WITHIN FIFTEEN (15) DAYS AFTER THE BID OPENING DATE. A PRE-BID MEETING WILL BE HELD ON THURSDAY, FEBRUARY 6, 1997, 10:00 A.M. LOCAL TIME IN CONCOURSE "B" CONFERENCE ROOM IN CLEVELAND HOPKINS INTERNATIONAL AIRPORT PASSENGER TERMINAL BUILDING, CLEVELAND, OHIO.

Layout, Printing and Distribution of the Cleveland Flight Guide, for the Department of Port Control, as authorized by Ordinance No. 2147-96, passed by the Council of the City of Cleveland.

January 29 and February 5, 1997

FRIDAY, FEBRUARY 21, 1997

Paper Stock and Envelopes, for the Division of Printing and Reproduction, Department of Finance.

Three (3) Step/Cargo Vans, One (1) Horse Trailer and Tow Vehicle (Pickup) and Ten (10) 4-Wheel Drive Passenger Utility Vehicle, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance Nos. 918-96 and 1476-96, passed by the Council of the City of Cleveland, June 18, 1996 and August 14, 1996, respectively.

Sound System, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1455-94, passed by the Council of the City of Cleveland, November 21, 1994.

January 29 and February 5, 1997

WEDNESDAY, FEBRUARY 26, 1997

Personal Computers and Various Peripherals and Software, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 143-95, passed by the Council of the City of Cleveland, March 27, 1995.

January 29 and February 5, 1997

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 2193-96.

By Councilmen Johnson and Rokakis (by departmental request). An emergency ordinance authorizing and directing competitive bidding for the purchase by contract of insurance necessary for the construction of a new stadium facility, for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties.

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

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

Section 1. That, notwithstanding

and as an exception to any ordinance to the contrary, the Director of Parks, Recreation and Properties is hereby authorized and directed to make one or more written contracts competitively bid in accordance with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for insurance, with such types of coverages and in such amounts as determined by the Director of Parks, Recreation and Properties, as needed for the construction of a new stadium facility, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties. The specifications for these services shall require that the successful bidder conform to the MBE and FBE requirements applicable to professional services contracts for the Stadium project. The selection of the successful bidder(s) for the contract or contracts of insurance will be made by this Council and will require further legislative action.

Section 2. That the cost of said contract or contracts hereby authorized shall be paid from Fund Nos. 20 SF 100, 20 SF 101, 20 SF 102, 20 SF 103, 20 SF 104 and 20 SF 105.

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 January 13, 1997.
Effective January 22, 1997 without the signature of the Mayor.

Ord. No. 58-97.
By Councilmen Westbrook, O'Malley and Polensek.

An emergency ordinance to amend Section 181.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-92, passed March 16, 1992, relating to the compliance with fair employment practice in Northern Ireland.

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 181.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-92, passed March 16, 1992, is hereby amended to read as follows:

Section 181.36 Compliance with Fair Employment Practice in Northern Ireland

(a) All contractors and any subcontractors having more than a fifty percent (50%) interest in a contract, prior to any contract being awarded by the City, shall disclose on a form to be prescribed by the Commissioner of Purchases and Supplies, if said contractor or subcontractor or any controlling shareholder, subsidiary, or parent corporation of said contractor or subcontractor is engaged in any business or trading for profit in Northern Ireland. As used in division (a) of this section, "controlling shareholder" means any shareholder owning more than fifty percent (50%) of the stock in the corporation or more than twenty-five

percent (25%) of the stock in the corporation if no other shareholder owns a larger share of the stock in the corporation.

(b) Any contractor or subcontractor making the disclosure prescribed in division (a) of this section shall stipulate to the Commissioner of Purchases and Supplies, that the said contractor or subcontractor, and all enterprises included in the disclosure are taking lawful and good faith steps to engage in fair employment practices which are relevant to the standards embodied in the "MacBride Principles for Fair Employment in Northern Ireland." Any contractor or subcontractor required to make the stipulation pursuant to this division (b) shall have supplied such information concerning their operations in Northern Ireland to Investor Responsibility Research Center, Inc. ("IRRC"), an independent research agency, as is necessary for the IRRC to evaluate their compliance with fair employment practices in Northern Ireland. The Commissioner of Purchases and Supplies shall consider the information supplied to the IRRC in determining whether a contractor or subcontractor has accurately supplied the stipulation prescribed in this division (b).

(c) Any contractor or subcontractor failing to make the disclosure prescribed in division (a) of this section, or failing to accurately make the stipulation prescribed in division (b) of this section, or failing to supply the information to the IRRC prescribed in division (b) of this section, shall not be eligible to provide any goods or services whatsoever for use by the City, in return for payments, fees, or commissions from City funds.

(d) Any contractor or subcontractor which is awarded a contract to supply goods or services whatsoever for use by the City, in return for payments, fees, or commissions with City funds, and which is subsequently deemed to have failed to make the disclosure prescribed by division (a) of this section, falsely made the stipulation prescribed by division (b) of this section or falsely supplied information to the IRRC as prescribed in division (b) of this section shall be declared to have acted in default of its contract and be subject to the remedies for default contained in the contract.

(e) Any contractor or subcontractor which has failed to cure any default of its contract which has been declared in accordance with division (d) of this section shall be automatically excluded without reserve, from tendering or bidding for the supply of any goods or services whatsoever for use by the City, for a period of two (2) calendar years.

(f) Any contractor or subcontractor which enters into contract with the City to supply any goods or services whatsoever, having made the stipulation prescribed in division (b) of this section, and which fails, or refuses to comply with said stipulation, shall be deemed to have acted in breach of contract and shall be deemed to have acted in default of its contract and shall be subject to the provisions of divisions (d) and (e) of this section.

(g) The Commissioner of Purchases and Supplies shall provide a list of the persons, firms or corporations who have (1) refused to make the disclosure called for in division (a) of this section; and/or

(2) those that have made a stipulation pursuant to division (b) of this section; and/or (3) those who are in default of their contract under this section to the Clerk of City Council by April 1st of each year. Said list shall be made available for public inspection.

(h) This section shall, by way of limitation, apply to all contracts let by the Commissioner of Purchases and Supplies or that lawfully should be let by the Commissioner of Purchases and Supplies, except any contract entered into pursuant to the emergency procurement procedure set forth in Section 181.12 of the Codified Ordinances or any contract to a contractor or subcontractor where there is no other contractor or subcontractor who will contract to supply goods or services at comparable quality at a comparable price. The Director of Finance shall report to the Council any contract entered into pursuant to the exception specified in this division (h).

(i) The Commissioner of Purchases and Supplies shall not enforce the provisions of this section prior to March 16, 1992.

Section 2. That existing Section 181.36 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 595-92, passed March 16, 1992, 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 January 13, 1997.
Effective January 22, 1997 without the signature of the Mayor.

COUNCIL COMMITTEE MEETINGS

Monday, January 27, 1997

Public Parks, Property and Recreation Committee: 9:30 A.M. — Present: Johnson, Chrm.; Rybka, Vice Chrm.; Patton, Paulenske, Robinson, White.

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

Mayors Appointment Committee: 1:00 P.M. — Present: Paulenske, Chrm.; Patton, Polensek, Robinson, Willis.

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

Wednesday, January 29, 1997

Public Utilities Committee: 1:30 P.M. — Present: Patton, Chrm.; Polensek, Vice Chrm.; Patmon, O'Malley, Coats, Willis, Zone. Excused: Lewis.

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